

Policy Manual

Policies, Rules and Regulations

Of the

Pendleton County Board of Education



Franklin, West Virginia

2019-2020 Edition

RECORD OF ANNUAL AMENDMENTS AND REVISIONS

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September 4, 2018

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Introduction

This manual has been codified into eleven major categories of school operations. The Pendleton County Board of Education has adopted these policies and procedures which are intended to guide the County administrators and professional and service personnel in the conduct of their contracted responsibilities. It is expected that all employees will be regularly oriented to Board policies and procedures by unit administrators, supervisors and directors.

These policies and procedures shall also be an informative resource for the students and citizens of Pendleton County who seek specific information about their school system.

Major divisions include the following categories

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MAIN MENU

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The reader may navigate through the various topics in the Policy Manual by positioning the cursor on the topic of interest and utilizing the **control + click to follow the link** function on the keyboard.

Clicking on the chapter title will allow the reader to access the various divisions of this manual and an automatic link will take you to a Table of Contents for that chapter. The reader may then click on the title of the policy of interest and the automatic link will take you to that location. At the conclusion of his/her research, the reader may return to the Table of Contents by clicking on the Home button.

The reader may return to the Main Menu page by clicking on the (Back to the Main Menu) button at the end of the Table of Contents.

The reader may also utilize a link to an Alphabetical Index. This link to the Index may be found in the Main Menu above, at the top of each chapter Table of Contents and at the end of each Table of Contents. This link will allow the reader to do a quick survey of topics of interest.

Abbreviations in this Manual include the following:

PL	Public Laws – These are federal statutes passed by the Congress of the United States
SBP	State Board Policies – These are policies which have been adopted by the West Virginia Board of Education
WVC	West Virginia Code – Statutes passed by the West Virginia Legislature

LEGAL REFERENCES:

Throughout the document you will see citations such as (WVC §18-14; SBP 2320; SBP 2510) at the conclusion of policy statements. These are legal references which include state and federal statutes, State Board of Education Policies, Attorney General Opinions, provisions of our state and federal Constitutions, and state and federal court decision. The reader may follow these legal references to gain additional information about the many topics and issues discussed in this policy manual.

This document is updated annually and the current edition shall always be viewed as abrogating and superseding the original document and all previous revisions.

Some policies may not require modification for an extended period of time; however, state code requires that all policies must be reviewed on a regular basis (usually on a two year cycle).

Employees, citizens and students may view this Manual as the foundation for the administration of all facets of the Pendleton County School System. It should not be viewed as a completed document since the development of policy and the accompanying procedures is a continuous process. As changes in state laws, State Board Policies, and court decisions occur, this Policy Manual will be updated.

In keeping with the technological advances of our society, this Manual may be accessed through web sites at all various workstations throughout the county and on the County Web Page.

Charles Hedrick, Superintendent

Bill Rosier, Ed. D.
Consultant

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PENDLETON COUNTY BOARD OF EDUCATION A. AIMS, GOALS AND OBJECTIVES File: A.1. Educational Philosophy	Adopted: August 20, 2003 Last Review: March 2018

The philosophy of the Pendleton County Board of Education reflects the values and expectations of the communities it serves. Because of the Board's faith in the dignity and worth of each individual, three major responsibilities are indicated:

First, that the services of the county public schools be available to all children and youth, regardless of ability, background, race or creed;

Second, that a range of appropriate educational programs for students of different capacities, interests and abilities be provided; and

Third, that the Board shall provide the leadership whereby the county's resources are utilized to provide all students the opportunity to attain their maximum potential.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**A. AIMS, GOALS AND OBJECTIVES****File: A.2. Vision, Mission, Educational Goals & Objectives****Adopted: August 20, 2003****Last Review:****March 2018**

In a democratic society, the public school has dual roles: (1) to develop the individual to the highest potential and (2) to educate the individual to be a worthy member of society. In order to clarify these roles, the Pendleton County Board of Education has defined its vision, mission, goals and objectives to include the following:

Vision: The Vision of the Pendleton County Board of Education is to provide a community of well educated, gainfully employed citizens who are involved in their schools, community and a global economy.

Mission: The Pendleton County Board of Education shall provide the leadership and develop the policies necessary to assist personnel in enabling all students to attain their maximum potential.

Goal #1: School personnel will systematically evaluate and update the curriculum to enable students to graduate prepared for responsible citizenship, further learning, and productive employment by:

- ❖ Providing the services of a Director of Curriculum and Instruction to align curriculum with goals and objectives of the county;
- ❖ Providing high quality education programs, student services and experiential learning opportunities;
- ❖ Providing high quality administrative and instructional practices, personnel, facilities, instructional materials, technology integration, supplies and equipment;
- ❖ Assisting all schools in writing and implementing an annual Strategic School Improvement Plan;
- ❖ Providing a demanding curriculum for all students, with emphasis on the core academic programs of study that are aligned content standards, learning skills and technology tools and are communicated to students, parents and communities;
- ❖ Supplying state-of-the-art learning materials for the staff and students;
- ❖ Developing support systems for at-risk students; and
- ❖ Incorporating honors and advanced placement and dual credit classes into the high school curriculum.

Goal #2: School personnel will provide a positive, safe, and healthy and caring environment that fosters supportive relationships, is free from harassment, intimidation, bullying, discrimination and other inappropriate forms of conduct, and one that involves parents by:

- ❖ Expecting discipline in the classrooms;
- ❖ Providing an emotionally healthy environment;
- ❖ Ensuring a non-violent, drug free environment;
- ❖ Providing programs that foster a healthy lifestyle;
- ❖ Providing attractive, nutritious meals for all students; and
- ❖ Developing a safe schools plan.

Goal #3: School personnel will assure sound fiscal policy by:

- ❖ Maintaining professional and service personnel positions at levels commensurate with state funding for such positions;
- ❖ Upgrading facilities to reduce maintenance costs; and
- ❖ Insisting on responsible management and planning of all school system resources.

Goal #4: School personnel will provide a balance between curricular and extra-curricular activities by:

- ❖ Promoting opportunities for students to participate in extra-curricular activities;
- ❖ Scheduling athletic activities to complement the academic program; and
- ❖ Recognizing academic and athletic excellence.

Goal #5: School personnel will promote parental and community involvement to enhance the educational experience by:

- ❖ Fostering community involvement in the educational process;
- ❖ Implementing accountability measures to ensure the public that a thorough and efficient system of education is being provided to students enrolled in the public schools of Pendleton County;
- ❖ Ensuring that all programs maximize parental involvement;
- ❖ Encouraging programs that call for parent/community participation; and
- ❖ Offering adult learning situations.

The above goals reflect the district's commitment to develop an informed, competent, sensitive, and responsible citizenry that:

- ❖ Is prepared to assume the appropriate role in local and national affairs;
 - ❖ Recognizes international problems and relationships;
 - ❖ Has an understanding and respect for the American heritage; and
 - ❖ Is fully prepared for post-secondary education or gainful employment.
- (WVC §18-2E-3a; §18-5A-2; §18-5A-3; SBP 2510; SBP 2520)

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(P) A.2.1. The Education Goals of the State of West Virginia

The educational mission of the Pendleton County Board of Education includes the meshing of the district goals with the state and national goals that have been established as desirable benchmarks.

Goals Established by WV Code §18-1-4:

The Legislature, through the enactment of WVC §18-1-4, has mandated that the State Board of Education draft and implement an educational plan to achieve the following goals for public education:

- ❖ Academic achievement according to national and international measures will exceed national and international averages. These national and international measures should include scores on assessments such as the National Assessment of Educational Progress (NAEP), the ACT, the SAT and the Program for International Assessment (PISA);
- ❖ The public education system will prepare fully all students for post-secondary education or gainful employment;
- ❖ All working-age adults will be functionally literate;
- ❖ The public education system will maintain and promote the health and safety of all students and will develop and promote responsibility, citizenship and strong character in all students; and
- ❖ The public education system will provide equitable education opportunity to all students.

The plan must also incorporate the following performance-oriented objectives, together with strategies and specified time periods for achieving them:

- ❖ All children entering the first grade will be ready for the first grade;
- ❖ The performance of students falling in the lowest quartile on national and international measures of student performance will improve by 50 percent;
- ❖ Ninety percent of ninth graders will graduate from high school;

- ❖ By 2012, the gap between the county with the lowest college-going rate and the state average as of the effective date of this act (March 8, 2008) will decrease by 50 percent and the college-going rate of the state will equal the college-going rate of the member states of the Southern Regional Education Board; and
- ❖ By 2020, the gap between the county with the lowest college-going rate and the state average for school year 2012 will decrease by 50 percent and the college-going rate of the state will exceed the college-going rate of the member states of the Southern Regional Education Board by five percentage points.

Goals Established by the State Board of Education:

The WVBE has adopted the following goals from West Virginia's Consolidated State Every Student Succeeds Act (ESSA) Plan to guide accountability for schools, county school districts and the state

- ❖ By 2030, all schools will meet their West Virginia Accountability Indicator targets in each of the following areas: proficiency rates; College and Career Ready Progress measure; graduation rates; English Learner progress; and Student Success measures.
- ❖ By 2030, all schools will demonstrate annual gains in math and reading proficiency based on Lexile and Quantile measures.
- ❖ By 2030 all elementary and middle schools will demonstrate progress, as measured by benchmark assessments and all high schools will demonstrate College and Career Ready Progress as measured by the number of students on track to graduate and postsecondary achievement.
- ❖ By 2020, at least 90% of all students will graduate from high school within four years of enrolling in grade 9, and by 2030 at least 95% of all students will graduate from high school within five years of enrolling in grade 9.
- ❖ Schools will demonstrate adequate performance on additional indicators of student success, attendance, and behavior.
(SBP 2510)

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(P) A.2.2. School District Goals

Consistent with the West Virginia Department of Education state goals for public education, the Pendleton County Board of Education has adopted the following requirements, which shall be incorporated into the Electronic Strategic Improvement Plan:

- ❖ The mastery of basic skills must be emphasized at all levels of instruction.
- ❖ Information will be presented in such a manner as to stimulate reasoning and the development of problem-solving techniques.
- ❖ Preparation for meaningful living in a democratic society will be a major concern.
- ❖ Mental, physical, and emotional health habits, along with the wise use of leisure time, must be an integral part of each student's curriculum.
- ❖ Ample opportunity must be provided for students to gain an appreciation of the arts and to develop physical and creative talents.
- ❖ Multi-cultural instruction will be infused into curricular areas in such a manner as to develop an appreciation for people from other social, cultural, and ethnic groups.
- ❖ The development of an appreciation for the environment and a responsibility for its safekeeping shall be a primary consideration of the instructional program.
- ❖ The selection of a career and preparation toward that end will be an important part of the curricular offering.

Through the framework provided by the goals stated above, a thorough and efficient system of education, as recommended by the West Virginia Board of Education, will be established in Pendleton County. This can be best achieved through the development of comprehensive educational programs that provide all students with high quality educational opportunities, access to related services, and opportunities to achieve specified content standards and objectives in each curriculum. The educational program in Pendleton County will provide each child the opportunity to:

- ❖ Acquire skills in reading, writing, spelling, perceiving, speaking, listening, addition, subtracting, multiplying and dividing numbers, and using reference material;
- ❖ Acquire the knowledge of governmental, social, and economic systems necessary to make informed choices;
- ❖ Graduate from high school fully prepared for college, other post-secondary education or gainful employment;
- ❖ Acquire the knowledge, skills, and attitudes necessary to develop self-esteem;
- ❖ Acquire the knowledge, skills, and attitudes related to the creative, visual, and performing arts to enrich the quality of their lives and provide an understanding of their culture and heritage;
- ❖ Acquire the knowledge, skills, and attitudes related to the technology, rational decision-making, and creative problem solving in order to function successfully in a high technological society;

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Amended/Revised: October 4, 2004; September 25, 2007; August 26, 2008; September 4, 2018

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PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.1. Pendleton County Board of Education Operations	Adopted: August 20, 2003 Last Review: March 2018

Each public school district in West Virginia, including Pendleton County, is under the supervision and control of a five-member board of education. Its power and authority is derived from state law, state board policy, and local board policies.

The Board, consistent with state and federal laws and regulations, has the authority to control and regulate all schools and all school interests and activities upon all school property whether that property is owned or leased by the district.

To promote school board effectiveness, the policies contained in this Policy Manual shall be reviewed annually and amendments shall be made as deemed necessary by the Board.

(WVC §18-5-1; §18-5-13 and §18-5-14)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.2. Board of Education Operational Goals	Adopted: August 20, 2003 Last Review: March 2018

We believe that public education is a function of the state, and that the state has delegated the local control of education to county boards of education.

The Pendleton County Board of Education's primary responsibility is to establish those purposes, programs, and procedures, which will best produce the educational achievement needed by students. It is charged with accomplishing this while also being responsible for wise management of the resources available to the district. The Board must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results. Further, it must carry out its functions openly, while seeking the involvement and contributions of the public, students, and staff in its decision-making processes. In accordance with these principles, the Board pledges to:

- ❖ Concentrate its collective effort on its policy-making and planning responsibilities;
- ❖ Formulate Board policies which best serve the educational interests in the school district;
- ❖ Provide the Superintendent with sufficient and adequate direction for implementing Board policies;
- ❖ Maintain effective communication with the public it serves and with staff and students in order to maintain a mutual awareness of the attitudes, opinions, desires, and ideas that impact the school system;
- ❖ Conduct Board business openly, soliciting and encouraging broad-based involvement of all stakeholders in the Board's decision-making processes;
- ❖ Achieve financial stability in the district through responsible management and planning; and
- ❖ Provide quality facilities through the implementation of a comprehensive facilities plan.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**B. BOARD OF EDUCATION OPERATIONS****File: B.3. Legal Status****Adopted: August 20, 2003****Last Review:****March 2018**

The West Virginia Constitution places the responsibility for providing a thorough and efficient system of free school upon the Legislature. The Legislature implements this constitutional responsibility by enacting statutes known collectively as the *West Virginia Code*. Legally, county boards of education are instruments of the State of West Virginia and derive their authority from the state through its statutes, and through regulations set forth by the West Virginia Board of Education.

(P) B.3.1. Board Authority

Local school boards possess no inherent powers of any kind. Such powers as they possess are conferred upon them by the state. In interpreting the laws, the courts have confirmed that boards of education may exercise the following powers:

- ❖ Those expressly granted by statute;
- ❖ Those that may be fairly implied in the powers expressly granted, and;
- ❖ Those essential to the accomplishment of the purposes for which the school district was created.

(WV Con Art XII and WVC Chapters §18 and §18A)

These powers are delegated to the Board as a body. No authority is granted Board members acting as individuals, except when the actions are taken pursuant to specific instructions of the Board. They have complete authority, within state law, over school affairs when they serve as a legal body. The Board shall concern itself primarily with broad questions of policy rather than with the administrative details. The application of policy is an administrative task to be performed by the Superintendent and staff, which shall be held responsible for the effective administration and supervision of the entire school system.

Delegating administrative functions makes the Board responsible for evaluating the effectiveness of the execution of Board policies. Evaluation by the Board requires a continuous appraisal of the results of its educational policies, as well as the effectiveness of the general administration.

(WV Con Art XII, Sections 1.2 and WVC §18-2-1 and §18-5-5)

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(P) B.3.2. Powers and Duties of the Board

The Pendleton County Board of Education, functioning within the framework of laws, court decisions, Attorney General's opinions and similar mandates from the state and national levels of government, fulfills its mission as the governing body of a school district by:

- ❖ Selecting a competent Superintendent and supporting him/her in the discharge of his/her duties;
- ❖ Enacting policies by which the school system shall be governed;
- ❖ Approving the budget, financial reports, audits, expenditures, payment of obligations;
- ❖ Considering recommendations for capital outlay, adopting plans for such improvement, and determining the sources of finance;
- ❖ Estimating and seeking to provide funds for the operation, support, maintenance, improvement and extension of the school system;
- ❖ Requiring the establishment and maintenance of records, accounts, archives, management methods and procedures and regulations considered essential to the efficient conduct of school business;
- ❖ Requiring schools to keep records regarding funds connected with the school or school interests, including all receipts and disbursements of all funds collected or received by:
 - Any principal, teacher, student or other person in connection with the schools and school interests;
 - Any program, activity or other endeavor of any nature operated or conducted by or in the name of the school; and

- Any organization or body directly connected with the school.
- ❖ Auditing individual school funds and accounts;
- ❖ Adopting textbooks and instructional materials for each subject and grade. The adoption period is based on the fiscal year (July 1 to June 30) and, unless otherwise noted, is established for six (6) years. All adoptions will be based upon the recommendation of the Superintendent with the assistance of a committee composed of appropriate teachers from throughout the county;
- ❖ Communicating the needs of the school system to the patrons of the district and the State Legislature;
- ❖ Establishing schools from preschool through high school and establishing post-secondary programs approved by the State Board of Education;
- ❖ Closing any school which is unnecessary and assigning the students to other schools;
- ❖ Consolidating schools;
- ❖ Close any elementary school whose average daily attendance falls below 20 students for two consecutive months. The Board may assign the students to other schools in the district or to schools in adjoining districts;
- ❖ Providing at public expense adequate means of transporting all children of school age;
- ❖ Employing all school personnel as recommended by the Superintendent;
- ❖ Providing in-service training for school personnel as appropriate;
- ❖ Providing at public expense adequate public liability insurance;
- ❖ Establishing an annual school calendar that defines the employment term for employees and the instructional term for students;
- ❖ Establishing attendance areas and determining which schools students shall attend;
- ❖ Requiring and reviewing periodic reports from the Superintendent relative to the progress of the schools in terms of programs and student achievement;
- ❖ Enter into cooperative agreements with one or more county boards to facilitate coordination and cooperation in areas of service to reduce administrative and/or operational costs; including the consolidation of administrative, coordinating, and other county level functions into shared functions to promote the efficient administration and operation of the public school systems including, but not limited to:
- ❖ Purchasing;
- ❖ Operation of specialized programs for exceptional children;
- ❖ Employment of any school personnel as defined in section one, article one, chapter eighteen-a of this code;
- ❖ Professional development;
- ❖ Technology including, but not limited to WVEIS; and
- ❖ Billing for school-based Medicaid services in schools throughout the state.
- ❖ Each such cooperative agreement shall be in writing and agreed to by each county board participating in the cooperative agreement. Each cooperative agreement that is an employment agreement may be entered into on a case-by-case basis. Notwithstanding the geographic quadrants as provided in §18-5-13b, school systems may enter into cooperative agreements with any school system in the state.
- ❖ Enter into a cooperative agreement with other county boards to establish educational services cooperatives.
- ❖ Enter into job-sharing agreements with employees; and
- ❖ Exercising any other authority and performing any other duties as may be required by law or by the regulations of the State Board of Education.

(WVC § 18-2-5; §18-5-1 through §18-5-39; §18-2A-1; §18-2A-2; §18-2A-3 and SBP 2445.40)

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PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.4. Election of Board Members, Resignations and Filling Vacancies	Adopted: August 20, 2003 Last Review: March 2018

Members of the Board are elected at large from the entire county without reference to political party affiliation. They are elected for four-year terms at the spring primary election and they take office on the first day of July following their election.

(P) B.4.1. Declaring Candidacy

Persons who are eligible to hold office as a member of the Board of Education may file a certificate with the Clerk of the Circuit Court of the county, declaring candidacy for office. On the certificate, the candidate affirms he/she is a candidate for office, is a legally qualified voter of Pendleton County, is eligible to hold office, and is a candidate in good faith. The certificate of announcement shall be filed no earlier than the second Monday in January preceding the primary election day, and not later than the last Saturday in January preceding the primary election day, and must be received before midnight, eastern standard time, of that day, or if mailed, shall be postmarked by the United States postal service before that hour.

(WVC §18-5-1b; §3-5-6 and §3-5-7)

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(P) B.4.2. Qualifications of Board Members

The eligibility requirements for board members as stated in WVC §18-5-1a state that persons who are members of a county board are as follows:

- ❖ Shall be a citizen and resident in the county in which he or she serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;
- ❖ To be eligible for election or appointment as a member of a county board on or after May 5, 1992, a person shall possess at least a high school diploma or a general educational development (GED) diploma.

Restrictions on Board Members

- ❖ May not be employed by the county board on which he or she serves or seeks to serve, including employment as a teacher or service person; and
- ❖ May not engage in the following political activities:
 - Become a candidate for or hold any other public office, other than to succeed him or herself as a member of a county board subject to the following:
 - A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member.
 - The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions: (1) The person does not receive compensation and (2) The primary scope of the board is not related to public schools.
 - Become a candidate for, or serve as, an elected member of any political party executive committee;
 - Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention; or
 - Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office.

Permissible Political Activities for sitting Board Members

- ❖ Make campaign contributions to partisan or bipartisan candidates;
- ❖ Attend political fund raisers for partisan or bipartisan candidates;
- ❖ Serve as an unpaid volunteer on a partisan campaign;
- ❖ Politically endorse any candidate in a partisan or bipartisan election; or
- ❖ Attend a county, state or national political party convention.

Every Board member shall take the oath prescribed by Article IV, Section 5, of the Constitution, before performing any of the duties of his office. The oath shall be filed with the Secretary of the Board.

No more than two members may be elected from the same magisterial district. If any magisterial district has one holdover member, only one member may be elected from that district. In Board elections, those persons receiving the highest number of votes district-wide shall be elected. However, if the candidates receiving the most votes would result in a magisterial district being represented by more than two board members, only the person having the highest vote total, who does not make the aggregate number of board members from that magisterial district more than two, shall be declared elected.

(WVC §3-5-6; §18-5-1; §18-5-1a and §18-5-1b)

(P) B.4.3. Board Members' Resignation or Removal

A member of the Board of Education may resign from the Board for any reason. A letter directed to the President of the Board should be submitted as early as possible. The Board shall have the authority to act upon this letter.

A member of the Board of Education may be removed from such office in the manner provided in WVC §6-6-7 for official misconduct, neglect of duty, incompetence or for any of the causes or on any of the grounds provided by any other statute.

Charges may be proffered:

- ❖ By a resolution of the county commission which sets forth therein the name and office of the challenged officer, the alleged wrongful acts, the dates the alleged acts occurred and the grounds for removal as provided in this article; or
- ❖ By the prosecuting attorney of the county; or
- ❖ By a petition signed by persons who were registered to vote in the most recent election at which the board member was chosen.; or
- ❖ By petition of the chief inspector and supervisor of public offices (when the removal is for the intentional or unlawful misuse of public monies),

(WV Con IV, 6 and WVC §6-6-7(b))

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(P) B.4.4. Filling Vacancies on the Board

Vacancies may occur on the Board of Education due to death, resignation, removal, or failure of a Board Member to meet the eligibility terms as defined in (P) B.4.2. *Qualifications of Board Members*.

Vacancies shall be filled by appointment by the Board of Education within forty-five days of any vacancy that occurs in its membership. In the event the Board does not act within 45 days, the State Superintendent of schools shall appoint a person to fill the vacancy. Vacancies are filled in the following manner:

- ❖ If a vacancy occurs after the 84th day before a general election, and the unexpired term of office ends on June 30 following the next primary election, the appointee shall continue in office until the completion of the term.
- ❖ If a vacancy occurs after the 84th day before a general election, but prior to the close of candidate filing for the next primary election, and the unexpired term does not end on June 30 following the next primary election, an election for the unexpired term shall be held at the next primary election. The appointee to the unexpired term shall serve until June 30 following the primary election, and the duly elected candidate shall take office on July 1 and continue to serve until the expiration of the original term of office.

- ❖ Vacancies that occur after the close of candidate filing for the primary election, but not later than 84 days before the general election, shall be filled in the general election. The appointee shall serve until a successor is elected and certified.

The person with the highest number of votes may be declared elected to an unexpired term notwithstanding the fact that the person's magisterial district has two representatives serving on the Board at the time of election. However, such election is valid only if the number of representatives from that magisterial district will be less than two as of the first day of July following the primary.

(WVC §3-5-6 and §18-5-2)

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Amended/Revised: January 12, 2010; August 24, 2010; September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.5. School Board Members' Standards of Conduct and Responsibilities	Adopted: August 20, 2003 Last Review: March 2018

Election to the Board of Education is an expression of trust and support of the citizens of Pendleton County; therefore, the members of this Board shall conduct the people's business in a manner that meets the high legal, ethical and moral standards of the office.

(P) B.5.1. Code of Ethics

Members of the Board of Education, representing all the citizens of the county must recognize that:

- ❖ Their fellow citizens have entrusted them with the educational development of the children and youth of this county;
- ❖ The public expects their first and greatest concern to be in the best interest of each and every one of these young people without distinction as to who they are or what their background may be;
- ❖ The future welfare of this county, of this state, and of the nation depends in the largest measure upon the quality of education provided in the public schools to fit the needs of every learner;
- ❖ Board members must take the initiative in helping all the people of this county to have all the facts all the time about their schools, to the end that they will readily provide the finest possible school program, school staff, and school facilities;
- ❖ Legally the authority of the Board is derived from the State which ultimately controls the organization and operation of the county school board and which determines the degree of discretionary power left with the Board and the people of this county for the exercise of local autonomy; and
- ❖ Board members must never neglect their personal obligation to the county and their legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, they have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.

In view of the foregoing considerations, it shall be each Board member's constant endeavor to:

- ❖ Devote time, thought, and study to the duties and responsibilities of a school board member so that he/she may render effective and creditable service;
- ❖ Work with fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during the vigorous debate of a point or issue;
- ❖ Base personal decision upon all available facts in each situation, to vote his/her honest conviction in every case, uninfluenced by partisan bias of any kind, thereafter to abide by and uphold the final majority decision of the Board;
- ❖ Remember at all times that as an individual he/she has no legal authority outside the meetings of the Board, and to conduct his/her relationships with the school staff, the local citizenry, and all representatives of the media on the basis of this fact;
- ❖ Resist every temptation and outside pressure to use his/her position as a school board member to benefit either himself/herself or any other individual or agency apart from the total interest of the school district;
- ❖ Recognize that it is as important for the Board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation;
- ❖ Bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the Superintendent of schools and his professional and non-professional staff;

- ❖ Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current school operation and proposed future developments;
- ❖ Support the State and National School Boards Association; and
- ❖ Strive toward the ideal conditions required for effective school board service to his/her county, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.
(WVSBA)

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(P) B.5.2. Board Members' Orientation and Training

A person elected to a county board may not assume the duties of county board member unless he/she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office under the following conditions:

- ❖ A portion or portions of subsequent training such as that offered in orientation may be provided to members after they have commenced their term of office;
- ❖ Attendance at the session of orientation given between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in WVC §18-5-1a;
- ❖ Members appointed to the county board shall attend and complete the next such course offered following their appointment; and
- ❖ The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.

Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in WVC §18-2E-5 and the "No Child Left Behind Act" and their respective administrative rules.

The orientation and training sessions shall be approved by the State Board and conducted by the West Virginia School Board Association or other organization or organizations approved by the State Board. In the final year of any four-year term of office, a member shall satisfy the annual training requirement before January 1.

Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause as determined by the State Board by duly promulgated legislative rules constitutes neglect of duty under WVC §6-6-7.

"Good Cause" means any of the following that prevents the member from attending and completing West Virginia Board of Education approved training to meet requirements of W. Va. Code §18-5-1a:

- ❖ an incapacitating physical or mental condition of the member,
- ❖ a death in the immediate family of the member,
 - For purposes of the policy, the phrase "immediate family" means the member's spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member.
- ❖ an accident or illness in the immediate family of the member which requires the member's presence, or
- ❖ any other cause which is beyond the control of the member.

(WVC §18-5-1a; SBP 3235)

Link to [SBP 3235-Definition of Good Cause for Failure to Receive School Board Training](#)

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(P) B.5.3. Board Members' Conflict of Interest

The Pecuniary Interest codes of West Virginia make it unlawful for a member of the Pendleton County Board of Education or any employee of the system to be or become directly or indirectly, pecuniarily interested in the proceeds of any contract or service, if as such member, he/she may have any voice, influence or control over the awarding of the contract or the purchase of services or supplies. The penalty for conviction in violation of this law is a fine of not less than \$50 or more than \$500, and possible imprisonment for a period not to exceed one year. In addition, any such member shall be removed from office. Exceptions to the law include:

- ❖ Board members may vote for the employment of a spouse as a principal, teacher, or service employee of the School District.
- ❖ The penalties do not apply to any person who is a salaried employee of a vendor or supplier under a contract subject to the provisions of the law if the employee, his or her spouse or child:
 - Is not a party to the contract;
 - Is not an owner, a shareholder, a director or an officer of a private entity under the contract;
 - Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
 - Does not participate in the deliberations or awarding of the contract; and
 - Does not approve or otherwise authorize the payment for any services performed or supplies furnished under the contract.
- ❖ The penalties do not apply to any person who has a pecuniary interest in a bank within the county serving or is under consideration to serve as a depository of funds for the county or board of education, as the case may be, if the person does not participate in the deliberations or any ultimate determination of the depository of the funds.
- ❖ The provisions of the law do not apply to publications in newspapers required by law.
- ❖ School employees or school officials who have an interest in the sale, proceeds or profits in any book or other thing used or to be used in the free school system of this state, as proscribed in section nine, article XII of the constitution of West Virginia, may qualify for the exceptions set forth above.
- ❖ The provisions of the Ethics Code do not apply to any person who has a pecuniary interest in a public utility which is subject to regulation by the public service commission of this state.

The Board may make written application to the West Virginia Ethics Commission for an exemption to the Ethics Code in the following cases:

- ❖ Loss of a quorum of the Board;
- ❖ Excessive cost;
- ❖ Undue hardship;
- ❖ Substantial interference with the operation of the Board.

(WVC §61-10-15)

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(P) B.5.4. Unlawful Expenditures by a Fiscal Body

Except as provided in WVC §11-8-14b; §11-8-25a and §11-8-16a, the Pendleton County Board of Education shall not expend money or incur obligations:

- ❖ In an unauthorized manner;
- ❖ For an unauthorized purpose;
- ❖ In excess of the amount allocated to the fund in the levy order; or
- ❖ In excess of the funds available for current expenses.

Notwithstanding the foregoing and any other provision of law to the contrary, the Board or its duly authorized officials shall not be penalized for a casual deficit which does not exceed its approved levy estimate by more than three percent: Provided such casual deficit is satisfied in the levy estimate for the succeeding fiscal year: Provided, however, that in calculating a deficit for purposes of this section, account shall not be taken of any amount for which the local fiscal body may be liable for the unfunded

actuarial accrued liability of the West Virginia Retiree Health Benefit Trust Fund or any amount allocated to the local fiscal body as an employer annual required contribution that exceeds the minimum annual employer payment component of the contribution.

(P) B.5.5. Personal Liability of Board Members Who Participate in Unlawful Expenditures

Persons who in their official capacity, negligently participates in an illegal expenditure may face legal action for the recovery of the amount illegally expended. The school district, a taxpayer of the school district, the State Tax Commissioner, or a person prejudiced may bring the proceedings.

If any person, in official capacity, participates in an illegal expenditure and, in so doing, acts in accordance with and upon the advice of an attorney, which advice was asked for, received, and given in good faith, such person shall not be deemed guilty of gross negligence. However, that person may ultimately be found to have acted in a negligent manner and an action may be brought for the recovery of the amount illegally or improperly expended, both personally and upon his/her official bond.

(WVC §11-8-29 through 31a)

(P) B.5.6. Board Members' Compensation and Expenses

Board members may receive compensation at the rate of \$160.00 per meeting attended. They shall not receive pay for more than 50 meetings in any one fiscal year. Board members, who serve on the administrative council for a multi-county vocational center, may also receive compensation for up to 12 meetings at the same rate as for meetings of the county Board. Board members serving on the Regional Educational Services Agency (RESA) may receive compensation at a rate not to exceed \$100.00 per meeting attended, not to exceed 15 meetings per year.

Members shall also be paid, upon presentation of a sworn statement, for all necessary travel expenses incurred on official business at the order of the Board. The travel expense shall be calculated at the current per mile-approved rate.

(WVC §18-2-26 and §18-5-4)

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(P) B.5.7. Board of Education and Employee Liability Insurance

The West Virginia State Board of Risk and Insurance Management, consistent with West Virginia Code, provide appropriate professional liability insurance for all of the Pendleton County Board of Education members and its employees. The insurance covers any claim, demand action, suit or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building if at the time of the alleged injury the Board member or employee was acting in the discharge of his/her duties, within the scope of his/her office, position or employment, under the direction of the Board of Education or in an official capacity as a school board member. The insurance policy includes:

- ❖ Comprehensive coverage;
- ❖ Malpractice coverage;
- ❖ Corporal punishment coverage;
- ❖ Legal liability coverage; and
- ❖ Provisions for the payment of attorney's fees in connection with any claim, demand, action suit or judgment arising from such alleged negligence or other act resulting in bodily injury under conditions described above.

The law requires that the minimum amount of liability insurance provide must be at least one million dollars for each occurrence. In addition, each county board of education shall purchase through the Board of Risk excess coverage of at least five million dollars for each occurrence.

(WVC §29-12-5a)

Note: Sexual violence (sexual abuse or molestation) in our society has become such an issue that the West Virginia Board of Risk and Insurance Management (BRIM) can no longer find an insurance carrier who is willing to provide excess coverage for employees beyond the one million dollars provided by the state. As of July 1, 2005, school employees may only rely on the one million dollars of coverage for acts involving sexual violence. BRIM will continue to provide five million dollars of excess liability coverage for other types of allegations lodged against school employees.

(P) B.5.8. The Ethics Act

The West Virginia Governmental Ethics Act established a code of conduct to guide public officials and public employees and help them avoid conflicts between their personal interests and their public responsibilities. The Ethics Act tells public servants what is expected of them and gives official approval to their conduct if it complies with the standards of the Act. (See West Virginia Code 6B-1-1, et seq. See also Legislative Rules Title 158, Series 6-12)

The code of conduct established by the Act applies to all public servants [public employees, elected public officials, and appointed public officials] whether full-time or part-time, who serve in the legislative, judicial, and executive branches of state, county, and municipal governments and the boards, commissions and the agencies of each of those levels.

(WVC §6b-1-1, et seq.)

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(P) B.5.8.1. Minimum Ethical Standards Established by the Ethics Act

Private Gain

The basic principle underlying the standards or code of conduct created by the Ethics Act is that those in public service should use their positions for the public benefit and not for their own private gain or the private gain of another. For example:

- ❖ You may not use your agency's supplies or equipment for personal projects or activities.
- ❖ Public employees and full-time appointed officials may not work on personal projects or activities during work hours for which they are paid by their employer.
- ❖ You may not use subordinates to work on your personal projects or activities during work hours or compel them to do so on their own time.

(WVC §6B-2-5)

Gifts

You may not solicit a gift unless it is for a charitable purpose from which you and your immediate family members derive no direct personal benefit. You may not solicit a subordinate for any gift - not even a gift for a charitable purpose.

The Ethics Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, WV Code §3-8-12(h) dealing with regulation and control of elections provides "No person shall solicit any [political] contribution from any non-elective salaried employee of the state government or of any of its subdivisions." You may not accept gifts from lobbyists, or from "interested persons", unless it fits into one of the following exceptions:

- ❖ meals and beverages;
- ❖ unsolicited gifts of a value of \$25 or less;
- ❖ ceremonial gifts or awards of insignificant value;
- ❖ reasonable expenses incurred in appearing at a speaking engagement;
- ❖ reasonable honoraria [check the Commission's rules];
- ❖ free tickets to political, charitable, or cultural events customarily given as a courtesy to the office;
- ❖ purely private and personal gifts; or
- ❖ lawful political contributions.

Note "interested persons" are those who do or seek to do business with, are regulated by, or are otherwise financially interested in the activities of your governmental agency.

(WVC §6B-2-5)

Selling to Subordinates

Although they may choose to buy from you, you may not personally solicit (in person, by phone, or personal letter) private business from subordinates you direct, supervise or control. Solicitations directed to the public at large or for property of a kind you are not regularly engaged in selling are permitted.

(WVC §6B-2-5)

Private Interests in Public Contracts, Purchases & Sales

The Ethics Act says you may not have a financial interest in any contract, purchase or sale over which your public position gives you control; nor may your spouse, your dependent parents, your dependent children, or any business in which you or they have an ownership interest greater than 10%, or a creditor's interest greater than 10% of the indebtedness of the business.

This provision applies only to (1) those contracts your job gives you authority to award or control and (2) those purchases and sales you are authorized to make or direct others to make. The Ethics Commission can grant your agency a hardship exemption from this provision of the Ethics Act.

Note: Part-time appointed officials may avoid the prohibition by recusing themselves from considering and acting on such matters.

(WVC §6B-2-5)

Influencing the Employment of Relatives

A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides: *Provided*, That as used in this subdivision, "employment or working conditions" shall only apply to government employment: *Provided, however*, That government employment includes all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards.

A relative is a spouse, parent, sister, brother, child, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

WVC § 6B-2-5(b)(4); W. Va. Code § 6B-2-50(1)(C)

Moonlighting or Changing Jobs

Full-time public servants may not (1) seek employment with, (2) be employed by, or (3) seek to sell or lease real or personal property to any person or business:

- ❖ that has a matter before the agency on which they are taking, or a subordinate is known to be taking, regulatory action; or
- ❖ that had, within the preceding twelve months, a matter on which they took, or a subordinate is known to have taken, regulatory action. The Ethics Commission can grant an exemption from this prohibition.

Conflict of Interest

Full-time public servants may not take personal regulatory action on matters affecting a person (1) by whom they are secondarily employed or (2) with whom they are seeking employment or have an agreement concerning future employment.

Prohibited activity

Full-time public servants may not accept private pay for providing information or services that are within the scope of their public duties. In other words, they can't sell, even on their own time, services their public position requires them to provide. This applies only to private work for people or businesses they serve as part of their public duties.

(WVC §6B-2-5)

Confidential Information

You may not during or after government service, knowingly and improperly disclose confidential information acquired through your public position or use it to further personal interests of yourself or another person.

(WVC §6B-2-5)

Rules Which Apply to County Public Servants only (WVC §61-10-15)

Certain county personnel (designated below) are also subject to a criminal statute which contains a similar, but more comprehensive public contract prohibition from which exemptions are not permitted.

- ❖ WV Code §61-10-15 applies to: (1) elected county officials [such as sheriff, county commissioners and school board members], (2) appointed county officials [those who serve on county boards, commissions, authorities and agencies], and (3) public school superintendents, principals, and teachers. It does not apply to other county employees.
- ❖ §61-10-15 prohibits these designated county personnel from having personal financial interests, directly or indirectly, in a contract, purchase or sale over which their public position gives them "voice, influence or control." The prohibition extends to their spouses, those they support, and businesses in which they have an ownership interest or by which they are employed.

Note: As a result of an amendment to the law in 2002, agency transactions with businesses which employ these designated personnel or their spouses may be legitimized, if the public servant is recused from agency action in regard to the transaction and other specific requirements are met.

(P) B.5.9. Board Immunity from Liability: Disclosure of Information Regarding Former Employees

The Board or any of its designated agents who discloses job-related information that may be reasonably considered adverse about a former or current employee to a prospective employer of the former or current employee is presumed to be acting in good faith and is immune from civil liability for the disclosure or its consequences: Provided, that the disclosure of such information pursuant to WVC §55-7-18a shall be in writing and a copy of any such disclosure shall be provided to the former or current employee at the time of disclosure.

The presumption of good faith is rebutted upon a showing, by a preponderance of the evidence, that the information disclosed was:

- ❖ Knowingly false;
- ❖ Disclosed with reckless disregard for the truth;
- ❖ Deliberately misleading;
- ❖ Rendered with malicious purpose toward the former or current employee; or
- ❖ Disclosed in violation of a nondisclosure agreement or applicable law.

"Job-related information" means information concerning a person's education, training, experience, qualifications, conduct and job performance which is offered for the purpose of providing criteria to evaluate the person's suitability for employment.

If the Board should inadvertently disclosed job-related information to a prospective employer of a former or current employee that was false or misleading, and if the current or former employee requests, then the employer shall give corrected information to every person or entity that is in the employer's records as having received the original information, with a copy thereof to the former or current employee.

(WVC §55-7-18a)

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(P) B.5.10 Tort Liability

Except as identified below, the Board is not liable for damages in a civil action for injury, death, or loss to persons or property allegedly caused by an act of omission of the Board or an employee of the Board in connection with a governmental or proprietary function.

The Board is liable for injury, death, or loss to persons or property caused by:

- ❖ The negligent operation of any vehicle by its employees when the employees are employed within the scope of their employment and authority;
- ❖ The negligent performance of acts of its employees while acting within the scope of employment;
- ❖ Its negligent failure to keep the public roads, alleys, sidewalks, or school district-owned grounds in repair or free from nuisance; and

- ❖ The negligence of its employees which occurs within or on the grounds of buildings that are used by the school district; and
- ❖ Injury, death, or loss to persons or property when liability is expressly imposed upon it by state law. Liability shall not be construed to exist under another section of law merely because a responsibility is imposed upon the Board or because of a general authorization that the Board of Education may sue and be sued.

The Board of Education is immune from liability if a loss or claim results from:

- ❖ Legislative or quasi-legislative functions;
- ❖ Judicial or quasi-judicial or prosecutorial functions;
- ❖ Adoption or failure to adopt a law, including but not limited to, any statute, resolution, rule, regulation or written policy;
- ❖ Execution or enforcement of the lawful orders of any court;
- ❖ Snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of a political subdivision;
- ❖ Natural conditions of unimproved property of the political subdivision;
- ❖ Any claim covered by any worker's compensation law or any employer's liability law; or
- ❖ Misrepresentation, if unintentional.

An employee of the Board of Education is immune from liability unless one of the following applies;

- ❖ His or her acts or omissions were manifestly outside the scope of employment or official responsibilities;
- ❖ His or her acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner; or
- ❖ Liability is expressly imposed upon the employee by a provision of this code.

The immunity conferred upon an employee by the code does not affect or limit any liability of a political subdivision for an act or omission of the employee.

(WVC §29-12A-4 and §29-12a-5)

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Amended/Revised: September 20, 2006; September 25, 2007; January 12, 2010; October 1, 2013
September 5, 2017

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.6. Organization of the Board and Annual Self-Assessment	Adopted: August 20, 2003 Last Review: March 2018

The Board shall meet the first Monday in July following each biennial primary election. The purpose of the meeting is to elect, by secret ballot, a president and vice-president from the membership to serve a two-year term. The Board shall conduct no other business until a president and vice-president are elected. The name of the member elected as board president shall be promptly reported to the State Superintendent of schools. The Board shall also set a time for the regular monthly meetings.

The newly elected president shall assume his/her duties immediately upon election. The Board will not have standing Board of Education Committees. It will function as a committee of the whole.

(WVC §18-4-10, §18-5-1c, §18-5-4, §18-5-25 and §18-9-6)

(P) B.6.1. Board Officers

The Pendleton County Board of Education officers shall include the elected President and Vice-President, the Superintendent of schools who shall hold the dual office of executive officer and secretary of the Board as required by law and a Treasurer.

(WVC §18-5-1c; §18-9-6)

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(P) B.6.2. Official Duties of Officers

Presidential Duties: The President of the Pendleton County Board of Education shall preside at Board meetings, shall perform all duties imposed by the statutes, and shall perform such other duties as may be prescribed by law or by action of the Board of Education.

- ❖ He/she shall decide questions of order.
- ❖ He/she shall have the same right as other members to offer resolutions, to make motions or second motions, to discuss questions and to vote thereon.
- ❖ He/she shall call special meetings of the Board.
- ❖ He/she shall sign He official district documents that require the signature of the President's office.
- ❖ He/she shall be an ex-officio member of all committees serving the school system.

Vice-Presidential Duties: The Vice-President shall be elected from the membership of the Board. He/she shall preside in the absence of the President. In this capacity, he/she is empowered to act and carry out all duties of the president during any period that the President is absent or incapacitated.

Secretary Duties: As prescribed in the State statutes, the County Superintendent of Schools shall be the secretary for the Board of Education. The secretary shall:

- ❖ Take the oath prescribed in the Constitution before performing any of the duties of his/her office;
- ❖ Attend all Board meetings except when his/her administration or employment is under consideration, and record its official proceedings in a book kept for that purpose;
- ❖ Record the number of each order issued, the name of the payee, the purpose for which the order was issued, and the amount thereof. Every order must be signed by the Secretary and the President of the Board;
- ❖ Care for and keep all papers belonging to the Board, including evidences of title, contracts and obligations in the Secretary's office;
- ❖ Record and keep on file all papers and documents pertaining to the business of the Board;
- ❖ Keep the accounts and certify the reports required by law or requested by the Board;
- ❖ Administer oaths to school officers, teachers, and others making reports;

- ❖ Deliver in proper condition to his/her successor all records and property pertaining to his office; and
- ❖ Exercise such other duties as are prescribed by law or the Board of Education.

Treasurer Duties: The Pendleton County Board of Education has adopted a resolution to employ a school district treasurer other than the sheriff. The Treasurer of the District shall be the chief fiscal officer for the Board of Education. He/she shall be responsible for the fiscal affairs of the school district's money in accordance with Board adopted budgets; receive, collect and disburse all school district money in accordance with Board adopted budgets; regularly submit written and oral reports to the Board which shall accurately reflect the current fiscal condition of the District; and make recommendations for the investment of School District funds to the Board.

(WVC §18-5-25 and §18-9-6)

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(P) B.6.3. Annual Self-Assessment of the Board

The Pendleton County Board of Education shall complete a self-assessment of its performance annually using an instrument approved by the State Board. The evaluation instrument selected shall focus on the effectiveness of the Board in the following areas:

- ❖ How effectively the Board deals with its various constituency groups and with the general public;
- ❖ How the Board provides a proper framework and the governance strategies necessary to monitor and approve student achievement on a continuing basis; and
- ❖ Enhancing the effective utilization of the policy approach to governance.

At the conclusion of the evaluation, the Board shall make a summary of the evaluation results, including areas in which it concludes improvement is warranted, to the public.

(WVC §18-5-1c)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**B. BOARD OF EDUCATION OPERATIONS****File: B.7. Public Relations****Adopted: August 20, 2003****Last Review:****March 2018**

In order to promote unity of purpose and understanding among members of the Board, to prevent individual members from being subjected to community pressures, and to promote an environment in which it may conduct business in an orderly fashion, the Board resolves to adopt the following rules for individual and collective conduct relative to school problems both in and out of Board meetings.

(P) B.7.1. Board Members' Procedures for Responding to Public Inquiries

Proper procedures for Board of Education members when individuals or pressure groups contact a member individually shall be to:

- ❖ Listen to the problem with due respect for all;
- ❖ Inform the individuals or group that no official action can be taken except in a legally constituted meeting of the Board, therefore no promises can be made;
- ❖ Direct the party or parties to take the problem to the principal or Superintendent for a solution on the basis of policies of the Board; and
- ❖ If the contacting parties are trying to secure a position, promise them nothing but tell them to file a written request with the Superintendent.

(P) B.7.2. Board-Superintendent Relationship

The Superintendent is the professional who becomes the bridge between the Board and the staffs of the schools, the public, students, and other constituents. He/she must translate into action the people's desires and needs for public education as mandated by law and expressed by the school board. The superintendency is a complex and sensitive leadership position that requires the confidence of the school board and the respect of subordinates.

The close working relationship and loyalty which the Superintendent owes the Board clearly sets him/her apart from the teachers, and to a degree, from other members of the administrative team. Although the working relationship between the Superintendent and the Board must be close and sometimes confidential, it is critically important for the cause of their common goals that both parties respect their proper roles and retain their identity on the management team.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**B. BOARD OF EDUCATION OPERATIONS****File: B.8. Promoting Board Effectiveness****Adopted: August 20, 2003****Last Review:****March 2018**

School boards are in the forefront of citizen-inspired public education leadership, policy development and decision-making. In order to promote school board effectiveness, the Pendleton County Board is committed to the development and adoption of policies and procedures that will enhance its ability to effectively serve the community

No later than January, 2020, the Pendleton County Board shall adopt policies that promote school board effectiveness and may modify the policies as necessary.

(WVC §18-5-14)

(P) B.8.1 The Board's Relationship with the Local School Improvement Councils

The following procedures have been established by the Pendleton County Board of Education as a means of receiving information, comments, and suggestions directly from Local School Improvement Councils regarding their mutual interest in establishing standards of accountability and planning for future needs. Please refer to *File: 1.5. Local School Improvement Councils*, for complete details of the authority and function of Local School Improvement Councils.

Meetings with Local School Improvement Councils

- ❖ The Board shall meet at least annually with the Local School Improvement Council of each school deemed to be low performing under the accountability system established by the state board. The meeting or meetings shall be held at a time and in a manner to be determined by the Board.
- ❖ At least 30 days before a meeting with the local school improvement council of a school deemed to be low performing, the Board shall develop and submit to the council an agenda for the meeting. The agenda shall require the school principal and council chair, or a member designated by the chair, to address the dialogue of its meeting or meetings at which the parents, students, school employees, business partners and other interested parties were given the opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance. The principal, council chair or other designated member shall also address any reports by the county superintendent with respect to the school's performance and progress, and any one or more of the following issues as determined by the county board:
 - School performance;
 - Curriculum;
 - Status of the school in meeting the unified school's strategic improvement plan; and/or
 - Status of the school in meeting the relevant parts of the county's strategic improvement plan pursuant to §18-2E-5 of the code.
- ❖ Nothing in the code prohibits a county board from meeting with and requesting information from representatives of any of its local school improvement councils such times and in such manner determined by the county board.
- ❖ The meetings will normally precede the school board meeting being held at the school.

The Board shall, as it considers necessary, make written request for information from the Local School Improvement Council throughout the year or hold community forums to receive input from the affected community.

(WVC §18-5-14 and §18-5A-2)

(P) B.8.2. The Board's Relationship with the Faculty Senates

To enable the Board to receive information, comments, and suggestions directly from faculty senates regarding their mutual interest in establishing standards of accountability and planning for future needs the following direct links are established between the Board and its faculty senates:

- ❖ The Board shall meet annually with the Faculty Senates or a representative;

- ❖ A schedule of such meetings will be adopted at the beginning of each school term; and
- ❖ The meetings will normally precede the school board meeting held at the school.
- ❖ Please refer to (P) P.17.5. *The Faculty Senate*, for complete details of the authority and function of faculty senates.
(WVC §18-5A-5)

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(P) B.8.3. The Board's Relationship with the Community at Large

The following steps shall be taken to develop direct links between the Board and the community at large that will allow for community involvement at regular board meetings and will facilitate regular communication with the public regarding important issues:

- ❖ The Board shall annually allocate a segment of a regular meeting to meet with community members; and
- ❖ The meeting shall normally occur on the date of the scheduled meeting with the local school improvement council.

The Board encourages public participation in all regularly scheduled meetings by allowing constituents to speak to items on the agenda or to bring concerns to the Board [see (P). B.10.7. *Public Participation at Board Meetings*].

(P) B.8.4. Broad Guidelines for Assuring the School District's Effectiveness

The Board recognizes its responsibility to provide broad guidelines for the school district, including the establishment of specific oversight procedures, development and implementation of standards of accountability, and development of long-range plans to meet future needs. The procedures outlined in the previous procedures and regulations are intended to meet these ends.

A record shall be kept of all suggestions made by Local School Improvement Councils, faculty senates, and the community at large regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs. The suggestions will be reviewed annually by the Board to identify those worthy of further consideration. Additionally, the Board reaffirms that its existing policies and resolutions regarding the school district's vision, mission, planning procedures, and goals shall, until withdrawn or amended, be interpreted and applied as specific oversight procedures, standards of accountability, and long-range plans to meet future needs.

To meet the educational goals of the State of West Virginia and such other goals it may establish the Board shall use school-based accreditation and performance data provided by the State Board of Education, as well as other available data, in making decisions about the educational program. To that end, the Superintendent shall compile and share with the Board, at least annually, the education goals of the State of West Virginia.

The Board will annually discuss individual school Report Card results, results of the District Report Card, Electronic Strategic Improvement Plan, Electronic Strategic School Improvement Plans, and all other information and findings relating to performance based accreditation of relevance to the district.

(WVC §18-2E-8b and SBP 2320)

(P) B.8.5. County Steering Committee

Pursuant to SBP 2510-Assuring Quality of Education: Regulations for Education Programs, the Pendleton County Board of Education shall appoint and maintain a County Steering Committee.

Membership of the committee shall include: Parents and representatives from business, labor, higher education, economic development; local school improvement councils (one member from each programmatic level of Pre-k-5, 6-8, 9-12); faculty senate (one teacher from each programmatic level of Pre-k-5, 6-8, 9-12); students (one from each programmatic level of 6-8, 9-12) and the other organizational entities in the community at the discretion of the Board.

The duties of the Steering Committee shall include the following:

- ❖ The county steering committee will act as a partner with the Board in developing and implementing high quality preparation of youth for college, other post-secondary education and gainful employment;
- ❖ These members may be part of the stakeholder group that develops and implements the School System Strategic Plan; and
- ❖ The committee may also act as the Council on Productive and Safe Schools if it meets the stipulations for membership outlined in WVC §18-5-42.

(SBP 2510)

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(P) B.8.6. Local Government Flexibility (State Policy Waiver Process)

The Pendleton County Board of Education may seek a waiver of any state policy or rule it believes is preventing it from carrying out its duties in the most efficient, effective, and timely manner. The Superintendent, with the approval of the Board, may file an application for a waiver with the Secretary of Commerce.

The application shall, at a minimum, provide the official citation of the policy, rule or regulation for which waiver is sought. If there is no official citation, a copy of the policy or letter from which a waiver is sought shall be attached to the application. The Superintendent shall describe in sufficient detail the problem created by the policy, rule or regulation for which waiver is sought and describe in sufficient detail how the waiver will allow the Board to carry out its duties in the most cost efficient, effective and timely manner.

The Secretary of Commerce has no authority to grant waivers, but he/she will review all waiver requests and make recommendations to the Governor who must work cooperatively with the leadership in the House of Delegates and the Senate in addressing changes which need to be made to existing laws.

(WVC §7-23-3)

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Amended/Revised: October 19, 2005, October 1, 2013; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.9. Legal Counsel	Adopted: August 20, 2003 Last Review: March 2018

The prosecuting attorney is the legal advisor to the Board of Education. At the Board's discretion, it may employ, contract with or otherwise engage legal counsel in lieu of utilizing the prosecuting attorney to represent it in any matters, actions, suits and proceedings in which the Board is interested.

(WVC §7-4-1; §7-7-5 and §18-5-13)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.10. School Board Meetings	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education is composed of the duly elected representatives of the citizens of the County charged with the responsibility of fulfilling the citizens' education expectations. Consequently, Official business of the Board shall be conducted only in legally called open sessions, and shall comply with the open meeting legislation which may be found in WVC §6-9A-1 thru §6-9A-12. The Board believes that open government allows the public to be well informed about its decision-making process. Therefore, the board encourages the public's attendance and participation in its meetings and it welcomes coverage by the news media. Every effort shall be made to keep the public informed about its schools.

(P) B.10.1 Annual Meetings

The Board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. One such date shall be a meeting between March 7 and 28 to fix the estimated tax levy rates and report the same to the State Tax Commissioner. This meeting adjourns to the third Tuesday in April.
(WVC §18-5-1c and §18-5-4)

(P) B.10.2. Regular Meetings

"Regular Meeting" means a meeting at which the regular business of the public is conducted. Regular meetings of the Pendleton County Board of Education shall be held on the 2nd and 4th Tuesday of each month. Normally, all meetings will be held at the Pendleton County Board of Education Annex, unless the location is changed by vote of the Board. To facilitate citizen attendance at its meetings, the Board may choose to hold them at each of the county schools. All meetings shall begin at 6:00 p.m., unless otherwise announced by the Board of Education.
(WVC §6-9A-3 and §18-5-4)

(P) B.10.3. Special Meetings and Emergency Meetings

Special Meetings:

"Special Meeting" means a meeting of the Board other than a regular meeting or an emergency meeting. The President of the Board or any three members of the Board may call a special meeting. The only business that can be transacted at the special meeting is that designated in the call. Each Board member shall be given a three-day notice of all special meetings, and advance notice of the time, place, and purpose of the special meeting shall be made available to the public and news media. The only exception to advance notification to the public and media shall be in the event of an emergency meeting requiring immediate official action.

Emergency Meeting:

"Emergency Meeting" means any meeting called for the purpose of addressing an unexpected event which requires immediate attention because it poses:

- ❖ A threat to public health or safety;
- ❖ A threat of damage to public or personal property; or
- ❖ A potential material financial loss or other potential substantial harm to a public agency.

In the event of an emergency requiring immediate official action, the Board president must post an emergency meeting notice as soon as practicable stating the date, time, place and purpose of the meeting and the circumstances of the emergency.

(WVC §6-9A-3 and §18-5-4)

(P) B.10.4. Adjourned Meetings

Any meeting adjourned for the purpose of continuing that meeting in a subsequent session is known as an adjourned meeting. The annual meeting between March 7th and 28th to fix the estimated tax levy rates and report the same to the State Tax Commissioner adjourns until the third Tuesday in April. Following the laying of the levy and the adjournment of the budget meeting, the Board may then immediately convene a special meeting for which members may be paid. A subsequent session of an adjourned meeting is not a separate meeting. Therefore, a Board member may not receive compensation for both the original meeting and the adjourned session.

(WVC §6-9A-3; §11-8-9; §11-8-12a; §18-5-1c and §18-5-4)

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(P) B.10.5 School Board Meeting Procedures

The Superintendent of Schools is both executive officer and secretary of the Board. As executive officer s/he prepares and gets into the hands of the Board members a carefully organized agenda and the minutes of the previous meeting at least three days prior to the regular meeting. Copies of committee reports and reference items needed for clarification or examination shall be in readiness prior to the scheduled meeting. The Superintendent, Board members, the president, staff members or citizens of the school district may submit items for the agenda. Business items must be submitted in writing to the Superintendent at least seven days before the meeting in order to insure inclusion on the written agenda.

At each emergency meeting, if time permits, and at each regular and special meeting, the Superintendent of Schools of Pendleton County shall make available to the public a copy of the agenda for said meeting. The content of the agenda shall not be changed, nor shall additional matters be taken up and acted upon unless approved by a unanimous vote of the board members present. The agenda shall be posted at appropriate locations at the Board of Education offices and the Annex.

A majority of the members constitutes a quorum required for transaction of official business. In conducting its business, the Board shall observe Robert's Rules of Order, Revised, except that the President may discuss and have a vote on all matters before the Board, or except as otherwise agreed upon by the members. All votes on motions and resolutions shall be by "ayes" and "nays" and the vote shall be recorded in the official minutes of the board.

The order of business for a regular meeting of the Board of Education shall be:

- ❖ Call to Order;
- ❖ Addition/Deletions/Changes to/Agenda ;
- ❖ Approval of Agenda;
- ❖ Public Comment and Presentations;
- ❖ Consent Agenda Items;
- ❖ Finance/Budget Issues;
- ❖ Old Business;
- ❖ New Business;
- ❖ Personnel;
- ❖ Other Information Items/Board Issues; and
- ❖ Adjournment.

(WVC §6-9A-3 and §18-5-4)

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(P) B.10.6. Notification of Board Meetings

To assure the opportunity for public participation, the date, time, location, and agenda of all regularly scheduled meetings shall be submitted to the local news media for announcement and publication five days prior to the meeting. Special meetings, including time, place, and purpose, shall also be announced in the news media, except in the cases of emergency meetings, in which case media notification may be

waived. In addition, the agenda of all regular and special meetings stating the time, date and location of the meeting, shall be posted on the school system's web site and at appropriate locations at the Board of Education offices and the Annex.

(WVC §6-9A-3)

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(P) B.10.7. Public Participation at Board Meetings

All regular and special meetings of the Pendleton County Board of Education shall be open to the public. In order to protect the right of any interested party to present comments and questions to the Board and at the same time to assure that the meeting will be conducted properly and efficiently, the following procedures shall be followed:

- ❖ Any individual wishing to address the Board must register with the Superintendent at least 15 minutes prior to the time the scheduled meeting is to commence;
- ❖ This registration shall include the individual's name, address, topic, and group they may represent;
- ❖ In the event a group wishes to address the Board, a single individual shall be selected as the spokesperson;
- ❖ The order of business at board meetings shall include time for comments by the public;
- ❖ The individual, or group spokesperson, will be allowed 10 minutes for his/her presentation, although an extension of time may be granted by the Board as it hears the individual;
- ❖ Speakers may offer objective criticism of school operations and programs, but the Board will not hear personal complaints about school personnel or other persons at a public session. Alternate channels provide for Board consideration of complaints involving individuals; and
- ❖ The Board president or appropriate staff members may choose to answer questions asked by members of the audience or they may be answered in writing at a later date.

(WVC §6-9A-3)

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(P) B.10.8. School Board Executive Session Procedures

Board meetings are open, public meetings. Occasions for executive (closed to the public) sessions should be infrequent. However, when the Board's corporate judgment so dictates that it is in the best interest of the school system the Board, by law, may hold an executive session for consideration of the following:

- ❖ The appointment, employment, retirement, promotion, demotion, disciplining, resignation, discharge, dismissal or compensation of any public officer or employee, or other personnel matters, or for the purpose of conducting a hearing on a complaint against a public officer or employee, unless such public officer or employee requests an open meeting;
- ❖ The disciplining, suspension or expulsion of any student in any public school, unless such student requests an open meeting;
- ❖ The physical or mental health of any person, unless such person requests an open meeting;
- ❖ Matters which if discussed in public would be likely to affect adversely the reputation of any person;
- ❖ Any official investigation on matters relating to crime prevention or law enforcement;
- ❖ Matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interest of the State or School District; or
- ❖ Conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless that person requests an open hearing.

Executive sessions shall be called by a majority vote of the Board members present. All executive sessions shall be attended by the Superintendent; except when his/her tenure, salary, or administration is under consideration. The Board shall determine other individuals to be included in the executive session.

The presiding officer shall identify and announce at the regular meeting the reason for the executive session from the above list. Discussion and consideration of the reason may be held in the executive session. The Board may not make any decisions in executive session and must reconvene in an open, public meeting before voting on any matters discussed in executive session.

Minutes shall be kept of all executive sessions, but these minutes may be limited to information, that if disclosed, would not violate any student or employee personal rights or would not adversely affect the financial interests of the District. Electronic recordings shall be made of the executive sessions only when hearings related to grievances, suspension, expulsion, or separation of employees or students are being conducted.

(WVC §6-9A-1 through 6)

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(P) B.10.9. Minutes of School Board Meetings

The Board of Education shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- ❖ The date, time and place of the meeting;
- ❖ The names of each member of the Board present and absent;
- ❖ All motions, proposals, resolutions, orders, ordinances, and measures proposed, the name of the person proposing the same and their disposition;
- ❖ The results of all votes and, upon request of a member, the vote of each member by name; and
- ❖ A notation that the Board has reviewed a listing of all vendors and the total amount paid to them during the current business cycle.

Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with Pendleton County File: (P) *B.10.8. School Board Executive Session Procedures*. The Secretary of the Board shall have copies of the unofficial minutes of each Board meeting mailed to board members within a reasonable time after said meeting occurs. This will permit time for examination prior to the next meeting of the Board when the minutes shall be formally approved or modified and approved.

The Superintendent shall maintain the official minutes of the Board of Education in a safe place. They shall be made available to any citizen desiring to examine them during the hours when the Board office is open. Minutes of the current year shall be available on the school system's web site.

(WVC §6-9A-5)

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(P) B.10.10. News coverage of School Board meetings

In the effort to keep the public informed, the Board of Education shall have announcements made of pending meetings prior to holding them. Representatives of the local news media shall be welcome to attend all regular, special, and annual meetings of the Board.

(P) B.10.11. Request for Advisory Opinions from the West Virginia Ethics Commission and Good Faith Immunity from Civil Suit or Criminal Prosecution

The Pendleton County Board of Education or any member of the Board subject to the provisions of open governmental meeting statutes may seek advice and information from the executive director of the West Virginia ethics commission or request in writing an advisory opinion from the West Virginia ethics commission committee on open governmental meetings as to whether an action or proposed action violates the provisions of the open government statutes. The executive director may render oral advice and information upon request. The ethics commission committee shall respond in writing and in an expeditious manner to a request for an advisory opinion. The opinion shall be binding on the parties requesting the opinion.

The Board or any member that seeks an advisory opinion and acts in good faith reliance on the opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on the opinion unless the committee was willfully and intentionally misinformed as to the facts by the Board or its representative.

The Board or any member that acts in good faith reliance on a written advisory opinion sought by another person or governing body has an absolute defense to any civil suit or criminal prosecution for any action taken based upon a written opinion of the West Virginia ethics commission committee, as long as underlying facts and circumstances surrounding the action were the same or substantially the same as those being addressed by the written opinion.

(WVC §6-9A-11)

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(P) B.10.12. Meeting by Telephone Conference or Other Electronic Means

West Virginia Code §6-9A-2 of the Open Governmental Proceedings Act grants governing bodies such as a county board of education the authority to conduct meetings via telephone conference and other suitable electronic means. The Pendleton County Board of Education's main interest in availing itself of this option for conducting business meetings is to provide a means for individual Board Members or the Superintendent to participate in regular or special meetings of the Board when unusual circumstances prevent their presence at said meetings. Special circumstances may include, but are not limited to, unexpected personal or family illness, acts of God that prevent attendance at a meeting, delays in transportation plans and other personal and professional obligations deemed acceptable by the majority of Board Members.

Meetings of the Board which include participation by one or more members via telephone conferencing or other electronic means shall be conducted in accordance with all aspects of the Open Governmental Proceedings Act. The meeting room shall be equipped in a manner that permits the public in attendance to hear and/or see the absent member's interaction with the Board Members present.

While it is unlikely that the Pendleton County Board will find it necessary to hold a meeting with all five members participating by electronic means, nothing in these procedures precludes such an occurrence. In the event of such a meeting, all provisions of the Open Governmental Proceedings Act shall be followed.

Such meeting shall not be utilized when the Board is dealing with disciplinary matters involving an employee or student.

(WVC §6-9A-2; West Virginia Ethics Commission Advisory Opinion #99-08)

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Amended/Revised: September 20, 2006; September 25, 2007; August 21, 2012; October 1, 2013

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.11. School Board Policy-Development-Adoption-Dissemination	Adopted: August 20, 2003 Last Review: March 2018

The policy making body of the Pendleton County School District is the Board of Education. The Board shall adopt such rules and regulations as are necessary for its governance and the governance of its employees, students and visitors to its schools, as well as the care and control of its grounds and premises.

All employees are expected to have a working knowledge of and shall be held responsible for following state laws, state board policy, local board policy and implementing administrative regulations. It is imperative that all new and veteran school district employees are instructed about district-wide policies on a regular basis.

Proposals for new policies, policy revisions, or the repeal of existing policies must be submitted in writing to the Superintendent for consideration and review at least two weeks prior to their submission to the Board for consideration.

Policies Dictated by Higher Authority

County school boards are required to respond to and follow many rules, regulations, and guidelines that flow from a higher state or judicial authority. The Superintendent shall keep the Board of Education well informed about all Pendleton County Schools' bylaws and policies that are dictated by state code, policies and rules of the West Virginia Board of Education, ordered by the State Superintendent of Schools, or ordered by a court of competent authority.

It shall be the Superintendent's responsibility to place all such policies, rules, regulation, and guidelines in the proper format and place them on the Board's agenda for its review and discussion. At the conclusion of the Board's review and discussion of these proposed policies, upon recommendation of the Superintendent, and with the consent of the Board, these policies shall be considered formally adopted as Pendleton County policy and shall be placed in the Policy Manual.

Policies that are dictated by a higher state authority do not have to be placed on the School Systems Website for public review.

The Superintendent is authorized to review and make technical corrections and editorial changes to these policies when he/she has received information that the higher authority from which they originated has amended or modified them. The Superintendent shall inform the Board of any such changes at the next regular Board meeting.

Policies Proposed by County School Officials

Bylaws and policies that are not dictated by higher state or judicial authority, but are proposed by the Superintendent, staff, other school personnel, community member, or a hired consultant may be adopted, amended, or repealed at any meeting of the Board.

As a general rule, the process for adopting such policies shall begin by placing proposed new policies, policy amendments, or the repeal of policy on the Board agenda as an information item for the Board. The proposed policy adoption, amendment, or repeal shall be placed on the agenda of subsequent Board Meetings for further review and/or approval or rejection.

However, when unusual circumstances dictate, upon the recommendation of the Superintendent, a policy may be approved, amended, or repealed at any meeting at which said policy appears on the Board Agenda (i.e. safety and welfare of students and employees or the efficient operation of the school system).

Proposed policy adoptions, amendments or repeals which are written at the county level shall be posted on the School Systems Website for public review following their presentation to the Board. They shall remain on the website until they are approved or rejected by the Board. Persons wishing to comment on policy proposals may do so in writing to the Superintendent, or they may attend board meetings and request time to comment on the proposals.

Other Elements of the Policy Development Process

Bylaws and policies shall be adopted, amended, repealed, or suspended by majority of those present and voting.

The adoption, modification, or repeal of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be published in the Board policy manual.

The Superintendent is authorized to review and make technical corrections and minor editorial changes to policies that have been adopted through normal rulemaking procedures. Such correction shall be limited to non-substantive matters that do not affect the intent, meaning and/or operation of the policy or regulation. If the Board determines that a correction is substantive in nature, it must take formal action to adopt the amendments to the policy or regulation.

Conflicts with State or Federal Law – In the event of a conflict between a policy of the board, on the one hand, and the requirements of state or federal law, on the other, the requirements of state or federal law shall prevail, and the conflicting provision of the policy shall be considered null and void without further action by the board.

Effective Date of Board Policies – Unless otherwise clearly indicated in a policy or by the Board's action approving, modifying, or repealing a policy, each policy, modification of policy, and repeal shall take effect upon the date of final board action

Review of Policies. The Board of Education, will review all policies at least biannually in order to determine if any changes are necessary to make the Pendleton County School system more efficient and effective. Nothing in this policy shall be construed to prohibit the Superintendent from alerting the board to more urgent reason to modify, or repeal policy, especially when action is necessary to reflect changes in applicable state or federal law.

Outdated, Unnecessary, and Ineffective Policies – At any time, the Superintendent may notify the Board if certain policies are out of date, seem unnecessary, or have proven ineffective, or whether they are in need of modification or repeal for any other reason.

Policy Manual Distribution – The Superintendent shall establish and maintain an orderly system for making all of the Board's policies accessible to Board members, employees, students faculty senates, and the county's local school improvement councils. The Superintendent shall also maintain a system for making the Board's policies available to the parents, guardians, and custodians of the students, and to residents of the county. The Board's policies are public records, open for inspection at the Pendleton County Board of Education Office.

(WVC §18-5-14)

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Amended/Revised: August 26, 2008; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.12. Requests for the Waiver of Board Policies and Regulations	Adopted: August 20, 2003 Last Review: March 2018

This process has been moved to the more appropriate location in:

(P) I.5.1. Local School Improvement Council Proposals of Alternatives to School Operations

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PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.13. Administration in the Absence of Policy	Adopted: August 20, 2003 Last Review: March 2018

It is the policy of the Pendleton County Schools that in situations where action must be taken within the school system where the Board has provided no guidelines, statements, or regulations the Superintendent or his/her designated representative shall have the power to take prudent action. The decisions shall be subject to review by and/or action by the Board at its next regularly scheduled meeting or at a special meeting for the express purpose of reviewing said action of the Superintendent. It shall be the duty of the Superintendent of Schools to inform the Board promptly of any such actions and of the need for policy to govern such situations.

(WVC §1-4-10)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**B. BOARD OF EDUCATION OPERATIONS****File: B.14. School Board Public Records****Adopted: August 20, 2003****Last Review:****March 2018**

Boards of education are quasi-municipal corporations carrying out the State delegated function of supervising educational matters at the local level. Their business is inherently public, and subsequently their records are public records. Any person has the right to inspect or copy any public record produced or retained on file by the Board.

Procedures for Requesting Public Records:

A request to inspect any school district public record shall be made directly to the County Superintendent of Schools who functions as the custodian of the school district records. The Superintendent shall provide proper and reasonable opportunities to inspect the records during normal working hours. The Superintendent shall see that the records are not removed from the Board offices and that they are handled in such a manner so as not to become damaged, destroyed, defaced or lost.

The request must state, with reasonable specificity, the information sought; and said request must be made during the regular working hours of the administrative staff of the Pendleton County Board of Education during any weekday.

Upon receipt of a written request to inspect specific public records the Superintendent shall within five days exclusive of Saturday, Sunday:

- ❖ Furnish copies of the requested information; or
- ❖ Advise the person making the request of the time and place at which s/he may inspect and copy the materials; or
- ❖ Deny the request stating in writing the reasons for such denial.

In the event the party making the request desires to have said records reproduced, the cost per copy shall be sufficient to cover the cost of materials to duplicate the records. The cost of the materials for making hard copies shall be ____ cents per page. If the records requested exist in magnetic, electronic or computer form, the Superintendent shall provide copies of the records in these formats if requested. The cost of making electronic copies shall be limited to the current cost of materials involved. State code does not permit the Board to charge a search or retrieval fee or otherwise seek reimbursement based on a man-hour basis as part of costs associated with making reproductions of records.

The following categories of information are specifically exempt from disclosure under provisions of this policy:

- ❖ Information of a personal nature such as that kept in a personnel, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance: Provided, that nothing in this article shall be construed as precluding an individual from inspecting or copying his/her own personnel, medical or similar file;
- ❖ Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;
- ❖ Information specifically exempted from disclosure by statute;
- ❖ Information that may be related to the prevention of terrorist acts and other school security issues; and/or
- ❖ Internal memoranda or letters received or prepared by any public body.

Any person denied the right to inspect the public records of the Board of Education may institute proceedings for injunctive or declaratory relief in the Pendleton County Circuit Court.

(WVC §29B-1-1 through §29B-1-6)

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Amended/Revised: September 6, 2011; September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.15. Board of Education Office Hours	Adopted: August 20, 2003 Last Review: March 2018

The Office of the Board of Education will be open at 8:00 a.m. and close at 4:00 p.m. Monday through Friday. The Office of the Board of Education will be closed in compliance with the school calendar and on such other days as the Superintendent may direct.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.16. School Board Association Memberships	Adopted: August 20, 2003 Last Review: March 2018

While membership in school board associations is deemed desirable, it must be executed by a majority vote of the County Board of Education. When so voted, the Board may join the West Virginia School Boards Association and the National School Boards Association, and may pay such dues as may be prescribed by the above named associations and approved by the Pendleton County Board of Education.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.17. Authorizing the use of Electronic Signatures and Electronic Postmarks	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education may, by appropriate official action, authorize the acceptance of electronic signatures in lieu of original signatures on messages or filings requiring one or more original signatures, subject to the requirements and limitations of WVC §39A-3-2. The Board may also elect to use authorize electronic postmarks.

If the Board elects to participate in and utilize the Secretary of State's digital signature authority and registry, its electronic transactions are bound to the regulation of the authority and registry and the rules promulgated there under. The Board is not required to participate, but if it elects to participate, it may withdraw from the program at any time upon the notification of the Secretary of State and all others who utilize that entity's digital signature program.

The Board may adopt a policy designating the documents on which electronic signatures, electronic postmarks or both are authorized and the type or types of electronic signatures which may be accepted for each type of document. The Board must give at least 30 day's public notice of the proposed policy to use electronic signatures and postmarks.

In the event the Board intends to extend, modify or revoke the authority to accept electronic signatures, it shall do so by the same means and with the same notice as required for adoption

Definitions:

- ❖ "Certificate" means a computer-based record that:
 - Identifies the certification authority issuing it;
 - Names or identifies its subscriber;
 - Contains the subscriber's public key; and
 - Is digitally signed by the certification authority issuing it.
- ❖ "Certification authority" means a person who issues a certificate.
- ❖ "Digital mark" consists of an electronic code indicating approval or confirmation which is entered into protected digital record following access protocols which identify the user and require a password, personal identification number, encrypted card or other security device which restricts access to one or more authorized individuals.
- ❖ "Digital signature" consists of a message transformed using an asymmetric cryptosystem so that a person having the initial message and the signer's public key can accurately determine:
 - Whether the transformed message was created using the private key that corresponds to the signer's public key; and
 - Whether the initial message has been altered since the message was transformed.
- ❖ "Electronic postmark" means an electronic service provided by the United States Postal Service that provides evidentiary proof that an electronic document existed in a certain form at a certain time and that an electronic document was opened or the contents of the electronic document were displayed at a time and date documented by the United States Post Office.
- ❖ "Federal certificate authority and repository program" means an official program established by an agency of the United States government for the issuance and authentication of digital signature certificates or other secure electronic authorizations to individuals for use in electronic transactions.

(WVC §39A-31; §39A-3-2; §39A-3-3)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.18. Substance Abuse and Tobacco Control	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education concurs with the State Board of Education that it has a responsibility to foster a program that addresses the health and safety of all students.

The purpose of this policy is to provide preventive and protective measures for addressing substance abuse and prohibiting the use or distribution of alcohol, tobacco products, "vapor products" (E-cigarette) and other drugs within school settings and activities. This policy is intended to promulgate a positive, pro-active approach to the control of alcohol, tobacco and other drugs.

The regulations set forth in this policy apply to any person present in or upon any property owned, leased or operated by the Pendleton County Board of Education. All regulations apply to any person present at any education-sponsored event; to any person present on a school bus or other vehicle used for a school related event or other school/county; to any person present at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building or other property used or operated by the Pendleton County Board of Education or in any other facility or upon any other property being used by the school system. Students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

General guidelines for employees, students, and the public at large include the following:

- ❖ No person shall at any time possess, distribute or use any alcohol product or illegal substance in any area defined above;
- ❖ No person shall, at any time, possess drug paraphernalia as defined in W. Va. Code §47-19-3, in any area defined above. In addition, students shall not, at any time, possess tobacco paraphernalia in these areas;
- ❖ No person shall at any time distribute or use any tobacco product or vapor product in any area defined above. In addition, students shall not possess at any time any tobacco product in these areas or at any school or county sponsored event or school-related event;
- ❖ Individuals supervising students off school grounds are prohibited from distributing or using alcohol, tobacco products, vapor products or illegal substances in the presence of students and/or at any time while engaged in activities directly involving students;
- ❖ Board of Education property and facilities, as defined above, and Board of Education publications **may not** be used as vehicles to advertise tobacco, vapor product or alcoholic products;
- ❖ Groups using areas described above shall sign agreements with the Board of Education agreeing to comply with this policy and to inform students, parents and spectators by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session. A summary of this policy shall be attached to all requests for use of school facilities; and
- ❖ Students who behave in a manner that does not promote a nurturing, orderly and safe environment conducive to learning or who violate the terms of this policy will be subject to the disciplinary actions as outlined in SBP 4373.
- ❖ This policy does not supersede any rights granted to special education students by federal or state law or other West Virginia Board of Education policies.

The Pendleton County Board of Education will permit the use of prescription medications if a licensed physician prescribes such in writing to a student attending school. The parents of such student must make the necessary arrangements with the building administrator as per Pendleton County Policy (P) S.13.2. *Administering Medicines and Specialized Health Care to Students*. Only designated school personnel shall be authorized to administer non-prescription medication (aspirin, cough syrup, etc.).

(WVC §16-9A-4; §16-9A-9; §18-2-5; §18-2-5a; §18-2-7b; §18-2-9; §18-5-13; §18A-1-1; §18A-5-1; §18A-5-1a; §61-7-2; and SBP 4373)

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(P) B.18.1. Definitions

- ❖ "Alcohol" means any substance containing an intoxicating element;
- ❖ "ATOD" means Alcohol, Tobacco and Other Drugs. ATOD is used to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, pyrovalerone, look-alikes and/or any other of those substances commonly referred to as *designer drugs*;
- ❖ "Bidis" or "Beedies" means a product containing tobacco that is wrapped in temburni leaf or leaves (*diospyros melanoxylon*) or tendu leaf or leaves (*diospyros exculpra*), or any other product or substance that is offered to or purchased by consumers as bidis or beedies. As used in this section, the terms "bidis" and "beedies" have the same meaning and may be used interchangeably. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars; and upon a second or subsequent conviction thereof, shall be fined not less than one thousand nor more than five thousand dollars for each offense, or confined in a county or regional jail not more than six months, or both.
- ❖ "Distribution" means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD;
- ❖ "Drug" means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes;
- ❖ "Illegal substance" means any drug which is not legally obtained and/or any drug being used by a person other than the person for whom it was prescribed and/or for a purpose contrary to which the drug was intended for medical therapy and/or against the recommendation(s) of the manufacturer;
- ❖ "Paraphernalia" means drug paraphernalia as defined by W. Va. Code §47-19-3 and any item, thing or device used for the facilitation or administration of tobacco products or other illegal substances;
- ❖ "Possession" means the presence of ATOD or paraphernalia, in any amount, on the person or body, or under the general direction or control, of an individual found in or upon the premises described in the policy. Possession shall include, but is not limited to, presence of ATOD or paraphernalia in a school locker or backpack or in or on any other item owned or under the general direction or control of any individual found in or upon the premises described in the policy;
- ❖ "Public" means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in the policy;
- ❖ "School" means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the Board;
- ❖ "School staff" means those individuals employed full time, part time or on contract with the Board;
- ❖ "Student" means anyone who is enrolled in a Pendleton County school or enrolled in an educational program on board of education property;
- ❖ "Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, roll-your-own tobacco and vapor products.
- ❖ "Use" means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.
- ❖ "Vapor product" means any noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges, and includes an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe and cartridge or other container of nicotine solution.

(P) B.18.2. Maintaining a Safe and Healthy ATOD Free Environment

Responsibilities of Administrators:

School administrators have the following responsibilities in the implementation of these regulations:

- ❖ Implement provisions of these regulations, specifically education, communication and enforcement provisions;
- ❖ Develop clear procedures for identification, intervention and referral of students with tobacco-related problems; and
- ❖ Maintain an environment for students, staff and visitors that present no physical harm, discomfort or unsanitary condition resulting from tobacco product use.

Communication of Regulations to Constituents:

These regulations will be communicated to students through student handbooks, other school publications, announcements, student groups, classroom discussions, bulletin boards, etc. They will be communicated to employees through staff development, announcements, bulletin boards, employee handbooks, and other school publications. They will be communicated to parents or families, visitors, and the community at large through school newsletters, signs, announcements at school events, sharing a summary of the policy and regulations with persons or groups utilizing school facilities, and through student/parent handbooks.

Prevention Education:

Age appropriate instructional goals and objectives are included in Health Education for every grade level, K-12, with regard to tobacco, alcohol, and drug use, as listed in WV State Board of Education Policy 2520, Health Education. Objectives contained in this policy address knowledge, skills, and behaviors that relate to preventing the use of tobacco, tobacco products and vapor products. Teachers in all disciplines shall be encouraged and directed to include discussion of the social and physical risks associated with the ATOD abuse as appropriate in classroom presentations. All Safe and Drug-Free Schools program guidelines will be followed.

As appropriate, the principal and staff at each school shall draw upon resources such as the curriculum team, faculty senate, Local School Improvement Council, the developmental guidance program, advisor-advisee programs, peer tutoring, and after school programs as a means to foster an ATOD free school environment.

Student Drug and Alcohol Counseling Services:

Helping students overcome the many challenges they face in life is always a team effort; therefore, the Board encourages all school personnel to report suspected drug use and/or abuse to the principal who in turn should inform the counseling department. The counselor and principal will confer with the student's parents, additional staff members, law enforcement agency, and local medical officials if conditions warrant. Counseling for both elementary and secondary students is available by knowledgeable staff members, school psychologists, County Health Department and the Potomac Highlands Health Guild. All students have the option of selecting private professional counselors if this kind of service is needed. Any student registered in the Pendleton County Schools found in violation of the above must be referred to the Potomac Highlands Health Guild's Pendleton County Director.

(SBP 2510)

Cessation Support Program:

Any student or employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. He/she will be provided ongoing support and reinforcement necessary for desired behavioral change.

Pendleton County Schools will offer cessation services to any student self-referred, referred by another peer or staff member or family member, or otherwise identified. The referral may be made to a school counselor, administrator, or any staff member. Referral may also be made through the Student Assistant

Program. Information concerning the voluntary cessation programs will be communicated to all 7-12th grade students and staff on a regular basis, and shall be included in all handbooks for students in grades 7-12 and all employee handbooks.

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(P) B.18.3. Enforcement of Policy Provisions for Students

Drugs and Alcohol

State law and State Board of Education policy decrees that no person under the legal age may possess or consume alcoholic beverages. State and Federal laws and State Board policy likewise declare that no person may legally have an "illegal drug" in his/her possession unless obtained by prescription. It is the expectation of the Pendleton County Board of Education that all students will comply with the regulations set forth in this policy and the procedures put in place to implement it. Penalties are provided for the violation of these procedures, and school officials are duty bound to observe and enforce them.

General Definitions:

- ❖ Prescription medication shall mean medication prescribed for a particular individual by a person licensed to prescribe.
- ❖ Non-prescription medication shall mean any form of medicine that can be purchased without the order of a licensed physician.
- ❖ Suspension shall mean the act of being temporarily excluded from school and school activities for a stated number of days.
- ❖ Expulsion shall mean a long-term suspension stated in school days, school months, or school term.
- ❖ Use shall include ingestion, injection, or inhalation of said drugs.

Offenses and Consequences:

First Offense: It shall be defined as the initial time a student of the school system is charged and proven to be in possession and using alcohol or illegal drugs during any school activity or extracurricular activity.

- ❖ Following a due process hearing and a conference at school which shall include the parents/guardians, building principal, counselor and other appropriate staff members or persons involved, the following action must take place:
 - Three days suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity (i.e., club, trip, or sports meet at another location);
 - Suspension from sports activity (i.e., interschool competition of football, basketball, baseball, etc.) for the remainder of the semester or school term. The suspension may be reduced if the student elects to enter the referral process through the Potomac Highlands Health Guild and receives a recommendation supporting the reduction after a period of treatment, and if the parents, student and appropriate school personnel agree with the recommendation. The Pendleton County Board of Education must approve any recommendation for a reduction in the suspension.
 - Suspension from clubs and other "extra school" activities (i.e., choir, band, and other school groups not required as a condition of graduation). The suspension may be reduced if the student meets the same conditions outlined regarding sports activities above. Other conditions as determined by the local/regional law enforcement agencies.

Second Offense: See description in First Offense. However, this second offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Just as in the First Offense, a due process hearing shall be held, but it will be held in the Superintendent's office. Following the hearing, a conference will be held with the parents/guardians and appropriate school officials.
 - A minimum of five days suspension from school classes and other activities.

- The student will be required to participate in treatment and counseling. The Potomac Highlands Health Guild will serve as the treatment provider or will make referrals as required. Return to school will be based on the recommendation of the Potomac Highlands Health Guild and agreement of the student, parents, and appropriate school personnel.
- Other conditions as determined by the local/regional law enforcement agencies.

Third Offense: See description in First Offense above; however, this third offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Following due process hearing and conference with parents/guardians in the Superintendent's Office with all concerned:
 - Expulsion from school for remainder of term/year. All course work to be completed will be assigned an incomplete, and the student shall be referred to the Pendleton County Alternative Educational Program appropriate to his/her needs.
 - Evidence must be submitted of an acceptable program of rehabilitation. If the expelled individual seeks the services of the Guild, follows the recommendations of the Guild, and completes any programs indicated by Guild staff, then the Guild will assist school officials, parents, and the individual in an attempt to secure reinstatement to school the following term.
 - Other conditions or considerations as determined by the Pendleton County Board of Education.
 - Other conditions as determined by the local/regional law enforcement agencies.

NOTE: Students selecting the referral program through the Potomac Highlands Health Guild must bear the expense of private counseling.

In addition to the penalties noted in the above procedures, the Safe Schools Act requires that students who sell a narcotic drug anywhere in the school environment will be subject to a mandatory 12 calendar-month expulsion. Disciplinary action taken against exceptional students shall be in compliance with State Board Policy 2419.

(WVC §18-2-7b; §18-2-9; SBP 2419; SBP and SBP4373)

Tobacco and Vapor Products

The use or possession of tobacco products or vapor products by any person less than eighteen years of age is prohibited by state law. In addition, State Board of Education Policy forbids the use of tobacco products or vapor products in any part of a school building or school grounds, county owned vehicles, or other facilities owned or leased by the Board. .

Offenses and Consequences:

Student violation of the regulations set forth in File S.11 Substance Abuse and Tobacco Control shall be reported to the appropriate administrator who will administer the school discipline plan.

- ❖ A first violation will result in a one-day in-school suspension and a referral to the school's voluntary cessation education and support program.
- ❖ A second violation will result in three days out-of-school suspension and a second referral to a tobacco cessation program.
- ❖ A third violation will result in five days out-of-school suspension and a third referral to a tobacco cessation program.
- ❖ A fourth violation is an indication of unwillingness on the part of the offender to accept counseling and assistance and shall result in a 10-day out-of-school suspension.
- ❖ In all cases, charges will be filed with the Magistrate's Court under §16-9A-3 and §16-9A-4.
- ❖ In all cases, every person who shall smoke a cigarette or cigarettes, pipe, cigar or other implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use any tobacco product, whether chewing tobacco, snuff or otherwise, in any building or part thereof used for instructional purposes, in any school of this

state, as defined in §18-1-1 of this code, or on any lot or grounds actually used for instructional purposes of any such school of this state while such school is used or occupied for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars.

Provided further, That nothing herein contained shall be construed to prevent any county board of education from promulgating rules and regulations that further restrict the use of tobacco or tobacco products, in any form, from any other part or section of any public school building under its jurisdiction.

(WVC §16-9A-4; SBP 4373)

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(P) B.18.4. Enforcement Provisions for Employees

Drugs and Alcohol

Employees who are in violation of the provisions of the Drug-Free Workplace Act and the provisions of Pendleton County Board of Education ATOD policies shall be subject to disciplinary action up to and including dismissal, and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program, and **may be referred to appropriate legal authorities**. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

Disciplinary actions shall be in accordance with the disciplinary procedures outlined in (P) P.8.7. *Suspension and Dismissal* and (P) P.8.8. *Due Process Rights of School Personnel*. When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Suspension may be effective immediately, and a recommendation for dismissal may ensue. In all cases, action shall be taken within ten workdays of knowledge of the offense.

Tobacco and Vapor Products

Every person who shall smoke a cigarette or cigarettes, pipe, cigar, vapor product (E-cigarette) or other implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use any tobacco product, whether chewing tobacco, snuff or otherwise, in any building or part thereof used for instructional purposes, in any school of this state, as defined in WVC §18-1-1 or on any lot or grounds actually used for instructional purposes of any such school of this state while such school is used or occupied for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars.

In addition, State Board of Education Policy 4373 forbids the use of tobacco products and vapor products in any part of a school building or school grounds, county owned vehicles, or other facilities used for school related activities.

Employees who deliberately violate tobacco regulations are subject to disciplinary action up to and including dismissal.

- ❖ **A first offense** shall result in a one-day suspension from duty without pay. A conference will be held with the immediate supervisor in which the offending employee will be advised of the remedial programs available to treat this problem. Further, the offending employee will be advised of the consequences of subsequent offenses.
- ❖ **A second offense** shall result in ten days suspension from duty without pay. The employee will once again be advised of remedial programs available to assist him/her in correcting the problem and will be encouraged to take advantage of treatment available.
- ❖ **A third offense** shall result in a recommendation by the Superintendent to the Board for termination of the employee for willful insubordination.
- ❖ In all cases, charges will be filed with Magistrate's Court under §16-9A-4.

Any employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. He/she will be provided ongoing support and reinforcement necessary for desired behavioral change.

(WVC §16-9A-4; SBP 4373)

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(P) B.18.5. Enforcement of Policy Provisions for the Public

Individuals or groups using any facility, grounds, or property owned or leased by the Pendleton County Board of Education shall sign statements with the county Board of Education agreeing to comply with these regulations and to inform students, parents, and spectators that they remain in force on evenings, weekends, and other times even when school is not in session.

Spectators and patrons who attend activities sponsored by the school system shall also abide by the provisions of this policy. Individuals or groups who violate the provisions of *File: B.18. – Substance Abuse and Tobacco Control* shall be requested to stop the activity and/or leave the premises. In some cases, they may be denied further access to school activities.

Law enforcement officials will be notified, as appropriate.

(P) B.18.6. Policy Review

File B.18. - Substance Abuse and Tobacco Control shall be reviewed every two years, and appropriate modifications will be made as required by the State Board of Education. A copy of the county regulations will be submitted to the office of Student Services and Assessment in the West Virginia Department of Education for approval.

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Amended/Advised: November 15, 2004; Repealed December 21, 2005; August 26, 2008

PENDLETON COUNTY BOARD OF EDUCATION B. BOARD OF EDUCATION OPERATIONS File: B.19. Racial, Sexual, Religious, Ethnic Harassment and Violence	Adopted: August 20, 2003 Last Review: March 2018

The purpose of this policy and the regulations that follow is to prevent racial, sexual or religious/ethnic harassment or violence, toward students and staff, to protect the academic environment, and to assure that our employees respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

Racial, sexual, religious/ethnic harassment and violence is a form of discrimination which violates Sections 703 of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000C, et. seq., Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681, et. seq., WV Code §5-11-1, §18-2-5, §18-2-5a and §18-2-7b, et. seq., West Virginia Constitution, Art. XII, §2, SBP 4373, and the West Virginia Human Rights Act.

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.

It shall be a violation of this policy for any student, volunteer, outside group, or third party using school facilities, or any employee of the Pendleton County School District to harass a student, any person, or an employee through conduct or communication of a racial, sexual or religious/ethnic nature. School facility shall include any building or property used or operated by the Pendleton County Board of Education.

Pendleton County Schools will investigate all complaints of harassment or violence and discipline any student or employee who harasses a student or employee of Pendleton County Schools. Penalties for members of the public shall be in compliance with the laws of West Virginia and the policies of the school system.

POLICY IMPLEMENTATION PROCEDURES

Definitions:

- ❖ **Sexual Harassment:** Unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or communication of a sexual nature when:
 - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
 - Sexual harassment may include but is not limited to:
 - Verbal harassment or abuse (i.e. graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies);
 - Unwelcome or inappropriate letters, telephone calls, e-mails, pictures, cartoons, computer images, or other materials of a sexual nature;
 - Sexual teasing, jokes, remarks, or questions;
 - Commenting upon an individual's body or clothing in a sexually offensive manner;
 - Sexually suggestive looks or gestures;
 - Pressure, subtle or overt, for sexual activity;
 - Unwelcome or inappropriate patting, pinching, or contact;

- Intentionally brushing against another's body;
 - Attempted or actual rape or sexual assault;
 - Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status;
 - Requesting or demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 - The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities; or
 - Any unwelcome sexually motivated touching.
- ❖ **Sexual Violence:** Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas;
- Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - Coercing, forcing or attempting to coerce or force sexual intercourse or sexual act on another;
 - Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse on another; or
 - Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
- ❖ **Racial or Religious/Ethnic Harassment:** Racial and religious/ethnic harassment consists of physical, verbal or written conduct relating to an individual's race, religious background, or ethnic background when the conduct:
- Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment (i.e. degrading words to describe an individual's race, age, sex, religion, ancestry or disability);
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - Otherwise adversely affects an individual's employment or academic opportunities.
- ❖ **Racial or Religious/Ethnic Violence:** Racial or religious/ethnic violence is a physical act of aggression or assault upon another because of race, or in a matter reasonably related to, race, religion, or ethnicity.
- ❖ **Assault is:**
- An act done with intent to cause fear in another of immediate bodily harm or death;
 - The threat to do bodily harm to another by a person possessing the ability to carry out the threat.
- ❖ **Amorous Relationships:** Amorous relationships between staff members and non-adult students of the educational agencies served by Pendleton County Schools are prohibited. Staff members found to have violated this prohibition shall be subject to the disciplinary actions outlined in these procedures.

Reporting Procedures:

Any person who believes he or she has been victim of harassment or violence by a student or an employee of Pendleton County Schools, or any third person with knowledge or belief of conduct which may constitute harassment, should report the alleged acts immediately to an appropriate official as designated by these procedures. Pendleton County Schools encourages the reporting party or complainant to use the report form available from the Human Rights Officer.

❖ In Each School Building

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the Board's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given to the building principal verbally, he/she shall reduce it to written form before the close of the next

working day and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights Officer.

For school buildings/facilities that do not have a building principal, the Director of such building or facility will be the person responsible for receiving oral or written reports of sexual harassment. All other provisions of the paragraph above apply to such situations, except that the term "Director" shall be substituted for the term "building principal".

❖ **District-Wide**

The Board designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in these procedures. The name of the Human Rights Officer, including mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

❖ **Submission of a Complaint or Report**

Submitting a complaint or report concerning sexual harassment will not affect the future employment, grades, or work assignments of the person who submits the complaint or report. The use of formal reporting forms is not mandatory. Pendleton County Schools will respect the confidentiality of the complainant and the individuals against whom the complaint is filed as much as possible, consistent with the agency's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

- ❖ Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

Investigation and Recommendations:

By authority of the Board, the Human Rights Officer, upon receiving a written report or complaint alleging racial, sexual, religious/ethnic harassment or violence will immediately authorize an investigation. Upon receipt of a complaint alleging racial, sexual, religious, ethnic harassment or violence; the Human Rights Officer will inform the affected parties of the investigative procedures that will occur. The investigation may be conducted by officials of the school district or by third parties designated by the Superintendent of Schools. In the event the alleged complaint involves a school employee, the Human Rights Officer will inform such employee that a third party investigative official will be authorized to investigate and report. Additionally, the rights of such employee will be fully explained by the Human Rights Officer. The investigating party will provide a written report of the status of the investigation within ten working days to the Superintendent and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report will be submitted to the Human Rights Officer and the President of the Board.

In determining whether alleged conduct constitutes harassment or violence, consideration will be given to the surrounding circumstances, the nature of the racial, sexual, religious/ethnic advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation must at a minimum consist of personal interviews with the complainants, the individuals against whom the complaints are filed, and others who may have knowledge of the alleged incidents or circumstances generating the complaints. Signed statements shall be obtained from witnesses or other persons having pertinent information about the incident. The investigation may also consist of any other methods and documents deemed pertinent by the investigators.

In addition, school officials may, in their discretion, take immediate steps to protect the complainant, students, and employees pending completion of an investigation of alleged harassment and violence.

Upon completion of the investigation, the Board's Human Rights Officer will issue a report to the Superintendent. The report will include a recommendation concerning the validity of the complaint. If the Superintendent is the subject of the complaint, the report will be made to the President of the Board.

❖ **Action**

Upon receipt of a recommendation that the complaint is valid, officials of the Pendleton County Schools will take such action as appropriate based on the results of the investigation. The results 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 Superintendent of Schools or, if the Superintendent is the subject of the complaint, by the President of the Board. The report will document any disciplinary action taken as a result of the complaint.

The Superintendent (or the President of the Board if the Superintendent is the subject of the complaint) shall immediately file a report with the West Virginia Department of Education when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.

❖ **Reprisal**

The Pendleton County Board of Education will discipline any individual who retaliates against any person who reports alleged harassment or violence or who retaliates against any person who testifies, assists, or participates in an investigation proceeding or hearing relating to a harassment or violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

❖ **Non-Harassment**

The Board recognizes that not every advance or comment of a racial, sexual, or religious/ethnic nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties and students and employees who falsely report religious/ethnic, racial, or sexual harassment shall also face appropriate disciplinary actions.

The confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and only persons essential to the investigation will be given information about it.

Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse that may include filing charges with the West Virginia Human Rights Commission, filing an employee grievance under WV Code §18-29-1, et. seq., filing a citizen's appeal under West Virginia Board of Education Policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

Disciplinary Actions:

Disciplinary action taken pursuant to these procedures for students may include, but are not limited to, warning, suspension or expulsion depending upon the severity of the offenses.

Disciplinary actions for employees may include, but are not limited to warning, suspension, immediate discharge and revocation of licensure.

Special note: If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaining individual shall be subject to discipline, including but not limited to oral or written reprimand, suspension, termination of employment, and/or discipline under the Student Code of Conduct.

Parents and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action.

Dissemination of Regulations:

These regulations or a summary of them shall be posted in each of the agency facilities in areas accessible to students and staff members.

- ❖ A complete copy of these regulations can be found in the Pendleton County Schools Policy Manual.

- ❖ Pendleton County Schools will develop and implement training for students and staff on these regulations and on means of effectively promoting them.
- ❖ Prevention programs that develop training and awareness of racial, sexual, religious/ethnic harassment and violence will be presented annually through the Pendleton County Schools Staff Development Program.

Prevention Programs:

For each programmatic level, K-5, 6-8, 9-12, adult students, faculty and staff, the Superintendent or his/her designee shall develop prevention programs that, at a minimum, raise awareness of the different types of discrimination, how it maintains itself, its devastating emotional and educational consequences and its legal consequences.

In addition, the Superintendent or his/her designee shall develop and implement multi-cultural education programs for faculty, staff and students that foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds and national origins.

(P) B.19.1. Obscene, Anonymous, Harassing and Threatening Communications

Legislation has now made certain inappropriate acts while using electronic communication devices criminal acts (WVC §61-3C-14a). It is unlawful for any person, with the intent to harass or abuse another person, to use a computer or other electronic devices to:

- ❖ Make contact with another without disclosing his or her identity with the intent to harass or abuse;
- ❖ Make contact with a person after being requested by the person to desist from contacting them;
- ❖ Threaten to commit a crime against any person or property; or
- ❖ Cause obscene material to be delivered or transmitted to a specific person after being requested to desist from sending such material.

For purposes of this policy, "obscene material" means material that:

- ❖ An average person, applying contemporary adult community standards, would find, taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is pandered to a prurient interest;
- ❖ An average person, applying contemporary adult community standards, would find, depicts or describes, in a patently offensive way, sexually explicit conduct consisting of an ultimate sexual act, normal or perverted, actual or simulated, an excretory function, masturbation, lewd exhibition of the genitals, or sadomasochistic sexual abuse; and
- ❖ A reasonable person would find, taken as a whole, lacks literary, artistic, political or scientific value.

It is unlawful for any person to knowingly permit a computer under his or her control to be used for any purpose prohibited by this policy and state code. Any offense committed under this policy may be determined to have occurred at the place at which the contact originated or the place at which the contact was received or intended to be received.

Any person who violates a provision of this policy is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in a county or regional jail not more than six months, or both. For a second or subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in a county or regional jail for not more than one year, or both.

(WVC §61-3C-14a)

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(P) B.19.2. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

For criminal investigations involving certain criminal sexual offenses against minors, new sections of the West Virginia Code authorize the Magistrate and Circuit Court judges to issue subpoenas upon reasonable suspicion that an electronic communications system or service, or a remote computing service, has been used in the commission of such a crime. The Pendleton County Board of Education recognizes its responsibility to protect the well-being of its employees and students in this technological

age and it once again cautions all of its employees and students to refrain from any activities that would fall into this or any other category of criminal offenses related to electronic communications.

Definitions:

- ❖ "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted, in whole or in part, by a wire, radio, electromagnetic, photoelectronic or photooptical system.
- ❖ "Electronic communication" does not include:
 - Any oral communication;
 - Any communication made through a tone-only paging device;
 - Any communication from a tracking device; or
 - Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.
- ❖ "Electronic communications service" means any service which provides for users the ability to send or receive wire or electronic communications.
- ❖ "Electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.
- ❖ "Electronic service provider" means a person or entity engaged in the business of providing computer communications through which a consumer may obtain access to the internet.
- ❖ "Electronic service provider" does not include a common carrier if it provides only telecommunications service.
- ❖ "Sexual offense against a minor" means:
 - A violation or attempted violation of WVC §61-8B-5 code;
 - A sexual offense or attempted sexual offense committed against a minor in violation of WVC §61-8B;
 - The distribution and display or attempted distribution and display of obscene materials to a minor in violation of WVC §61-8A-2;
 - The use or attempted use of obscene matter with the intent to seduce a minor in violation of WVC §61-8A-4;
 - The employment or use or the attempted employment or use of a minor to produce obscene materials in violation of WVC 61-8A-5;
 - The solicitation of a minor by use of a computer in violation of WVC §61-14B-3c; or
 - The use of a minor in filming sexually explicit conduct in violation of WVC §61-8C-2 and §61-8C-3.
- ❖ "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

The form by which a law enforcement agency applies for such a subpoena shall be approved by the West Virginia Supreme Court of Appeals and shall include, if available, the IP address, email address, telephone number, or other identifier suspected of being used in the commission of the offense.

In response to the subpoena, an electronic communications system or service, or a remote computing service, may be required to produce names, addresses, telephone connections, session records, subscriber identifiers, and means and sources of payment for services. However, a law enforcement agency may not examine the contents of electronic communications without a warrant

The Code prohibits the recipient of the subpoena from disclosing to the account holder the existence of the subpoena and the response to the subpoena. The code also limits the liability of the systems and services to which subpoenas are directed, and it permits them to charge a fee to the law enforcement agency, not to exceed the actual cost for providing the information

(WVC § 62-1G-2)

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Amended/Revised: October 19, 2005; September 20, 2006; August 24, 2010; September 6, 2011

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PENDLETON COUNTY BOARD OF EDUCATION C. CENTRAL OFFICE ADMINISTRATION File: C.1. Administration Goals	Adopted: August 20, 2003 Last Review: March 2018

The purpose of school administration is to help create and maintain a learning environment within which the student body can learn most effectively. In order to provide the type of educational program necessary to meet the needs of all the students of Pendleton County, the Board must first secure a competent Superintendent who has the primary responsibility to provide the professional leadership the School District demands. The Board and administrative team have the responsibility for designing an organization, which can effectively achieve the goals of the Pendleton County School System. The administrative staff is expected to provide the School District employees with the necessary resources needed to fulfill their organizational obligations.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION C. CENTRAL OFFICE ADMINISTRATION File: C.2. Superintendent of Schools	Adopted: August 20, 2003 Last Review: March 2018

The Superintendent is a public official appointed by the Board of Education. The Superintendent shall be appointed by the Board to serve for a term of not less than one, nor more than four years. Such appointment shall be between January 1 and June 1 for a term beginning on July 1 following the appointment. At the expiration of any term, the Superintendent shall be eligible for reappointment for additional terms of not less than one, nor more than four years. Upon appointment of the Superintendent, the President of the Board shall immediately certify the appointment to the West Virginia Superintendent of Schools.

At the expiration of any term, he/she may transfer to any teaching position in the county for which he/she is qualified and has seniority unless dismissed for statutory reasons.

Prior to becoming Superintendent, the individual selected by the Board to serve as Superintendent of the Pendleton County Public Schools shall execute a standard West Virginia Superintendent's Contract.
(WVC §18-4-1 and §18-4-2)

(P) C.2.1. Recruitment of the Superintendent

When vacancies occur, the Board shall aggressively recruit in an effort to fill the Superintendency with the most capable person available. Applications for the position shall be screened and the most highly qualified shall be interviewed. All interviews will be at a Board meeting in regular session or at a special session with all Board members duly notified.

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(P) C.2.2. Minimum Qualifications for Superintendent

Certification:

The Pendleton County Board of Education's first preference is to employ a Superintendent who has earned a Master of Arts degree with a major in School Administration, and holds a Superintendent's Certificate issued by the State Department of Education.

The Board may choose to exercise the option to employ a Superintendent on a First Class Permit. Persons employed on such a permit may be appointed for one year only and may be reappointed two times for an additional year each upon an annual evaluation by the Board and determination of satisfactory performance and reasonable progress toward completion of the requirements for a professional administrative certificate endorsed for superintendent.

Candidates who were employed as an Assistant Superintendent or educational administrator prior to June 27, 1988 and who were previously employed as a Superintendent are not required to hold the professional administrative certificate endorsed for superintendent.

Candidates for superintendent, assistant superintendent or associate superintendent who possess an earned doctorate from an accredited institution of higher education and has either completed three successful years of teaching in public education or has the equivalent of three years of experience in management or supervision as defined by State Board rule, after employment by the Board shall be granted a permanent administrative certificate and shall be a licensed county superintendent.

Regardless of the avenue of certification as Superintendent, the Pendleton County Board of Education shall choose a candidate with a broad background of experience in education, including at least three years of successful administrative experience in public schools.

Health Requirement

Before entering upon the discharge of his/her duties, the Superintendent must file with the president of the Board a certificate from a licensed physician certifying that an approved tuberculin skin test has been made within the last four months and that s/he does not have tuberculosis in a communicable state. After the completion of the initial test, the Superintendent shall have an approved skin test once every two years or more frequently if medically indicated. A positive reaction requires immediate referral to a physician for evaluation and indicated treatment or further studies.

If at some point in time the Superintendent is certified by a licensed physician to have tuberculosis in a communicable stage his/her employment shall be discontinued or suspended until the disease has been arrested and is no longer communicable. Failure to complete required follow-up examinations as required by the code shall result in a suspension of employment until an examination report is confirmed.

Residence:

During his/her term of appointment, the Superintendent shall be a resident of Pendleton County or of a contiguous county.

(WVC §18-4-1; §18-4-2)

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(P) C.2.3. General Responsibilities

The Superintendent of Schools is the school district chief executive officer and secretary of the Board of Education. The ultimate responsibility for the administration of the school system rests with the Superintendent. These duties may be delineated in his/her contract or other written agreement with the Board. The Board shall be responsible for developing a systematic means of evaluating his/her effectiveness in implementing its goals and objectives.

The Superintendent's responsibilities include evaluating the effectiveness of all personnel accountable to him/her.

S/he shall also handle complaints made by employees, students or members of the public. The Superintendent may delegate any or all parts of that duty to an administrative assistant, supervisor, or principal, to resolve the issues at the lowest possible organizational level.

(WVC §18-4-10)

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(P) C.2.4. Specific Duties and Responsibilities

Legal duties and responsibilities of the Superintendent are listed in the West Virginia Code. By statute and State Board policy, the Superintendent has the following duties and responsibilities:

- ❖ To serve as executive officer of the Board, and head of the entire school system in charge of both educational and business functions;
- ❖ To administer the development and maintenance of a positive educational program designed to meet the needs of the community;
- ❖ To carry out policies of the Board and to recommend educational policy to the Board;
- ❖ Using any appropriate means agreeable to both parties, the Superintendent must continuously apprise the Board of any issues affecting it or its schools, programs, and initiatives. When practicable, the reports must include a broad array of data and information, which the Board may consult in making decisions;
- ❖ To recommend the number and types of positions required to provide proper personnel for the most effective operation of the system;
- ❖ To nominate for employment, to assign, to transfer, to supervise, and to define the duties of all personnel including substitutes, subject to Board approval;
- ❖ To direct and supervise the work of all schools, offices, and employees of the Board;

- ❖ To supervise the preparation of the annual budget and to recommend it to the Board for approval;
- ❖ To approve and direct all expenditures within the appropriations as approved by the Board;
- ❖ To keep the accounts and certify the reports required by law or requested by the Board;
- ❖ To keep the Board informed on the progress and condition of the schools;
- ❖ To represent and defend the Board to the personnel and the public;
- ❖ To act as the secretary of the Board and attend all meetings of the Board except when his tenure, salary, or administration is under consideration;
- ❖ Make reports as required by the State Superintendent;
- ❖ To administer oaths and examine under oath witnesses in all proceedings pertaining to the schools of the district;
- ❖ Close a school temporarily when conditions are detrimental to the health, safety or welfare of the students;
- ❖ Report to the Board promptly whenever any school in the district appears to be failing to meet the standards for improving education as required by §18-2E-5 of the code;
- ❖ To comply with all statutes and laws regarding the reporting of any acts of malfeasance, willful neglect of duty or negligence by any employee of the Board of Education, to the Board of Education. All administrative staff personnel, principals, and assistant principals shall immediately report to the Superintendent of schools any and all acts of malfeasance, willful neglect of duty or negligence by any employee of the Board of Education, and said Superintendent shall immediately make said report to the Board of Education;
- ❖ To act in case of emergency, as the best interests of the school demand; and
- ❖ To exercise all other authority and responsibility required by State Laws, State Board Policy, or by the Pendleton County Board of Education.

(WVC §18-4-10; §18-4-11 and §18-5-25)

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(P) C.2.5. Interim Superintendent of Schools

In the event of a vacancy in the Superintendent's position that results in an incomplete term, the board may appoint an interim county superintendent:

- ❖ To serve until the following July 1 if the vacancy occurs before March 1; or
- ❖ To serve until July 1 of the next following year if the vacancy occurs on or after March 1, unless a superintendent is appointed sooner.

The President of the Board of Education shall immediately notify the State Superintendent of Schools of such an appointment.

(P) C.2.5.1. Acting Superintendent

If the Superintendent becomes incapacitated due to accident or illness to an extent that may lead to prolonged absence, the Board, by unanimous vote, may enter an order declaring that an incapacity exists in which case the Board shall appoint an Acting Superintendent to serve until a majority of the members of the Board determine that the incapacity no longer exists. An Acting Superintendent may not serve in that capacity for more than one year, nor later than the expiration date of the Superintendent's term, whichever occurs sooner, unless he or she is reappointed by the Board.

Immediately following the appointment of an Acting Superintendent or a vote by a majority of the members of the Board that the incapacity no longer exists, the president of the Board shall certify the appointment, reappointment, or appointment termination of the Acting Superintendent to the State Superintendent.

(WVC §18-4-1)

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(P) C.2.6. Superintendent's Compensation and Benefits

On or before June 1 of the year in which the Superintendent is appointed, the Board shall fix the annual salary of the Superintendent for the period of appointment for the term beginning on the following July 1. The Board shall pay the salary from the general current fund of the District. The Board shall provide the Superintendent with a suitable office within the county. The Board shall supply the office with custodial service and with the necessary equipment and supplies.

The Board shall provide the Superintendent with all reasonable and necessary travel expenses actually incurred in employment under contract. The Superintendent may attend appropriate professional meetings at the local, state and national level, the necessary expenses of said attendance to be incurred by the Board as part of the Superintendent's travel expense allocation. The Superintendent shall enjoy all other benefits and personnel policies provided for all other district professional employees.

(WVC§18-4-4; §18-4-7 and §18-4-9)

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(P) C.2.7. Professional Development

The Superintendent shall devote time, skill, labor, and attention to the duties and responsibilities as Superintendent of Schools during the life of the contract, provided however, that the Superintendent, with the agreement of the Board, may undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations. In order to stay abreast of developments in the broad areas of responsibilities, it is expected that the Superintendent shall attend appropriate and applicable regional, state, and national meetings focusing on education related issues.

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(P) C.2.8. Superintendent's Evaluation

The Board shall meet in executive session at least annually with the Superintendent to discuss the working relationship between the Superintendent and the Board. The formal evaluations shall be in a form and follow a format approved by the Board. The West Virginia School Board Association may be consulted for a suitable evaluation instrument.

Policy Approval Process:

- ❖ Before evaluating the performance of its Superintendent for the 2004-2005 school year, the Board shall submit to the State Superintendent, for approval by the State Board, a written description of the evaluation process which it proposes to follow, including a copy of any evaluation forms to be used as part of the process.
- ❖ In order to receive State Board approval by July 1, the Board must initially submit its proposed evaluation process to the State Superintendent before the preceding December 31. Proposals submitted after that date will be considered, but may not be approved by July 1.
- ❖ If the evaluation process proposed by the county board does not meet the requirements of the State Board policy, the State Superintendent shall return the proposal to the Board, identifying any areas of noncompliance. After revising the proposed process to comply with the requirements of State Policy the Board shall submit to the State Superintendent, for approval by the State Board, a written description of the revised proposal.
- ❖ If the State Board does not approve the Board's proposed evaluation process, the Board shall revise the proposal to address the State Board's concerns and submit a written description of the revised proposal to the State Superintendent for approval by the State Board.
- ❖ Once the State Board approves the Board's process for evaluating the Superintendent's performance, the Board shall continue to utilize the approved process until the State Board authorizes or requires the county board to employ a different process.

Required Process Criteria:

The process by which the Board of Education shall annually evaluate the performance of its Superintendent shall include the following criteria:

- ❖ Prior to September 15, the Board and the Superintendent shall annually establish written goals or objectives for the Superintendent to accomplish within a given period of time. Each goal or objective shall include a specific time line for completion. The time line need not be the same for each goal or objective, and the time line for any goal or objective may extend beyond the end of the then-current school year;
- ❖ When the Board and the Superintendent are unable to agree, the parties may petition the State Board to designate an individual to facilitate agreement on goals or objectives, or the Board may engage the West Virginia School Boards Association and the West Virginia Association of School Administrators to facilitate agreement, or some other specific procedure will be followed to break the impasse;
- ❖ Prior to June 30, the Board shall annually assess the Superintendent's achievement of the written goals or objectives, except that the assessment shall be made before March 1 if the Superintendent's contract is to expire on the ensuing June 30;
- ❖ Prior to June 30, the Board shall annually evaluate the Superintendent's success in improving student achievement generally across the county and specifically as it relates to the management and administration of low performing schools, except that this evaluation shall be made before March 1 if the Superintendent's contract is to expire on the ensuing June 30;
- ❖ The Board shall evaluate the Superintendent's performance in executive session, and to thereafter make available to the public a general statement about the evaluation process and the overall result. The process shall specify how the Board will arrive at the general statement about the evaluation process and the overall result; and
- ❖ The Board may release additional information about the evaluation only by mutual consent of the Superintendent.

Optional Process Criteria:

The process by which the Board shall annually evaluate the performance of the Superintendent may include these features:

- ❖ Prior to June 30, the Board may annually assess the Superintendent's performance in the areas of community relations, school finance, personnel relations, curricular standards and programs, and overall leadership of the school district as indicated primarily by improvements in student achievement, testing and assessment, except that this assessment shall be made before March 1 if the Superintendent's contract is to expire on the ensuing June 30. If the process includes such assessments, the process shall specify how the assessments will be made, including any ratings or rankings that will be employed.
- ❖ Prior to June 30, the Board may assess annually the Superintendent's performance of any of the other duties of the chief executive officer of the county board as delineated in the Superintendent's contract or other written agreement with the county board [§18-4-10(1)], and the degree to which the Superintendent keeps the county board apprised continuously of any issues that affect the county board or its schools, programs and initiatives. [WVC §18-4-10(9).]
- ❖ With the consent of the Superintendent, the Board may incorporate input from other parties, such as citizens and school employees, about the Superintendent's performance. However, any such input shall be used only to inform the Board in its evaluation of the Superintendent.

Use of Evaluation Results

The Board may use the results of its evaluation of the Superintendent's performance to determine whether to offer the Superintendent a new contract and the level of compensation or benefits to offer the Superintendent in any new contract.

Evaluation Training:

As an integral part of the process for evaluating the performance of the Superintendent for the 2004-2005 school year and subsequent school years, all Board members and the Superintendent shall receive evaluation training approved by the State Board and conducted jointly by the West Virginia School Boards Association and the West Virginia Association of School Administrators.

(WVC §18-4-6; SBP 5309 - County Superintendent Performance Evaluations)

(P) C.2.9. Termination for Cause

Throughout the life of the contract, the Superintendent shall be subject to removal from office for good and just causes as provided by the law (immorality, incompetency, insubordination, intemperance or willful neglect of duty). The Superintendent shall have the right of procedural due process prior to termination, including a written statement of charges, at least ten days written notice in advance of the hearing, and a fair hearing before the Board. If the Superintendent chooses to be represented by legal counsel at the hearing, the expenses of such counsel shall be borne by the Superintendent.

(WVC §18-4-3)

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Amended/Revised: October 4, 2004; January 12, 2010; September 6, 2016

The educational program of Pendleton County Schools shall be organized and maintained as a single system under the direction of the Superintendent of Schools. It shall be comprehensive in its offerings in terms of community and educational needs, as well as according to varying individual needs of the youth.

(P) C.3.1. Organizational Chart

The organization chart, available in the County Office, is not a strict line staff organization. It is rather, a figurative representation of working relationships. The principal is to be recognized as the administrator to whom all teachers in his building are directly responsible. The following principles shall govern the administrative operation of the school system:

- ❖ Responsibility shall flow simply and clearly from students through teachers, principal, and the Superintendent to the Board of Education;
- ❖ Each member of the staff shall be told to whom he/she is responsible and for what functions;
- ❖ Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function;
- ❖ Each staff member shall be told to whom he/she can appeal in case of disagreement with the person to whom he/she is responsible;
- ❖ Each staff member shall be told to whom he/she can go for help in working out his own functions in the school program;
- ❖ Every employee is ultimately responsible to the Board of Education through the Superintendent;
- ❖ All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises;
- ❖ Administrative officers shall refer such matters to their supervisors if necessary; and
- ❖ All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the Board of Education.

(P) C.3.2. School Building Administration

The supervision, management and daily operation of the school is the responsibility of the building principals. Principals shall hold valid administrative certificates appropriate for their assignments. As nearly as possible, a fully certified principal shall head all buildings in the district.

Under the supervision of the Superintendent and consistent with State Law, State Board Policy, and the policies and regulations of the Pendleton County Board of Education, the principal assumes administrative and instructional supervisory responsibility for the planning, management, operations, and evaluation of the total educational program of the school or schools to which he/she is assigned.

(WVC §18A-2-9)

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(P) C.3.3. Administrative Reports

The Superintendent shall report to the Board the progress and general condition of the schools. S/he shall make such reports as are required by the State Superintendent. In case the Superintendent fails to report as required, the State Superintendent may direct that the Superintendent's salary be withheld until an acceptable report is received.

WVC §18-4-11 and §18-5-25)

(P) C.3.4. Administrative Manuals and Directives

The Superintendent shall issue such administrative manuals and directives as are deemed to be necessary. Insofar as provisions of these manuals and directives are not inconsistent with the policies of the Board of Education, the provisions thereof shall be binding upon all employees.

(P) C.3.5. Substitute Teaching Included in Job Duties of Certain Central Office Professional Educators

Effective July 1, 2013, the job duties of a professional educator employed under the provisions of WVC § 18-5-32, including a professional educator employed as a “supervisor” or “central office administrator” as defined in WVC §18A-1-1, and who is currently or has ever been properly licensed as a teacher or administrator, shall include substitute teaching on at least three instructional days each school year. The affected professional educators are:

- ❖ associate superintendents, assistant superintendents and other central office administrators who, regardless of job title, administer and supervise the whole or some part of the school system's program;
- ❖ supervisors and others who, regardless of job title, are responsible for working primarily in the field with professional and other personnel in instructional and other school improvement; and
- ❖ other general and special supervisors or directors of instruction and other educational activities. County superintendents are exempt from the requirement.

(WVC § 18-5-32(h))

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Amended/Revised: October 1, 2013

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County boards of education in West Virginia have the responsibility to provide and maintain a sufficient number of suitable school facilities to meet the educational needs of the county.

Through the leadership of its administrative staff, the Pendleton County Board of Education seeks to identify school facility needs and determine ways and means of providing the required facilities. Meeting this need necessitates the cooperation and assistance of professional educators, administrators, architects, and lay public. However, in the final analysis it is the responsibility of the Board of Education to adopt a program to meet local school facility needs. In all instances, the Board and the administrative staff will seek guidance from and comply with the provisions of SBP 6200 – Handbook on Planning School Facilities.

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(P) D.1.1. Comprehensive Educational Facilities Plan

The Pendleton County Board of Education shall develop a ten-year Comprehensive Educational Facilities Plan (CEFP) that addresses the requirements for new construction and major renovations where applicable as described in the following SBP 6200. The CEFP not only encompasses new construction and renovations but also is used in the school closures, consolidation and reconfigurations as well as in developing levies and bond calls. All aspects of this plan are to be reviewed and verified for accuracy by the Board.

The CEFP shall be submitted to the West Virginia Department of Education and the School Building Authority of West Virginia in the format described in this chapter. This plan is to be updated annually in coordination with all projects small and large, as well as reactive and preventative maintenance. Approval of the county CEFP must be granted by the WVBE and thereafter by the SBA. Subsequent substantial compliance with all laws and policies will be required when the CEFP contains closures and/or consolidations, regardless of the funding source. Approval must also be granted by the SBA prior to funding any project through the SBA and prior to utilization of federal funds for school improvement (WV Code §18-9D-15).

The CEFP must include all projects that alter the instructional square footage of the facility or exceed \$50,000 regardless of the funding source. Required amendments to the plan and/or the plan budget must be submitted to the WVDE and the SBA for approval prior to the initiation of any construction or renovation project and such projects must meet all regulatory requirements and be described in an executive summary that outlines the specifics of the plan which will be submitted to the WVDE and SBA.

Required Process for Developing a Ten-Year CEFP

The development of a ten-year CEFP must be achieved by a county board of education in the following manner:

- A. Establish a CEFP planning team and/or committee representative of citizens and staff from each high school attendance area.
- B. Develop countywide goals and objectives and evaluate the previous ten-year CEFP.
- C. Research and compile data indicated in key elements A through K in Section 100.01 of this chapter.
- D. Create an Education Plan that includes desired curriculum, delivery methods, instructional, support, operations, and personnel plan.
- E. Research and verify the effects of the data in the Community Analysis section.
- F. Evaluate the existing conditions of schools currently in operation with respect to the desired curriculum delivery method and the effects on health and safety.
- G. Translate educational needs into facility needs.

- H. Develop a finance plan to implement the facility improvements.
- I. Conduct public hearings and develop a synopsis of public comments.
- J. Develop an objective methodology for evaluating the effectiveness of the plan. This evaluation is to occur during the eighth year of the ten-year CEFP.
- K. Meet with officials of the SBA and WVDE to assure that the plan meets their mission and goals.
- L. Submit proposed CEFP to the local board of education for approval.
- M. Submit the CEFP to the WVBE and SBA for electronic approval as prescribed by the WVDE, WVBE, and the SBA. One hard copy shall be submitted to the SBA and one hard copy shall be submitted to the WVDE.

Should the plan be altered prior to the ten-year anniversary date, the amended document shall be submitted to the WVBOE and SBA for approval.
(SBP 6200)

The CEFP must include the following components

- ❖ Goals and objectives;
- ❖ The community analysis;
- ❖ Population and enrollment study;
- ❖ The educational plan;
- ❖ Evaluation and inventory of existing facilities for compliance with state requirements;
- ❖ Major improvement plan for existing facilities;
- ❖ Inter-county facility feasibility study;
- ❖ Translating educational needs into facility needs;
- ❖ Financing plan including a prioritized list of all projects within the county and their estimated costs;
- ❖ Synopsis of comments from the public hearing(s); and
- ❖ Objective evaluation of the plan's implementation.

In order to fairly compete within the region and state for scarce construction and remodeling funds, it is imperative that the comprehensive plans accurately reflect contemporary conditions and needs.
(SBP 6200)

(P) D.1.2. Developing Educational Specifications for a School Facility

The educational specifications document is a vehicle of communication between the educator and the architect. The educator identifies the educational objectives and suggests general facility needs; the architect bases his/her facility design on this information. Copies of educational specifications for any new facility shall be submitted to the WVDE and the SBA for review with the schematic design submission. The SBA educational specification guidelines and the SBP 6200 and 2510 must be used for all projects regardless of funding sources.

The development of educational specifications for each new school facility is a team, rather than an individual activity, which is accomplished by school administrative unit personnel with or without the assistance of an outside consultant.

The Superintendent and other school administrative personnel shall take the lead in developing these specifications and the Superintendent shall appoint a committee to assist with the task. The committee shall be small and the members should be selected on the basis of their ability to contribute to this important work. Some important considerations in the selection of committee members are:

- ❖ Time available to spend on the project
- ❖ Knowledge about the project
- ❖ Imagination and creativity
- ❖ Ability to work with people
- ❖ Interest in the improvement of the school
- ❖ A representative of the SBA will be appointed to the committee if SBA funds are utilized in the project.

- ❖ The committee chairperson shall be the Superintendent.
- ❖ Members of the teaching and service staffs who will be involved in the use of the facility will be appointed to the committee.
- ❖ Parent and citizens of the community shall be represented.
- ❖ Outside consultants may be utilized as deemed appropriate by the Superintendent

Educational specifications must describe the learning activities that will be housed in the proposed facility; the number, grouping and nature of the people involved; the spatial relationship between the facility and site; the interrelationships of instructional programs with each other and with non-instructional activities; the major items of furniture and equipment to be used; and any special environmental provisions which would improve the learning environment and promote staff efficiency. Educational specifications should avoid rigid architectural prescriptions.

Educational specifications describe the educational activities, which a proposed facility must support and the types of spaces, which will best accommodate program requirements. They are not a precise delineation of the instructional program; nor are they technical specifications of the type that the architect or engineer directs to the contractor. They are, however, in a temporal and developmental sense, a connecting link between the program and technical statements.

(SBP 6200)

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Amended/Revised: February 9, 2010; September 5, 2017; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.2. Architect	Adopted: August 20, 2003 Last Review: March 2018

Architects are selected by the Board after a thorough screening process and shall serve under the provisions of their contract for the duration of the building programs or individual project for which they were engaged, unless dismissed by the Board.

The architects shall advise the administration and Board on all phases of the program for which they have technical training and experience.

Architects' Performance Expectations:

- ❖ They shall translate the educational program for which the facilities are needed into building design and specifications.
- ❖ They shall assist the Board and citizen site selection committees in selecting sites for new facilities and shall arrange the necessary engineering studies of sites tentatively selected.
- ❖ They shall generate the necessary bidding information and construction documents, and advise the Board on obtaining and accepting bids.
- ❖ They shall keep the Superintendent and Board informed of the progress of construction and advise them on any problems which arise during construction.
- ❖ The architects and their representatives, along with the Superintendent or clerk of the works, shall supervise or direct the supervision of construction.
- ❖ They shall thoroughly check all bills from the contractors and shall approve them before submission to the administrative assistant for processing.
- ❖ The architects and Superintendent shall process all change orders and submit them to the Board for approval.
- ❖ They shall conduct a thorough investigation of the completed building and recommend approval and acceptance of completed facilities. The architect and the Superintendent shall supervise the completion of all items on the final punch list and shall follow up the project during the guarantee period.

All American Institute of Architects (AIA) members having offices within reasonable distance of Pendleton County shall be invited to bid on anticipated projects. An interview guide shall be developed and followed to assure equal consideration to all competing firms. In the event that a large number of firms respond, an initial screening may be done to reduce to a manageable number the firms to be interviewed and to supply the Board with references, blueprints, models or drawings of completed projects. Following the Board's decision to employ an architect, a Standard Form of Agreement between Owner and Architect (AIA Standard Form of Agreement, Document B141), with any necessary modifications, shall be executed between the Pendleton County Board of Education and the architect.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.3. Project Financing	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education shall consider all possible sources for funding individual building projects. Possible sources of funds include the sale of bonds, the passage of an excess or special levy, federal funds, and the School Building Authority.

At the present time, the only realistic approach to financing facility construction is through the passage of a bond issue and state building funds. The Board may contract indebtedness and issue bonds for public school purposes when the proposal is submitted to a vote of the people of the county and the question of contracting indebtedness and issuing bonds is approved by a majority of all the votes cast for and against the proposal. It must be noted that the Board is restricted from incurring indebtedness in the aggregate greater than five percent of the value of the taxable property in the County, as ascertained by the last assessment for State and County Taxes previous to the incurring of such indebtedness, in the manner provided by the "School Bond Amendment," as ratified.

(WVC §13-1-2 through §13-1-4 and §13-1-34)

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Amended/Revised: January 12, 2010

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.4. School Site Acquisition	Adopted: August 20, 2003 Last Review: March 2018

It shall be the practice of the Pendleton County Board of Education to acquire available building sites, which shall be in conformance with the long-range building program of the District, and meet the approval of the State Department of Education. The guidelines established in SBP 6200 – Handbook on Planning School Facilities shall be referenced and followed.

The acquisition process for Pendleton Schools shall include the following:

- ❖ The Board shall utilize a site selection committee for advice on this matter. One of the important functions that a citizen's advisory committee can perform is the recommendation of suggested building sites.
- ❖ Factors to be considered in selecting a site may include the
 - number and grade level of students;
 - nature of educational program;
 - initial cost;
 - development cost;
 - availability of utilities;
 - transportation systems;
 - availability space for activities; and
 - provision for a safe and healthful environment.
- ❖ Following committee recommendations, an architectural review of the proposed site will be made to determine its appropriateness.
- ❖ Every effort will be made to purchase the sites by negotiation with a willing seller at a fair market price.
- ❖ Pursuant to the provisions of the West Virginia School Laws, if necessary, the Board may exercise its right of eminent domain by petitioning the circuit court to condemn such lands necessary for school sites. The rights, powers and privileges, of eminent domain in a Board shall be coextensive with the rights, powers and privileges of the State. Condemnation proceedings shall be in the name of the Board and according to the provisions of the State Code.
 (WVC §18-5-8 and §54-1-1)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**D. DEVELOPMENT OF FACILITIES****File: D.5. School Closing or Consolidation****Adopted: August 20, 2003****Last Review:****March 2018**

Prior to any final decision of the Board on any proposal to close or consolidate any school, except in cases in which a construction bond issue passed by the voters includes the schools to be closed or consolidated, the Board shall follow the procedures outlined in SBP 6200; SBP 6204 and WVC §18-5-13a before February 1 of the current school year. The following is a brief summary of those procedures. For complete details, follow the above link to the State Board of Education website.

(P) D.5.1. School Closing Procedures

Prior to the closing or consolidating of any school facilities, the Board shall follow the several steps that are defined in the code and SBP 6200 and 6204.

Written Reasons for the Closure:

The Board shall prepare written reasons and supporting data regarding the proposed school closings or consolidations. The written reasons shall:

- ❖ Be available for public inspection in the office of the Superintendent during the 30 days preceding the date of the public hearing; and
- ❖ Be delivered in duplicate to the principal of the affected school and any school which will receive the students who are relocated as a result of the closure or consolidation and to the chair of the Local School Improvement Council representing the affected school and any school that will receive the students who are relocated as a result of the closure or consolidation.

Notice for a Public Hearing:

The Superintendent/Board must provide notice for the public hearing which shall be by means of a Class III legal advertisement by publication in a newspaper in general circulation in the locality of the affected school for the three weeks prior to the date of the hearing. It must also be posted in all schools at least 30 days prior to the date of hearing.

- ❖ The notice shall contain the time and place of the hearing and the proposed action of the county board.
 - The hearing shall not be scheduled to begin before 9:00 a.m. nor continue beyond 11:00 p.m.;
 - The hearing may recess, to continue on dates designated and announced by the county board just prior to the hearing recess, to be continued day-to-day until concluded; and
 - Primary consideration should be given to conducting the hearing at the school facility proposed to be closed.
- ❖ The notice shall contain the statement that the hearing location is subject to change if, at the time the meeting is called to order, it is determined that the meeting location is of insufficient size. Consideration should be given to the accessibility of the location, parking at the location, occupant capacity, and other similar factors.
- ❖ The notice shall contain a statement regarding an alternate date should the hearing be unable to be held on the scheduled date due to inclement weather or other factors beyond the control of the board.
- ❖ The notice shall contain a date certain deadline for the submission of written material to be reviewed by the board, in no event later than the close of the public hearing to provide the county board time to consider the material before the vote.
- ❖ A copy of the notice shall be posted at all schools, bus garages, and maintenance areas in the county in conspicuous working areas, for all professional and service personnel to observe.

Supporting Data:

The Board shall include, as part of its written statement of reason required by the code for school closing or consolidation at least the following data:

Enrollment:

- ❖ Population changes;
 - Trends in student population growth or decline in the county;
 - Trends in the attendance area of the school targeted for closure or consolidation; and
 - Trends in attendance area of the school or schools that will receive the students affected.
- ❖ Population characteristics, such as birth rates and age composition of population (including the number of child bearing aged adults, pre-school children, and school-age children);
- ❖ Projections of enrollment, by grade in respective attendance area, for the next ten years; and
- ❖ Explanation of the projection method utilized addressing:
 - The Second Month Report for the current year, if available;
 - The Second Month Report for the three years prior to the current year; and
 - The most recent census data for the county.

Facilities:

- ❖ Maps showing the schools targeted for closure or consolidation and the schools that will receive the students. The map will include a legend indicating the grade configuration and student enrollment for each school on the map.
- ❖ Physical appraisal of the school targeted for closure or consolidation and the school or schools that will receive the students. This appraisal should include age, number of buildings, general condition, and adequacy of structural, electrical and mechanical systems to provide a safe and healthful environment. Attach the most recent School Building Authority (SBA) facility evaluation form and an updated form if the most recent SBA facility evaluation form is five years old or older.
- ❖ Evaluation of the school targeted for closure or consolidation and the school or schools that will receive the students in regard to the school's adaptability to the present and proposed educational programs and the provisions of related services.
- ❖ Measure of the utilization, as a percentage, of the school targeted for consolidation or closure and the schools which will receive the students in regard to the following:
 - What is the operating capacity of each facility?
 - What is the utilization factor of each school?
 - What will be the effect of this proposed school closure or consolidation as to utilization and operating capacity?
 - What is the projected enrollment of receiving schools?
- ❖ Comparison of the accessibility (barrier-free environment) for the disabled students of the school targeted for closure or consolidation and the school or schools that will receive the students.
- ❖ Elaboration of the effect the proposed school closing or consolidation will have on the school system's future plans regarding grade configuration, educational programs, and facility requirements.

Finance:

Itemization of the anticipated cost or savings the county will experience in all areas as a result of the proposed school closure or consolidation. Such itemization shall be in the form of a table indicating the following:

- ❖ The current cost at the school(s) to be closed for:
 - Utilities;
 - Personnel;
 - Maintenance;
 - Transportation;

- other factors as deemed relevant by the county superintendent; and
- the total cost of the above-listed items.
- ❖ The anticipated cost at the schools to be receiving students for:
 - Utilities;
 - Personnel;
 - Maintenance;
 - Transportation;
 - other factors as deemed relevant by the county superintendent, and
 - the total cost of the above-listed items.
- ❖ The net cost or savings of the schools to be closed and the schools to be receiving students for:
 - Utilities;
 - Personnel;
 - Maintenance;
 - Transportation;
 - other factors as deemed relevant by the county superintendent, and
 - the total cost of the above-listed items.
- ❖ Cost of any renovation or addition resulting from the proposed school closure or consolidation.

Personnel:

Appropriate administrative personnel shall conduct an analysis of the effect the proposed school closure or consolidation will have on professional and service personnel.

Transportation:

The plan will explain any negative variances of Section 202.02 of Policy 6200 and the effects the variances may have on transportation.

Educational Program:

The appropriate administrative personnel will complete a projected educational program improvement analysis that includes a statement of assurance that the following have been considered:

- ❖ WVBE Policy 2419 - Regulations for the Education of Exceptional Students
- ❖ WVBE Policy 2450 - Distance Learning and the West Virginia Virtual School
- ❖ WVBE Policy 2510 - Assuring the Quality of Education: Regulations for Education Programs
- ❖ WVBE Policy 2520 - Content Standards and Objectives for West Virginia Schools
- ❖ WVBE Policy 6200 - Handbook on Planning School Facilities
- ❖ WVBE Policy 6204 – School Closings or Consolidations

The Public Hearing:

The Board of Education must conduct a public meeting/hearing on or before December 31st of the calendar year prior to the calendar year in which the closures or consolidations are to be effective. The meeting/hearing must meet the following criteria:

- ❖ At least a quorum of the county board members and the Superintendent shall attend and be present at the public hearing;
- ❖ Members of the public may be present, submit statements and testimony, and question county school officials at the public hearing;
 - In the interests of time and efficiency, oral statements may be limited in duration to a period of not less than three minutes each and may be supplemented with written comments, timely submitted, in accordance with the notice deadline, which shall not be included in the calculation of the time limitation.

- Responses by the Superintendent or other designated school officials may occur during individual oral presentations, or at the conclusion of the individual's oral presentation, and shall not be included in the calculation of the time limitation as outlined above.
- ❖ A separate hearing shall be held for each school closed or consolidated;
- ❖ More than one hearing may be held during any one day;
- ❖ The hearing shall be held in a facility of sufficient size to accommodate all those who desire to attend; and
- ❖ If, at the time the hearing is called to order, it is determined by the board that insufficient space is available to accommodate all those who desire to attend; the hearing shall be recessed and moved to a new location of sufficient size to accommodate all those who desire to attend. If the meeting location is changed due to insufficient capacity, the county board shall cause the new meeting location to be posted at the original meeting location.

Receiving Recommendations from the LSIC and Other Interested Parties:

The Board shall receive findings and recommendations from any local school improvement council representing an affected school relating to the proposed closure or consolidation prior to or at the public hearing.

Receive and review copies of any other written submissions and statements, timely submitted, in accordance with the notice deadline as outlined above.

Formal Vote on School Closure or Consolidation:

After all above provisions have been completed, the board of education must take a formal vote on the school closure or consolidation.

- ❖ This vote may be at the conclusion of the final public hearing, or
- ❖ This vote may be at a separate duly scheduled and noticed meeting of the county board of education.
- ❖ When there is a proposal to close more than one school the vote on the school closings shall not be conducted until the conclusion of each and every school closing hearing.

After the vote and following substantial compliance with the code and prior to the implementation of any school closure or consolidation and following substantial compliance with all statutory and regulatory provisions, the county must file a request for an amendment of its CEFP with the WVBE for approval and this amendment must:

- ❖ Be signed by the Superintendent and give the date the action was taken by the local board;
- ❖ Contain assurances that applicable Sections of the West Virginia Code §18-5-13 and §18-5-13a, and WVBE Policies 6200 and 6204 have been addressed;
- ❖ Contain justification for the proposed consolidation or school closing. This justification must be supported by supplemental data and information pertinent to the following subjects: enrollment, facilities, finance, personnel, transportation, and educational programs; and
- ❖ Contain documentation of all hearings, motions, public comments, and other actions concerning the proposed school closings and consolidations.

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(P) D.5.2. Emergency School Closure

The State Superintendent of Schools may make a declaration that there is a need for an emergency school closure. Once the State Superintendent has declared a need for an emergency school closure, consideration should be given to the following when determining the schools to which the displaced students will be transferred:

- ❖ Educational program - educational opportunities are equal or greater for students at the receiving school;
- ❖ Transportation - proposed routing schedule does not result in undue time in transit for students according to recommended age-appropriate travel times;

- ❖ Exceptional students - programmatic offerings and educational spaces are appropriately accessible to disabled students;
- ❖ Health/safety - transfer of students would not result in any health/safety concerns which would adversely affect students and staff; and
- ❖ Capacity - receiving school has the capacity to adequately house projected enrollment.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.6. Construction Contracts	Adopted: August 20, 2003 Last Review: March 2018

Upon the approval of working drawings and specifications by the Board and appropriate State agencies, the Board shall solicit bids to be submitted on or before a specified time at the Office of the Board of Education. A certified check or a bank draft in the amount of five percent of the bid or a bidder's security bond in the amount of ten percent of the total bid shall accompany each bid. The advertisement shall state that the Board reserves the right to reject any or all bids and again advertise the project if necessary.

The architect shall take the responsibility for preparing the advertisements, bid forms, performance and payment bonds, and forms of agreement between the Pendleton County Board of Education and the successful bidders. Upon receipt of the bids, they will be opened publicly and reported to the Board of Education. The architect shall assist the Board and school personnel in analyzing the bids.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.7. Inspection and Acceptance of Projects	Adopted: August 20, 2003 Last Review: March 2018

Upon completion of a project, the Board, the Superintendent and the architect shall make an inspection of the project before the Board accepts it. A certificate of payment for all taxes due shall be on file from the State Tax Commissioner before final payment is made to vendors, contractors or subcontractors. The same parties before the termination of the performance bond shall make one final inspection.

No educational facility shall be occupied without prior approval from the WVDE, state and county regulatory agencies, and SBA, when appropriate.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.8. Naming of New and Existing Facilities	Adopted: August 20, 2003 Last Review: March 2018

The Board of Education invites suggestions for names of new facilities from any employee, student, or citizen of the County. The Board reserves the right to make the final decision as to the official name of new facilities. If patrons of the District living within the attendance area of a new facility have a strong desire for a specific name, their recommendation will carry significant influence with the Board.

At its discretion and under extraordinary circumstance, the Board may consider renaming an existing facility or a new facility in honor of a distinguished living or deceased community member. Extraordinary circumstance may be construed as meaning the individual has distinguished himself/herself in some endeavor in such a manner as to attract state or national recognition for his/her achievements. In such a case, priority will be given to persons who have distinguished themselves in the field of education and/or in support of Pendleton County Schools.

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Amended/Revised: August 26, 2008

PENDLETON COUNTY BOARD OF EDUCATION D. DEVELOPMENT OF FACILITIES File: D.9. Public Dedication of School Facilities	Adopted: August 20, 2003 Last Review: March 2018

The Board delegates the responsibility for planning the public dedication ceremonies, following the completion of major building projects, to the Superintendent, or an appropriate designee. The Board believes that all persons who have had a part in planning, approving, building, or making possible the facility should be invited to participate in the ceremony of dedication. While the central focus of the actual ceremony shall be the Board accepting the building from the contractor, one of the most important functions of the dedication is the expression of appreciation to the taxpayers for providing the necessary funds and interpreting the place of the school in community life.

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PENDLETON COUNTY BOARD OF EDUCATION E. EDUCATION-AGENCY RELATIONS File: E.1. Education-Agency Relations Goals and Objectives	Adopted: August 20, 2003 Last Review: March 2018

No school board today is complete unto itself. No board can meet its responsibilities to meet the individual needs of all of the students enrolled in its schools without working constructively with other educational agencies. Therefore, it is the intent of this Board to establish constructive working relationships with other professional agencies and organizations on the local, regional, state and when appropriate national level.

This cooperation shall extend to such areas as research, exchange of information and data, coordination of curriculum, coordination of school calendars and activities, construction of facilities which may be efficiently utilized on a cooperative basis (such as the South Branch Career and Technical Centers) and any other facility or program where it may be advantageous to serve a broader area than Pendleton County.

In carrying out this policy, the Superintendent shall include in his regular report to the Board, an evaluation of the desirability and feasibility of cooperation with other counties or regional agencies on matters of joint interest.

(P) E.1.1. Private School Relations

The Pendleton County Board of Education will cooperate with parochial and private schools in matters of mutual benefit where not expressly prohibited by law. Private schools may choose to operate under the requirements of WVC §18-8-1 or §18-28-1 thru 6.

Private schools choosing to operate within the county under the provisions of WVC §18-8-1 shall meet the following criteria:

- ❖ The school must be approved by the Pendleton County Board of Education;
- ❖ Instructional time must be equal to the instructional term set forth in WVC §18-5-45; and
- ❖ The principal or other person in control of the school, upon the request of the Superintendent, must furnish to the Board such information and records as may be required with respect to attendance, instruction and progress of students enrolled between the entrance age and seventeen years.

Private schools choosing to operate within the county under the provisions of WVC §18-28-1 thru 6 shall send to the state superintendent of schools a notice of intent to operate, name and address of the school, and name of the school's chief administrator.

Each private, parochial or church school or school of a religious order shall observe a minimum instructional term of 180 days with an average of five hours of instruction per day, and shall make and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Such attendance records shall be made available to the parents or legal guardians. Upon the request of the county superintendent of schools, any school to which this applies shall furnish to the county board of education a list of the names and addresses of all children enrolled in such school between the ages of seven and seventeen years.

(WVC §18-8-1 and §18-28-1 through §18-28-6)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION E. EDUCATION-AGENCY RELATIONS File: E.2. Professional Visitors and Observers	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education recognizes that the quest for educational effectiveness and innovation must be ongoing, and to that end it shall be the policy of this Board to welcome to the school system professional visitors who have educational expertise. The objective of such visits will be to encourage the use of innovative instructional strategies and technology in the pursuit of educational excellence. In the same spirit of cooperation, the Board also welcomes visitors to the county who wish to observe the educational practices of its school personnel.

Individuals and delegations wishing to visit the county schools should make arrangements through the Superintendent's office.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION E. EDUCATION-AGENCY RELATIONS File: E.3. Research Conducted in the School System	Adopted: August 20, 2003 Last Review: March 2018

It is recognized that there is a great need for valid educational research. It is the policy of the Pendleton County Board of Education to cooperate in legitimate research projects whenever possible. However, it is the responsibility of the Board to see that the school program is not disrupted by research activities. Therefore, the following regulations shall govern research activities:

Research Regulations:

All requests for the conducting of educational research in Pendleton County Schools shall be made to the Superintendent who shall ascertain:

- ❖ that the request is valid;
- ❖ that the research procedure is sound;
- ❖ that the research will not be excessively disruptive to the educational program; and
- ❖ that the research will not place an unnecessary burden on the students or employees

If the Superintendent is satisfied that the above requirements have been met, written permission for the research to be conducted shall be granted.

- ❖ The decision of the Superintendent may be appealed to the Board of Education.
- ❖ Persons conducting research within the Pendleton County School System must have written permission from the Superintendent and/or the Board.
- ❖ Only surveys or questionnaires of educational value to the county schools may be distributed to the students.

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Amended/Revised:

The Board of Education desires to make student teaching an asset to the total school program of Pendleton County Schools by working cooperatively with interested colleges, local school personnel, and the students. The success in the student teaching program becomes the cooperative responsibility of the school principal, the college supervisor of student teaching, the classroom teacher, the student teacher, and the students.

State law requires student teachers and Teachers in Residence to have a tuberculin test before beginning their duties.

(WVC §18A-3-1)

(P) E.4.1. Procedures for the Placement of Student Teachers

Pendleton County students are the first responsibility of the school system and under no circumstances should the full responsibility for their education fall upon the student teacher.

The supervising teacher, under the direction of the principal, is responsible for the success of the student teacher and shall furnish guidance in the development of objectives, instructional methods, classroom procedures, and leadership. The steps to be followed in implementation of a student teaching program are listed below:

- ❖ A teacher shall have the responsibility for only one student teacher at a given time;
- ❖ Supervising teachers shall remain in the classroom at all times unless plans are made with the principal to be absent from the classroom for good and valid reasons;
- ❖ The supervising teacher, school principal and college supervisor shall conduct an early assessment of the student teacher's skills and preparation for student teaching. If the student is found to be lacking in the requisite skill, he/she should return to college for additional preparation;
- ❖ Assessment of the student teacher's performance by the people mentioned people above should be ongoing and conducted at regular intervals;
- ❖ The school principal should arrange a time for planning between the student teacher and supervising teacher to insure proper coordination of the program; and
- ❖ The principal is responsible for seeing that these procedures are followed.

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(P) E.4.2. Teacher in Residence Program

West Virginia Code §18A-3-1 authorizes the Pendleton County Board of Education to enter into an agreement with an institution of higher education with a program for the education of professional educators for the use of teacher-in-residence program subject State Board of Education approval.

A "teacher-in-residence program" means an intensively supervised and mentored residency program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

The provisions of the agreement include, but are not limited to, the following items:

- ❖ The teacher in a teacher-in-residence program shall have completed the content area preparation courses and shall have passed the appropriate basic skills and subject matter test or tests required by the State Board for teachers to become certified in the area for which licensure is sought;
- ❖ The teacher-in-residence serve only in a teaching position in the county which has been posted and for which no other teacher fully certified for the position has been employed;

- ❖ Specifics regarding the program of instruction for the teacher-in-residence setting forth the responsibilities for supervision and mentoring by the higher education institution's educator preparation program, the school principal, and peer teachers and mentors, and the responsibilities for the formal instruction or professional development necessary for the teacher-in-residence to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate;
- ❖ The teacher-in-residence hold a teacher-in-residence permit qualifying the individual to teach in his or her assigned position as the teacher of record;
- ❖ A requirement that the salary and benefit costs for the position to which the teacher-in-residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-residence as specified in the agreement, subject to the following:
 - The teacher-in-residence is a student enrolled in the teacher preparation program of the institution of higher education and is not a regularly employed employee of the Board;
 - The teacher in residence is included on the certified list of employees of the county eligible for state aid funding the same as an employee of the county at the appropriate level based on their permit and level of experience;
 - All state aid funding due to the Board for the teacher-in-residence shall be used only in accordance with the agreement with the institution of higher education for support of the program as provided in the agreement, including costs associated with instruction and supervision;
 - The teacher-in-residence is provided the same liability insurance coverage as other employees;
 - All state aid funding due to the county for the teacher- in-residence and not required for support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding due the county for the teacher-in-residence; and
 - A teacher-in-residence does not earn seniority
- ❖ Other provisions that may be required by *SBP 5202 - Licensure of Professional/Paraprofessional Personnel*.
(WVC §18A-3-1; SBP 5202)

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FINANCIAL MANAGEMENT

In accordance with WVC §18-9B-12, §18-9A-17, and West Virginia Board Policy 8353, the Pendleton County Board of Education has instituted fiscal management policies and regulations designed to assure the citizens of the County as well as the West Virginia Board of Education that sound business practices are being followed. To that end, the Board has instituted a uniform financial accounting system as prescribed by the code and the West Virginia Board of Education. It has adopted the West Virginia Department of Education *Accounting Procedures Manual for County Boards of Education* and the *Uniform Accounting Handbook II* as guidelines to be followed.

The Board has instituted and shall continue to utilize competitive bidding procedures, written requisitions, pre-numbered purchase orders, certified receiving functions, and an accurate supply and equipment inventory system.

(WVC §18-9B-12, §18-9A-17 and SBP 8100; SBP 8200)

[Link to SBP 8100- Public School Finance \(Handbook for School Finance in WV\)](#)

[Link to SBP 8200-Purchasing Policies and Procedures Manual Policy](#)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.1. Equivalence among Schools	Adopted: August 20, 2003 Last Review: March 2018

It is the intent of the Pendleton County Board of Education to provide equivalence among all schools and divisions in the areas of personnel, materials and instructional supplies.

(P) F.1.1. Annual Operating Budget

The major responsibility for the preparation of the annual budget document falls to the Treasurer. The budget, however, is not developed in isolation. The Board establishes priorities and approves educational programs. The Superintendent, Supervisors, Directors, Principals, and the remainder of the administrative team also assist in defining program needs and translating these needs into actual dollar figures. The final budget is analyzed by the Superintendent before submission to the Board for its approval. Following Board approval, the proposed budget is submitted to the State Board of Education. The operating budget is for one fiscal year that runs from July 1 through June 30.

(WVC §18-5-13)

(P) F.1.2. Preliminary Budget Adoption Procedures

The Board of Education shall meet between March 7 and March 28 for the purpose of approving a levy based on a preliminary budget. The Board may extend the deadline until June 1 when a levy call is placed on the ballot for consideration during a primary election. The meeting may be a regular or special meeting. If it is a special meeting, only that business designated in the call shall be transacted. The Board shall then adjourn until the third Tuesday in April. The Superintendent shall forward a copy of the certified levy estimate to the Tax Commissioner and to the Division of School Finance in the State Department of Education. These documents shall be postmarked no later than midnight, March 28.

Following tentative approval by the State Board of Education, a copy of the operating budget shall be made available to the public in the offices of the Superintendent. Not less than 10 days after the budget has been made available to the public and within a reasonable time prior to submission of the operating budget to the State Department of Education a public hearing shall be held on the budget.

Notice of the hearing shall be published as a Class I legal advertisement in the *Pendleton Times* at least 10 days prior to the hearing. Reasonable time shall be granted to any person who wishes to speak regarding any part of the budget.

(WVC §11-8-9; §11-8-12; §11-8-12a; §18-5-4)

(P) F.1.3. Final Budget Adoption Procedures

The Board must reconvene the adjourned budget meeting that was held between March 7 and 28 on the third Tuesday in April for the purpose of entering the levy. Since this is a continuation of the statutory meeting held between March 7 and 28, Board members shall not receive payment for attendance nor shall any other business be conducted. However, this meeting may be terminated and a new meeting convened at which other business may be considered and for which members may be paid.

The Pendleton County Board of Education is, as is every other county, required to hold a budget hearing concerning the proposed budget for the next fiscal year not less than ten days after the budget has been made available for public inspection. The Board must formally adopt its proposed budget for next fiscal year annually by the deadlines given by the State Department of Education.

Within three days after the third Tuesday in April the Superintendent shall forward certified copies of the Levy Order to the Tax Commissioner and the State Auditor. A notice of approved rates shall be forwarded to the Tax Commissioner, County Clerk and the Division of School Finance.

(WVC §11-8-12; §11-8-12a; §11-8-13; §18-9-1 and §18-5-4)

Special Note: The Board may extend the time for the required March meeting until the first day of June if a special levy is being placed on the ballot for consideration during a primary election.

(P) F.1.4. Budget Implementation

At the end of each month the Division of School Finance, State Department of Education, shall prepare a Monthly Financial Report that shows the amount expended each month, total year to date, and remaining balance in each line item. This statement shall be used as a guide to projected purchasing, and as a guide for transferring funds to accounts that will need additional funds prior to the next fiscal year.

The Treasurer shall make a monthly report to the Board showing the current rate of revenues, expenditures, investments, interest earned, and projected financial condition of the District.

(WVC §18-9B-9 and §18-9B-20)

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(P) F.1.5. Budget Supplements and Transfers

As funds in excess of budgeted anticipated revenues accrue, a budget supplement request shall be submitted to the Board for approval. Subsequently, the Superintendent shall certify the Board's action and submit the request to the West Virginia Board of Education.

When a specific budget line item needs to be adjusted so that expenditures will not exceed the approved budget, the necessary funds may be transferred from other budget line items, which are determined to be in excess of actual need. A transfer request shall be submitted to the Board for approval. Subsequently, the Superintendent shall certify the Board's action and submit the request to the West Virginia Board of Education. (The West Virginia Office of School Finance generally will not accept budget transfers for State Board approval after June 20th.)

(WVC §11-8-26 and §18-9B-10)

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(P) F.1.6. Debt Limits

The Board of Education generally is not permitted to incur any debt in one fiscal year to be paid from school monies of a subsequent year. The Board does have the authority to issue voter approved bonds for the construction or acquisition of a structure or building for educational purposes. The Board is not authorized to issue bonds nor may it become indebted, in any manner or for any purpose, to an amount, including all other indebtedness, in the aggregate, exceeding five percent of the assessed value of taxable property in the county.

(WVC §11-8-26 and §13-1-3)

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Amended/Revised: September 25, 2007

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.2. Treasurer's Fiscal and Management Responsibilities	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education, pursuant to WVC §18-9-6, shall appoint a Treasurer who shall have those fiscal responsibilities as defined in the procedures section of this policy. Such appointment shall be in effect until such time a different individual is appointed Treasurer.

(WVC §18-9-6; SBP 1224.1; SBP 8200; SBP 8210)

(P) F.2.1. Fiscal Responsibilities

- ❖ Establish and supervise the accounting system necessary to provide school officials with accurate financial data as the basis for formulating policies and decisions.
- ❖ Report financial data locally and statewide as required by law.
- ❖ Utilize data processing to provide better and more thorough accounting records.
- ❖ Assist in obtaining educational funds from private foundations, from state education agencies, or from federal government sources.
- ❖ Assist in planning and managing an effective staff personnel program.

(P) F.2.2. Management Responsibilities

- ❖ Supervise clerical personnel in the finance office.
- ❖ Attend Board of Education meetings to answer questions and present items related to fiscal matters.
- ❖ Perform other duties related to the business management of the school district which shall be assigned by the Superintendent or the Board.

(P) F.2.3. Payroll and Accounts Payable

- ❖ Establish sound practices to properly care for all phases of the County payroll (i.e., attendance reports, check writing, fringe benefits)
- ❖ Assume responsibility for all reports as related to payroll deductions and fringe benefits
- ❖ Establish sound practices to properly care for all phases of the County accounts payable (i.e., invoices, check writing, discounts, verification of receipts)
- ❖ Maintain records and files for payroll and accounts payable as required by law and the Records Retention Manual provided by the West Virginia Department of Education.

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Amended/Revised: September 25, 2007

PENDLETON COUNTY BOARD OF EDUCATION**F. FINANCIAL MANAGEMENT****File: F.3. Sources of School Revenue****Adopted: August 20, 2003****Last Review:****March 2018**

Because quality education costs a great deal of money and there is an increasing competition for the tax dollar at all levels of government, it is the policy of the Pendleton County Board of Education to pursue revenues through all avenues of funding available to it.

(P) F.3.1. Local Tax Sources

The Board of Education as provided by law shall impose a levy for the maintenance and operation of all schools in the County. This levy shall be uniform throughout the County and the funds shall be distributed and expended without regard to the locality from which they are collected. For the purpose of levies, property in the State of West Virginia is divided into four classes.

Class I: All tangible personal property employed exclusively in agriculture, including horticulture and grazing; all products of agriculture (including livestock) while owned by the producer.

Class II: All property owned, used, and occupied by the owner exclusively for residential purposes; all farms, including land used for horticulture and grazing, occupied and cultivated by their owners or bona fide tenants;

Class III: All real and personal property situated outside of municipalities, exclusive of classes I & II.

Class IV: All real and personal property situated inside of municipalities, exclusive of Classes I and II.

The maximum regular levy rates that may be assessed by the Board of Education each tax year are set by the legislature.

Special levy rate limits equal the rates and total shown above. Consequently, the Board has within its authority the option to submit a special levy referendum to the people, which would generate revenues for current expenses up to a maximum of 100 percent of the totals indicated above for the purposes identified in the levy.

(WVC §11-8-5; §11-8-6c; §11-8-6f; §11-8-7; §18-9-1 and §18-9-2a)

(P) F.3.2. Tuition Income

The Pendleton County Board of Education shall charge all non-state residents, full-time, day students the actual cost per pupil expenditure for the school year payable in advance including any extra costs associated with summer school and before/after school programs.

Inter-county transfer of students will be regulated according to the West Virginia Code and agreements developed between individual counties.

The Board has the authority to provide special classes for adult education and to charge tuition for members of such classes over 21 years of age. The tuition charged shall not exceed the cost of operation and maintenance of such classes.

Likewise, the Board has the authority to establish summer and after school programs and charge tuition for students who attend the summer and after school programs. The amount of tuition charged shall not exceed the actual cost of operation of the summer school, including plant maintenance.

Any funds accruing from such tuition shall be credited to and expended within the existing framework of the general current expense fund of the Pendleton County Board of Education.

(WVC §18-5-16a and §18-5-19b; §18-9A-2)

(P) F.3.3. Revenues from Nontax Sources

All fees, payments or rentals are quasi-public monies and remain within the authority of the Board of Education. Pursuant to State law, the Board requires that records be kept of all receipts and disbursements of all funds collected or received by any principal, teacher, student or other person in connection with, any programs, activities or other endeavors of any nature operated or carried out by or in the name of the school, or any organization or body directly connected with the school, to audit such records, and to conserve such funds. Any rental fees paid to the Board of Education shall be received and used for general expenses unless otherwise designated for a specific purpose.

(WVC §18-5-13)

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(P) F.3.4. Revenues from Investments

It shall be the policy of the Pendleton County Board of Education to invest all surplus funds. The Treasurer has been directed by the Board to invest all surplus money for the maximum amount of time and interest available in legally secured investments. Funds shall be invested in the best interest of the school system at the discretion of the Treasurer in conjunction with the Superintendent and subject to approval by the Board of Education. The treasurer shall credit all interest earned on such investments to the funds from which the monies were available for investment.

(WVC §18-9-6 and §18-9-6a)

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(P) F.3.5. State Aid

The West Virginia public school support plan as enacted by the Legislature fixes statutorily both State and County responsibility for financing public education. Its intent is to provide for a fair and equitable teacher salary schedule sufficient to ensure teacher excellence, as well as adequate financial support for the public schools generally. The basic foundation program is computed using the following seven steps:

- ❖ Allowance for professional educators;
- ❖ Allowance for service personnel;
- ❖ Allowance for fixed charges;
- ❖ Allowance for transportation;
- ❖ Allowance for professional support services;
- ❖ Allowance for other current expense & substitute employees; and
- ❖ Allowance to improve instructional programs.

(WVC §18-9A-1 through §18-9A-23)

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(P) F.3.6. Federal Aid

The Board of Education of Pendleton County shall apply for and participate in any (and all) programs of federal aid available to its schools at such time and for such reasons it may deem desirable. Application shall be in the manner and method as set forth by the government of the United States of America. It shall be done in compliance with the rules and regulations of the United States Office of Education and the West Virginia State Department of Education.

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(P) F.3.7. Depository of Funds

The Treasurer of the District shall receive, collect and disburse all levies and other school money for the district. He/she shall keep accounts of the money belonging to the several funds and shall credit and charge every amount to the fund to which it belongs. The Treasurer shall disburse money only upon the order of the Board. The order shall specify the amount to be paid, the purpose for which it is paid, and the fund to which it shall be charged. The order shall be signed by the President and Treasurer and

countersigned by the Secretary. The depository for the Board of Education operating funds shall be determined through a bidding process among the area banks. That bank or those banks selected as depositories for school district investment funds shall be selected on the basis of return offered on money deposited, bank size, convenience, and security of investment. Such depositories or banks shall provide bond to cover the maximum amount to be deposited at any one time.

However, the Board may, in lieu of such bond, accept as security for money deposited letters of credit from a federal home loan bank, securities of the United States, or of a state, county, district or municipal corporation, or federal agency securities: Provided, That a banking institution is not required to provide a bond or security in lieu of bond if the deposits accepted are placed in certificates of deposit meeting the following requirements:

- ❖ The funds are invested through a designated state depository selected by the Board;
- ❖ The selected depository arranges for the deposit of the funds in certificates of deposit in one or more banks or savings and loan associations wherever located in the United States, for the account of the Board;
- ❖ The full amount of principal and accrued interest of each certificate of deposit is insured by the Federal Deposit Insurance Corporation;
- ❖ The selected depository acts as custodian for the Board with respect to such certificates of deposit issued for the county's account; and
- ❖ At the same time that the Board's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other financial institutions wherever located in the United States equal to or greater than the amount of the funds invested by the Board through the selected depository .

WVC §18-9-6 also enables counties, municipalities, the state and county boards of education to deposit public funds into deposit accounts that are swept periodically into multiple federally fully insured deposit accounts through a deposit placement program with full federal insurance in lieu of a bond or other collateral required of the depository institution.

(WVC §18-9-3 and §18-9-6)

(P) F.3.8. Fidelity Bonds

The Treasurer shall be bonded in the amount fixed by the Board (\$175,000) but may not exceed the amount of school funds it is estimated the Treasurer will handle within a two-month period. The Superintendent and the Board President shall be bonded in the amount to be determined by the board but not less than \$10,000 nor more than \$50,000. Certified copies of the bonds for these individuals shall be filed in the office of the County Clerk.

(WVC §18-9-6 and §6-2-10)

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Amended/Revised: October 19, 2005; September 25, 2007; January 12, 2010; August 24, 2010;
August 21, 2012

PENDLETON COUNTY BOARD OF EDUCATION**F. FINANCIAL MANAGEMENT****File: F.4. Fiscal Accounting System and Reporting****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education follows the procedures for fiscal control, accrual accounting, and investment reporting as prescribed by the *Uniform Financial Accounting Handbook II* (effective July 1, 1985), *Accounting Procedures Manual for County Boards of Education* and other fiscal requirements established by law or policy of the West Virginia Board of Education.

(WVC §18-9B-9; §18-9B-12; SBP 1224.1; SBP 8200)

(P) F.4.1. District Treasurer Reports

The school district Treasurer shall prepare for the Board of Education a monthly report showing current expenditures, year-to-date expenditures, encumbered amounts, budgeted amounts, and unencumbered balances for each budget item as of the end of each calendar month. An annual financial statement shall be prepared for the Board of Education within 90 days after the beginning of each fiscal year. This statement is to include:

- ❖ The receipts and expenditures of the Board during the previous fiscal year arranged under descriptive headings;
- ❖ The name of each firm, corporation, and person who received more than \$250.00 in the aggregate from all funds during the previous fiscal year; together with the aggregate amount received from all funds and the purpose for which paid;
- ❖ A specific description of all debts of the Board, the purpose for which each debt was contracted, its due date, and to what date the interest thereon has been paid; and
- ❖ Upon request the Board must provide a supplemental list with the names of each firm, corporation and person to whom less than \$500.00 dollars was paid during the year by the Board.

Such statement shall be published as a Class I-O legal advertisement in compliance with the provisions of WVC §59-3-1 and the publication area for such publication shall be the county. As soon as possible following the close of the fiscal year, a copy of the statement shall be filed with the State Tax Commissioner and the State Superintendent of Schools.

(WVC §18-9-3a and §18-9B-20)

(P) F.4.2. Audits

State law requires that each school district undergo an annual review by a Certified Public Accountant or the Chief Inspector. Such review shall be under the direction of the Chief Inspector Division. The Board of Education may contract with any Certified Public Accountant on the Chief Inspector's current list of approved CPAs.

The CPA making the examination shall follow all of the prescribed procedures set forth by the Chief Inspector and the West Virginia Code. Upon completion of the review, the CPA shall prepare a report that includes the identification of procedures and practices found to be out of compliance with the requirements of the State Board, West Virginia Code, and the Chief Inspector Division procedures. Two copies of the certified report shall be sent to the county board of education and that body must file one copy with the federal audit clearinghouse. The county board shall take immediate steps to comply with the corrective instructions given in the report. The CPA is also required to send one copy of the certified report to the State Board of Education and one copy to the Chief Inspector.

The State Board of Education, through the Department of Education, is also authorized to have full access to all books, records, papers and documents of the county board of education

Federal auditors or private external auditors, if in accordance with project guidelines, may make audits of federal programs. Audits of school accounts shall be conducted by an internal auditor and submitted to the West Virginia Department of Education Office of School Finance and the Pendleton County Board of Education.

(WVC §6-9-7; §18-9-3a and §18-9B-13)

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Amended/Revised: October 4, 2004; September 25, 2007

PENDLETON COUNTY BOARD OF EDUCATION**F. FINANCIAL MANAGEMENT****File: F. 5. Purchasing Procedures****Adopted: August 20, 2003****Last Review:****March 2018**

The Chief School Business Official/Business Manager shall serve as purchasing agent and shall be responsible for developing and administering the purchasing system as established by the Pendleton County Board Of Education. The state of West Virginia does not recognize individual schools as legal entities; therefore, principals do not have the legal authority to enter into contracts. All contracts must be entered into with the Board of Education serving as the legal entity. Detailed procedures and appropriate forms are available from the Business Manager's office.

(P) F.5.1. Pendleton County Board of Education Purchasing Guidelines and Regulations

The purchasing procedures for the Pendleton County Board of Education shall be the adoption of State Board of Education SBP 8200 – Purchasing Procedures that supersedes Section E of West Virginia Board of Education SBP 8100, Handbook for School Finance in West Virginia. The wording of some passages has been edited to identify the Pendleton County Board of Education as the fiscal body responsible for the purchasing procedures to be defined in the following pages.

The forms referred to as appendices in these procedures may be found in the office of the Business Manager.

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 202
Purchasing Procedures (8200)**

'126-202-1. General.

1.1. Purpose. The purpose of these guidelines and regulations is to establish the minimum requirements and procedures to be followed by the Pendleton County Board of Education in the purchasing, receiving, safeguarding and disposal of goods and services obtained for use in its operations.

1.2. Authority. West Virginia Constitution, Article XII, '2 and W. Va. Code §§5-22-1, 5A-3-37, 5A-3-37a, 5G-1-1 et seq, 11-8-26, 12-3-10a, 12-3-10b, 18-2-5, 18-5-5, 18-5-7, 18-5-7a, 18-5-7b, 18-5-9a, 18-5-13, 18-9B-12, 18-8-26, 18-2B-2, 21-5A-1 et seq, 31-15A-15, 61-5A-6, and 61-10-15.

1.3. Filing Date. -- July 13, 2012

1.4. Effective Date. -- August 13, 2012

1.5. Repeal of Former Rule. This legislative rule amends W.Va. 126CSR202, West Virginia Board of Education Policy 8200, Purchasing Procedures for Local Educational Agencies, filed July 15, 2003 and effective August 14, 2003 and continues to supersede Section E, Chapter 3 of W.Va. 126CSR200, and West Virginia Board of Education Policy 8100, Handbook for School Finance in West Virginia, which relates to purchasing.

'126-202-2. Applicability.

2.1. This policy applies to all Pendleton County Board of Education operations.

'126-202-3. Incorporation by Reference.

3.1. Copies – Copies of the *Purchasing Policies and Procedures Manual* may be obtained in the Office of the Secretary of State and in the West Virginia Department of Education, Division of Administrative Services.

3.2. Summary of rules and regulations – The Pendleton County Board of Education has the authority and responsibility, subject to the provisions of statute and rules and regulations of the West

Virginia Board of Education, to acquire needed commodities and services in order to provide a thorough and efficient system of education for all children in Pendleton County.

3.3. This rule establishes the minimum system of purchasing rules and regulations that are to be used as a guide by the Superintendent, business officials, and other personnel involved in the acquisition and disposal of commodities and services in the performance of their duties.

3.4. This rule has been developed as a manual to be used as a guide by county superintendents, purchasing directors, business officials, and other personnel involved in the acquisition and disposal of commodities and services in the performance of their duties.

'126-202-4. Administration.

4.1. The Pendleton County Board of Education is responsible for adhering to the requirements included in these procedures for the purchasing, receiving, safeguarding, and disposal of commodities and services used in its operations. The Board's policies shall, at a minimum, adhere to the requirements included in SBP 8200, but the Board may make the requirements more restrictive.

'126-202-5. Authority.

5.1. Authority. The Pendleton County Board of Education is responsible for the purchasing, receiving, safeguarding, and disposal of all goods and services obtained for use by the county. This authority may be delegated to the Superintendent or to a designee. The official to whom these responsibilities have been delegated shall be the Business Manager.

5.2. Requisitions. The board of education shall develop written procedures to establish a system for the orderly submission, processing, and approval of purchase requisitions.

5.3.Approval. All purchase orders must be manually or electronically approved by the business manager or designee prior to their issuance. The responsibility of the Chief School Business Official/Business Manager is to ensure that funds are available for the purchase and that they have been properly budgeted.

§128-202-6. Severability.

6.1. If a court of competent jurisdiction declares any part of these procedures unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of these procedures or the procedures in their entirety.

1. Introduction.

- 1.1. The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which the Pendleton County Board of Education is responsible.
- 1.2. All procurement transactions must be conducted in a manner that provides full and open competition, consistent with the ethical standards specified in state and federal statutes, and State Board policy, and all local practices and procedures.
- 1.3. Procedures for the review of all proposed procurements shall be established to ensure that only necessary items are purchased.
- 1.4. If written specifications are required, they shall be written in such a manner as to maximize and encourage competition.
- 1.5. No board member, officer or employee shall participate in the selection, award, or administration of a contract or purchase order with a related party, or where a conflict of interest, real or apparent, exists.
- 1.6. No board member, officer, or employee shall solicit or accept gratuities, favors, or anything of monetary value from contractors, vendors, or parties to any awards, agreements, or contracts. This prohibition does not apply to unsolicited gifts of nominal value, which is recognized by the West Virginia Ethics Commission to be a gift whose value is less than \$25.
- 1.7. Awards will be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

- 1.8. Although not required, the Board may want to explore whether the goods and services being purchased are available from a statewide contract or a purchasing alliance, such as the Government Purchasing Alliance or the Southern Region Education Board, before going to the open market.
- 1.9. A flow chart has been developed to assist users of these procedures in making the determination of which purchasing requirements apply in each specific situation. This flow chart is included in Appendix B of these procedures.

2. Purchase Responsibilities.

- 2.1. According to W. Va. Code §11-8-26, a local fiscal body, which includes the Pendleton County Board of Education, shall not expend money or incur obligations:
 - 2.1.1. In an unauthorized manner;
 - 2.1.2. For an unauthorized purpose;
 - 2.1.3. In excess of the amount allocated to the fund in the levy order;
 - 2.1.4. In excess of the funds available for current expenses.
- 2.2. According to W. Va. Code §18-9B-10, the Board shall:
 - 2.2.1. Authorize the expenditure of funds and incur obligations only in accordance with the budget and the expenditure schedule;
 - 2.2.2. Make transfers between items of appropriation only with the prior written approval of the State Board of Education.
- 2.3. The Pendleton County Board of Education is responsible for the purchasing, receiving, safeguarding, and disposing of all goods and services obtained for use by the county. This authority may be delegated to the Superintendent or to a designee.
- 2.4. The official to whom these responsibilities have been delegated shall be the business manager. This individual is responsible for:
 - 2.4.1. Ensuring that all purchases and contracts for the county are made in accordance with the provisions of applicable state statutes, SBP 8200 and all local policies;
 - 2.4.2. Ensuring that all purchases or contracts for the county are made in the name of the county;
 - 2.4.3. Prescribing the manner, in which commodities are purchased, delivered, stored, and distributed;
 - 2.4.4. Reviewing the specifications and descriptions before soliciting bids to ensure that they do not favor a particular brand or vendor;
 - 2.4.5. Accepting or rejecting any and all bids in whole or in part;
 - 2.4.6. Waiving minor irregularities in bids or specifications;
 - 2.4.7. Applying and enforcing standard specifications;
 - 2.4.8. Transferring to or between schools or spending units, or selling surplus, obsolete, or unused commodities;
 - 2.4.9. Prescribing the amount of deposit or bond to be submitted with any bid or contract;
 - 2.4.10. Prescribing contract provisions for liquidated damages, remedies and/or other damage provisions in the event of vendor default;
 - 2.4.11. Prescribing the manner of inspection for all deliveries of commodities, determining the physical tests to be conducted of samples submitted, and determining that all bids and samples are in compliance with specifications.

2.5. Chief School Business Official/Business Manager.

2.56.1. The Chief School Business Official/Business Manager has the overall responsibility for ensuring that funds are available for the purchase and that they have been properly budgeted and encumbered.

3. Acquisition Planning.

3.1. The effective acquisition of needed commodities and services begins with proper planning. The first step is to determine the commodity or service needed the quantity, the quality level, delivery location, and time frame.

3.2. When preparing for a purchase, prior to the actual bidding process, the following steps should be taken: define need; consider acquisition and delivery lead times; develop specifications; explore alternative sources; prepare the requisition; and identify possible vendors.

3.2.1 Define Need – Determining the exact requirements for a commodity to perform a specific function is one of the most important tasks in the procurement process. The individual submitting the requisition must take into consideration the problem to be resolved and what alternatives or options are available to satisfy the need.

3.2.2. Acquisition and Delivery Lead Time:

a. Acquisition Lead Time – Acquisition lead-time is required for all purchases. The average time required to prepare, solicit, evaluate, and make an award varies depending upon the dollar value, responsiveness of vendors, and the complexity of the requisition. Individuals submitting purchase requisitions should always consider the fund obligation period when planning acquisition lead-time.

b. Delivery Lead Time – Order or ship time is the time after the award that is required by the vendor to fill and deliver the order. These times vary widely by industry or commodity. Consideration must be given to market conditions that will affect delivery.

3.23 Specifications:

(a) Specifications can either enhance or inhibit competition. To ensure that commodities and services are obtained at the most economical, competition must be sought, whenever possible. This can be accomplished by describing products and services in a manner that meets the Board's needs and encourages competition.

(b) A specification is a concise statement explaining the type of product or service, the quality level, special requirements in design, performance, delivery and usage. Specifications must not be restrictive (locking in a specific vendor and limiting competition), or be vague (allowing a vendor to provide a lower than acceptable quality level product or service).

(c) A good specification is the following: Clearly understandable to both the buyer and the seller, complete, concise, identifiable wherever possible with some brand or specification already on the market, verifiable, and reasonable.

(d) Types of Specifications - There are three types of specifications used separately and/or in combination to communicate requirements for goods and services to the vendor:

1. Brand Name(s) or Equal" Specification – This is based upon one or more manufacturer's commodity description(s), model number(s) and quality level. The manufacturer's commodity numbers must be easily identified in a current publication that is available to most vendors. Commodity descriptions must be sufficiently detailed, and specify only the required features needed for the application.

2. Performance Specification - This is based upon the specific performance needs of the Board. The performance specification is less structured as

to how the product is made, and more structured as to how well it performs. Total ownership cost for operating and maintaining the product may be an element of the specification.

3. Design Specification - This concentrates on the dimensional and other physical requirements of an item being purchased. The design specification is used when the commodity has to be specially made to meet the Board's unique needs.

Note: Combinations of the above may be used to communicate clear specifications to vendors. A performance specification may refer to a nationally accepted testing procedure for a commodity; a design specification may indicate the physical size and dimension of the commodity, and a brand name or equal specification may be used to indicate a desired quality level.

- e. The State Purchasing Division has promulgated standard specifications based on scientific and technical data for appropriate commodities, which establish the quality to which such commodities to be purchased and services to be contracted for by the state must conform. These standard specifications, which are prepared and adopted by the Purchasing Division for various products and services, may be available for use by the Board, which will eliminate the need to redeveloping specifications for commodities and services where specifications have already been developed.
- f. Questions from county personnel relating to purchasing issues should be directed to the business manager. If the business manager desires assistance, help may be obtained by contacting the appropriate state buyer in the Acquisition and Contract Administration Section of the Purchasing Division for assistance in preparing specifications.
- g. A Request for Information (RFI) is a formal method for requesting written information from vendors for the purpose of developing a Request for Quotation (RFQ) or a Request for Proposal (RFP). The issuance of an RFI is not a mandatory prerequisite to the issuance of an RFQ or an RFP but may be used when it is felt that appropriate expertise or information is lacking to develop adequate specifications for an RFQ or RFP. This process allows for the assistance of multiple vendors who have expertise and can provide information in the area of concern.

- 3.2.4. Alternative Sources – In the planning process, it is important to review all internal or State sources before going to the open market. Such sources include:

- a. Surplus Property - Since its creation in 1949, the State Agency for Surplus Property has assisted thousands of organizations by offering good, usable property at a substantially reduced price to public agencies and non-profit groups. The State Agency for Surplus Property also administers a federal property program. Property is screened at federal government facilities to provide eligible organizations with a greater quantity and variety of items. The program serves all eligible organizations and acts as a clearinghouse by offering new and used equipment at reduced costs for acquisition. With the federal program, agencies may express their property needs and be placed on a "want list." Federal property screeners will then look for suitable property that may fulfill the organization's needs.
- c. Commodities and Services Provided by Sheltered Workshops—Certain commodities and services may be available from sheltered workshops that meet the Board's quality and price standards and whose prices are comparable to open-market sources.
- d. Piggybacking on a State Open-Ended Contract - Certain commodities and services may be available from a State open-ended contract that the county may piggyback, if the contract allows for piggybacking.

- 3.25. Preparing the Requisition –This involves the process of preparing a requisition for authorization to purchase commodities or services and submitting the

requisition to the appropriate officials for approval. The business manager shall develop procedures for the submission and approval of purchase requisitions.

- a. There are six basic types of purchases that can be made, which include:
 1. One-time/Single Purchase – The purchase of commodities or services on a one- time basis each year; repetitive requisitions for the same commodities or services are not needed.
 2. Open-Ended Contracts – A special type of contract that is used to obtain commodities or services on a repetitive basis throughout the year. Normally all terms, conditions, and prices are prescribed, with the exception of quantity. The Board has established the requirement that prior approval be obtained before commodities or services are requisitioned through the form of a release.
 3. Agreements – Contracts used to obtain specific professional, technical, or other specialized services that are not available at the Board.
 4. Emergency Purchases – Purchases that become necessary when unforeseen causes arise. Emergency purchases are not to be used for hardship situations resulting from neglect, poor planning, or lack of organization.
 5. Leases and Lease Purchases – Lease and lease purchase agreements are methods by which the Board may obtain equipment or other commodities and make payments over a period of time. The State Constitution and W. Va. Code §11-8-26 prohibit a local fiscal body from expending funds or incurring obligations from future levies.
 6. Direct Purchases (Sole Source) – In a direct purchase situation, competition is not available; the commodity or service is available from only one source.
- b. Life of Contract - Contracts normally covers a 12-month period or cite a specific time for completion for the project or service. A solicitation for a contract that includes an option on the part of the Board to extend or renew the contract for an additional period may be advantageous and may be considered. If price adjustments are permitted during the contract period, the conditions under which they are authorized must be specified in the original solicitation and resulting contract. All contracts should be reviewed during the contract period to determine if the need still exists for the commodities or services, if prices are fair and reasonable based on the current market conditions, and if performance is satisfactory.
- c. Renewals: The standard terms and conditions used to indicate a specified date on which the contract becomes effective, and extends for a period of one year or until such "reasonable time" thereafter as is necessary to obtain a new contract or renew the original contract. The "reasonable time" period shall not exceed twelve months. Unless specific provisions are stipulated in the contract document, the terms, conditions and pricing established are firm for the life of the contract.

Contracts that contain renewal provisions may be renewed upon the mutual written consent of the Board and vendor prior to the expiration date. A letter of justification should be maintained on file, stating pertinent reasons for the recommendation to renew an existing contract. These factors include, but are not limited to, vendor performance, market conditions and other analytical measures that indicate that renewing the contract is in the best interest of the county. Renewals shall be in accordance with the terms and conditions of the original contract and are limited to two successive one-year periods.

- d. Contract Cancellation – The Pendleton County Board of Education reserves the right to cancel any contract or purchase order upon written notice to the vendor if the commodities and services supplied are of an inferior quality or do not conform to the specifications of the bid or award.

- e. Pre-Bid Conferences - When appropriate, the Board may conduct a "pre-bid conference" on major acquisitions early in the solicitation cycle to provide an opportunity to emphasize and clarify critical aspects of the solicitation, eliminate misunderstandings and encourage vendor participation. These conferences are conducted with potential bidders when solicitations for complex, large dollar requirements are specified. Attendance at conferences or on-site visits may be optional or mandatory. If mandatory attendance is required, only bids or proposals from those firms represented at the conference or on-site visits shall be accepted.

Sign-in sheets for mandatory pre-bid conferences must contain the following: name of company, person attending (signature and printed name), address, and telephone number. The header information on the sign-in sheet should identify the pre-bid conference and include the date and time of the conference. No one individual may represent more than one firm.

- f. Response Time - When establishing an opening date and time, buyers and/or Board personnel should allow for holiday mail disruptions as well as adequate time to encourage as many vendors as possible to respond.
- g. Evaluation Period - After bids are opened, a review and evaluation of the bids received are required. The time required for this function varies depending upon the complexity of the solicitation and the number of bids or proposals received.

- 3.2.6. Identify Possible Vendors – In order to achieve the goal of competitive bidding, a minimum of three bids is required, whenever possible. Locating vendors selling a particular product or service can be performed in a number of ways, including:

- a. Reference sources, such as the telephone book's yellow pages and other business listings;
- b. Supplier's catalogs, which not only offer local distributors but also provides descriptive information on their products and current technology of the market;
- c. Maintenance of a vendor list;
- d. Meeting with business representatives;
- e. Governmental purchasing alliances, and,
- f. Utilizing the internet

- 3.3 Pre-bid Conferences – When appropriate, it is recommended that the Board conduct "pre-bid conferences" on major acquisitions early in the solicitation cycle to provide an opportunity to emphasize and clarify critical aspects of the solicitation, eliminate misunderstandings and encourage vendor participation.

4. Requisitions and Purchase Orders.

- 4.1. The Board is required to maintain a requisition and purchase order system on the West Virginia Education Information System (WVEIS) whereas an approved, pre-numbered purchase order is issued to the successful vendor prior to an order for a commodity or service is placed. The Board has established a purchase requisition system whereby the person requesting goods and services submits a written purchase requisition to his/her immediate supervisor. The business manager approves all requisitions. The Superintendent approves requisitions initiated by the business manager.
- 4.2. Purchase orders are not required for refunds, reimbursement of travel expenses, the distribution of faculty senate funds to the individual schools in a county and utilities.
- 4.3. Purchase orders are also not required for purchases of commodities and services made through the use of the State's purchase card system, or other purchase card system that provides the same level of internal accounting controls as the State's system. However, in order to comply with the requirements of West Virginia Code §18-9B-9, and to maintain budgetary controls, the funds must be encumbered in the West Virginia Education

Information System (WVEIS). In addition, all requirements specified in Section 27.2 of this policy related to the purchase card program must be followed, including individual transaction limits, monthly transaction limits, and maximum number of transactions.

- 4.4 A copy of each approved purchase order must be retained for file. The file copy may be retained either on paper, or electronically if the original approval signatures are available for subsequent review.
- 4.5 No purchase order may be issued in excess of the funds available in the current year or which obligate the funds of a subsequent year. Purchase orders may not be issued prior to the end of a fiscal year for delivery and payment after July 1, in excess of the amount available in the current year's budget.

5. Open Ended Contracts, Price Agreements, and Blanket Purchase Orders.

- 5.1. The Board may use open-ended contracts, price agreements, or blanket purchase orders to obtain commodities or services of a repetitive nature rather than issue a purchase order for each individual purchase.
- 5.2. The business manager may solicit requirements for similar commodities and services to determine the best methods for acquisition.
- 5.3. Open-ended contracts or price agreements may be used only in situations where the commodity and price are known through a competitive bid process, but the quantity needed is not, such as food products used by child nutrition program.
- 5.4. Blanket purchase orders may be used in situations where there is normally a large volume of small dollar purchases of a repetitive nature and it is difficult to determine in advance exactly which products are needed, such as in facility or vehicle maintenance activities. Whenever practical, blanket purchase orders should be issued, with consideration of the bidding requirements, on a periodic basis throughout the year, such as on a monthly or quarterly basis, to maintain budgetary controls.

6. Request for Information, Quotations, Proposals; and Expressions of Interest.

- 6.1. A request for information (RFI) is a document used to solicit information to assist the Board in preparing specifications prior to issuing an RFQ, RFP or other device issued to solicit bids. RIFs are optional and cannot be used to award a bid. RIFs should be used when appropriate expertise or information is lacking to develop adequate specifications for an RFQ or RFP.
- 6.2. A request for quotations (RFQ) is a document used to solicit competitive bids for commodities and which contain all of the specifications or scope of work and contractual terms and conditions. Conformity to specifications and price are the only factors used in the evaluation process.
- 6.3. A request for proposal (RFP) is a document used to solicit competitive bids for professional, technical or other specialized services where the specific scope of the work may not be comparable and cost is not the sole factor in determining the award.
- 6.4. An expression of interest (EOI) is similar to a request for proposal, but is used ONLY for the procurement of architectural and engineering services. It is used in the selection of architects, and engineers and permits the Board to award a contract to the most qualified vendor on the basis of demonstrated competence and qualification at a cost that is determined to be fair and reasonable.

7. Purchase of Commodities and Services.

- 7.1. Commodities and services are to be purchased in accordance with the procedures specified in this section.
- 7.2. The competitive method used is determined by the threshold limits discussed in Section .11. These limits are based on the best estimate of the purchasing director at the time the bid prices are solicited; however, the Board may establish lower threshold limits if it desires.
- 7.3. The threshold level to be used is determined by the total estimated cost of the Item being purchased, which is the unit cost multiplied by the quantity.

- 7.4. The bid method selected will be considered to be the appropriate method unless the lowest bid received exceeds the maximum dollar threshold of the bidding method selected by ten percent. If the lowest bid exceeds the threshold by more than ten percent, the bid must be re-bid using bid requirements with a higher dollar threshold level.
- 7.5. Purchases cannot be separated into a series of separate requisitions or purchase orders, called stringing, for the purpose of circumventing the applicable threshold limits of these competitive bidding procedures.
- 7.6. Commodities may be purchased from a retail outlet that charges a membership fee, whenever it is determined to be in the best interest of the Board. The membership fee is another cost associated with the purchase and needs to be taken into consideration in making the determination. Membership fees cannot be paid for individual employees to become members, nor can a Board's membership card be used by employees for personal purchases, even if the retail outlet does not charge an additional fee for employees to be members.
- 7.7. Since the variety of services can vary significantly among service providers, services may be procured without basing the selection of the vendor solely on price. The cost can be negotiated without the use of competitive bids; however, RFPs are encouraged whenever possible.
- 7.8. If the price is not the sole determining factor in making the selection, the Board must establish the procedures and criteria for evaluating the proposal received.
- 7.9. Documentation of the criteria and selection process must be retained for review. See the records Retention Schedule published by the Office of School Finance for the period of time that the records must be retained.
- 7.10. The procedures for the: submission of sealed bids are discussed in Section 16 of this manual; the approval process in Section 18; and the awarding of bids in Section 19.
- 7.11. Competitive Bid Threshold Limits:**
- 7.11.1. Purchases of commodities costing less than \$5,000:**
- a. Competitive bids are encouraged but not required.
 - b. An approved purchase order is required before the merchandise or services are ordered.
- 7.11.2. Purchases of commodities costing \$5,000 or more but less than \$10,000:**
- a. Competitive bids are required.
 - b. A minimum of three (3) verbal quotes must be obtained, whenever practical.
 - c. Bids may be solicited by telephone, internet, mail, or by visiting the vendor.
 - c. Documentation must be maintained of all quotes obtained, recording the name of the vendor, name of the vendor's representative, name of the Board's representative seeking the quote, date, commodity, and price.
 - d. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the documentation is to be retained.
 - e. A sample form for recording these quotes is included in Appendix C.
 - f. An approved purchase order is required before the merchandise or service is ordered.
- 7.11.3. Purchases of commodities costing \$10,000 or more but less than \$25,000:**
- a. Competitive bids are required.
 - b. A minimum of three (3) written bids must be obtained, whenever practical.
 - c. Bids may be solicited by telephone, internet, or mail, but a written bid must be submitted by the vendor.

- d. A "No bid" is not to be considered a received bid, so sufficient requests should be solicited to assure that at least three actual bids are received, whenever practical.
- e. All bids received must be retained for public review and inspection during normal business hours. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
- f. An approved purchase order is required before the merchandise or service is ordered.

7.11.4. Purchases of commodities costing \$25,000 or more but less than \$50,000:

- a. Competitive bids are required and bids shall be solicited from at least three known suppliers whenever practical, using advertising media such as newspapers, the internet, trade journals, purchasing bulletins, and other media considered advisable, or mass mailings.
- b. If a vendor list is maintained, this requirement may be met by submitting the bid request to the vendors on the list.
- c. If a vendor list is not maintained, a good faith effort must be made to solicit as many competitive bids as practical, providing them adequate time to submit proposals.
- d. The invitation for bids, must include all specifications and pertinent attachments, and shall define the items or services in order for the bidder to properly respond.
- e. The Board may waive the requirement to advertise when a vendor is considered to be the sole source for the item being purchased, when it is determined to be in the best interest of the Board, or when professional, technical, or specialized services are being acquired under an agreement. All waivers must be well documented and those based on a best interest determination must be approved by the Superintendent.
- f. Any and all bids may be rejected if there is a sound documented reason.
- g. The request for bids must be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
- h. An approved purchase order is required before the merchandise or service is ordered.

7.11.5. Purchases of commodities costing \$50,000 or more:

- a. The solicitation for bids must specify that the bids are to be received in the form of sealed bids.
- b. The request for bids must be publicly advertised using such media as legal advertisements in local newspapers, the internet, trade journals, purchasing bulletins, mass mailings or other media considered advisable, and adequate time must be provided to allow interested bidders sufficient time to submit their responses prior to the date set for the opening of bids.
- c. The invitation for bids must include all specifications and pertinent attachments and must define the items or services in order for the bidder to properly respond.
- d. All bids will be publicly opened at the time and place specified in the invitation for bids.

- e. The Board may waive the requirement to advertise when a vendor is considered to be the sole source for the item, when it is determined to be in the best interest of the Board, or when professional, technical, or specialized services are being acquired under an agreement. All waivers must be well documented, and those based on a best interest determination must be approved by Board.
- f. Any and all bids may be rejected if there is a sound documented reason.
- g. The request for bids must be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
- h. An approved purchase order is required before the merchandise or service is ordered.

8. Alternative Procurement Procedures.

- 8.1. Purchases of equipment and other commodities or services directly from a vendor may be made without competitive bidding, with the approval of the business manager, if any of the following conditions exist:
 - 8.1.1 The item cannot be obtained through ordinary purchasing procedures, such as in situations where no bidders respond to a request for bids;
 - 8.1.2. The item is unique, or is not available from any other source (sole source). This can include copyrighted materials, conference facilities, lecturers, and workshop presenters;
 - 8.1.3. The item is available from the State or another county provided the price, availability, and quality is comparable to those in the open market;
 - 8.1.4. The item is available from a statewide contract and "piggybacking" by local governmental entities is permitted in the contract;
 - 8.1.5. The items are available from a federal or GSA contract and the supplier is willing to sell to an LEA in the state at the same or lower price.
 - 8.1.6. The item is available from a sheltered workshop;
 - 8.1.7. The item is available from an internet website maintained by a legitimate government purchasing cooperative, such as the one maintained by Government Purchasing Alliance or the Southern Region Education Board, where competitive bids have already been obtained;
 - 8.1.8. The item is a used vehicle or piece of equipment and its purchase is determined by the Business Manager to be in the best interest of the school system.
- 8.2 Documentation of the justification for not following the competitive procurement procedures must be maintained.

9. Exemptions from Competitive Bid Requirements.

The following items or services may be purchased by the Board without advertisement or obtaining competitive bids.

- 9.1.1. Accounting services and audits exclusive of the annual audit of the LEA's financial statements.
- 9.1.2. Advertising - Any advertisement placed directly with newspapers, trade magazines, etc. Does not include radio, broadcast television, or cable television; any indirect placement, promotional items; or advertising consultant services.
- 9.1.3. Artwork and Historical Items - Includes purchase of and service to artwork and historical items.
- 9.1.4. Attorneys and Law Firms.
- 9.1.5. Auditing Contracts between Governmental Agencies.

- 9.1.6. Entertainers.
- 9.1.7. Facilities Rentals.
- 9.1.8. Medical Fees - Fees for medical services (behavioral and physical) from individual doctors, psychologists, dentists, clinics, hospitals, audiologists, county medical examiners, physical and occupational therapists, behavioral counseling and evaluations; etc. for individual students.
- 9.1.9. Postage - Stamps, metering, overnight services.
- 9.1.10. Software maintenance.
- 9.1.11. Student activities - (Lecturers, entertainers, athletic events, referees, teachers for staff development, etc.).
- 9.1.12. Investigative Services, Subject Matter Experts and Witnesses - For administrative hearings and legal procedures.
- 9.1.13. Subscriptions and publications - (Newspapers, textbooks, and publications (electronic and hard copy) purchased directly from the publisher.
- 9.1.14. Training Activities -Lecturers, honorariums, copyrighted test and training materials, test monitors, examination proctors, etc., where competition is not available.
- 9.1.15. Tuition, Stipends, Accreditation and Registration Fees.
- 9.1.16. Utilities - Regulated by the Public Service Commission.
- 9.1.17. Livestock and fish stock for vocational programs.
- 9.1.18. Fees imposed by Other Government Entities (licenses, permits, etc.)
- 9.1.19. Court Ordered Payments – A copy of the court order must be maintained, unless sealed and restricted by the respective judge. If the order is sealed and restricted, an explanation must be maintained that references the court order.
- 9.1.20. Court Ordered Placements – Includes placing children at various education and/or behavioral centers when ordered by West Virginia courts or the West Virginia Department of Health and Human Resources.
- 9.2. Documentation of the justification for not following competitive procurement procedures must be maintained.

10. Construction Projects.

- 10.1. According to W. Va. Code §5-22-1 et seq., the state and its subdivisions, including Boards of Education must, except as provided in the code, solicit competitive bids for every construction project exceeding \$25,000 in total cost, but Sub-section (i) of that statute goes on to state that the section does not apply to emergency repairs to building components and systems. The term emergency repairs is defined in the statute as meaning repairs that, if not made immediately, will seriously impair the use of building components and systems or cause danger to those persons using the building components and systems.
- 10.2. Following the solicitation of bids, the contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond.
- 10.3. The Board may reject any or all bids and solicit new bids on a project.
- 10.4. According to W. Va. Code §21-5A-1 et seq., any public authority, including Boards of Education, before advertising for bids for the construction of a public improvement, must ascertain from the state commissioner of labor the prevailing wages to be paid by the successful bidder to the laborers, workmen or mechanics in the various branches or classes of the construction to be performed, and such schedule of wages must be made a part of the specifications.
- 10.5. The term "construction project" is not defined in West Virginia Code §5-22-1 et seq. but the term "construction" is defined in West Virginia Code §21-5A-1, as used in that chapter of the Code, as any construction. Reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract, but does not include temporary or emergency repairs.

- 10.6. According to the West Virginia Division of Labor, all construction contracts in excess of \$10,000 must be in writing.
- 10.7. At times, it becomes necessary to make a change in a construction project because of unforeseen circumstances that arise during the construction phase that were not known at the time the original contract was bid. At other times, it may be deemed to be in the best interest of the Board to make changes to a project during construction for a variety of reasons. While these changes may be determined to be necessary, a conscious effort must be made to limit the number and amount of changes to maintain the integrity of the competitive procurement process. All changes to a construction project must be documented by a written change order. To minimize the number of change orders issued:
 - 10.7.1. Construction change orders should be issued only when it is determined they are absolute necessary; the number of change orders issued should be restricted to the least number possible, change orders should not be used to alter the original scope of the project; and the cumulative effect on the total cost of the project should be minimal.
 - 10.7.2. Construction change orders cannot be used to: include additional work of a significant nature that was not in the original scope of the project, expand the cost of the project significantly beyond the original contract amount, or expand the work beyond the original work site.
 - 10.7.3. All construction change orders must be implemented in writing.
 - 10.7.4. The Board must establish an approval process for all change orders. The process should include the review and approval by the purchasing director of all change orders that have an impact on the total cost of the project and change orders that have an impact on the cost or scope of the project must be submitted to the Board for approval. The approval process should also address the timely approval of time sensitive construction work that must be completed as soon as possible to minimize disruption of the construction process.
 - 10.7.5. Project records should be maintained to clearly reflect the accumulative costs resulting from change orders.
- 10.8. The procedures for the: submission of sealed bids are discussed in Section 16 of this manual; the approval process in Section 18; and the awarding of bids in Section 19.

11. Architectural and Engineering Services.

- 11.1. According to W. Va. Code §5G-1-1 et seq., the state and its sub-divisions, including the Pendleton County Board of Education, must procure architectural or engineering services on the basis of demonstrated competence and qualifications for the type of professional services required.
 - 11.1.1. For projects estimated to cost less than \$250,000, competition must be sought. The Board must conduct discussions with three (3) or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract. If it is determined that seeking competition is not practical, the Board may, with the prior approval of the state director of purchasing select a firm on the basis of previous satisfactory performance, and knowledge of the agency's facilities and needs.
 - 11.1.2. For projects estimated to cost \$250,000 or more, architectural and engineering firms are to be encouraged to submit an expression of interest, which shall anticipated concepts and proposed methods or approach to the project. All jobs must be announced by public notice published as a Class II legal advertisement in compliance with W. Va. Code §59-1-1, et seq.
 - 11.1.3. A committee of three (3) to five (5) representatives of the Board shall evaluate these statements and select three firms, which, in the committee's opinion, are best qualified to perform the desired service, provided that, on projects funded wholly or in part by the West Virginia School Building Authority, two (2) of the three (3) firms selected must have had offices within the state for at least one year prior to submitting the expression on interest.

- 11.1.4. The committee shall then rank, in order of preference, no less than three (3) of the firms selected, and shall commence negotiations with the firms in the order of preference the scope of services and price for the work to be performed.
- 11.2. The procedures for the: submission of sealed bids are discussed in Section 16 of this manual; the approval process in Section 18; and the awarding of bids in Section 19.

12. Agreements.

- 12.1 Agreement is a procurement device used for obtaining professional, technical, or other specialized services where the scope of the services is known but the price is not the sole factor in determining the award. The services can include such activities as legal counsel; accounting services; presenters for continuing professional development activities; technology installation, repair and maintenance; and conference meeting facilities.
- 12.2.1. The agreement must be in writing and the total cost must be stated either as a "sum certain," or at a fixed rate, if the number of hours of service being acquired is not known, such as for legal services.
- 12.3. The agreement amount must also include the total being paid for any anticipated travel expenses incurred by the service provider. The payment of travel expenses for an independent contractor has federal and state income tax implications. Room or travel accommodations are not to be paid directly by the Board for contract service providers.
- 12.4. If using an agreement provided by the vendor, care must be exercised to ensure that the agreement does not contain contractual requirements that are violative of state statutes, such as any clause that requires a prepayment, the imposition of a penalty or termination charge should the Board cancel the agreement, or the requirement that the Board indemnify or hold harmless the vendor. A sample of an agreement addendum is included in Appendix C that can be attached to any agreement to modify common requirements that are not acceptable.
- 12.5. The procedures for the: submission of sealed bids are discussed in Section 16 of this manual; the approval process in Section 18; and the awarding of bids in Section 19.

13. Leases and Lease Purchase Agreements.

- 13.1. Lease and lease purchase of equipment are methods by which the Board may obtain equipment and make payments for the use of the equipment over a period of time.
- 13.2. In a lease purchase agreement, the Board reserves the right to exercise an option, normally at the time of the last installment payment, to have the lease payments apply, in whole or in part, as installment payments towards ownership of the equipment.
- 13.3. Leases and lease purchase agreements may be negotiated with the vendor providing the original product being acquired, or with another vendor that provides only the financing arrangement. In the latter case, the lease arrangement becomes a service agreement rather than a commodity purchase.
- 13.4. Competitive bids are encouraged but not required for leases and lease purchase agreements.
- 13.5. In lease purchase agreements, the agreement must be for the acquisition of the commodity being acquired; the collateral for the agreement cannot be property that is already owned by the Board.
- 13.6. Title cannot transfer from the lessor to the lessee until the option to purchase the commodity is exercised, normally at the time the last installment payment is made.
- 13.7. The State Constitution and W. Va. Code §11-8-26 prohibit a local fiscal body from expending funds or incurring obligations from future levies.
 - 13.7.1. A lease purchase agreement extending beyond the fiscal year must contain a non-binding cancellation clause where the contract can be terminated at the end of each fiscal year, at the Board's discretion, without creating a present indebtedness for the aggregate of the installment payments.

- 13.7.2. Any language in a lease purchase agreement that might require the Board to give notice to the lessor or be liable for future payments before terminating the agreement at the end of a fiscal year is void.

14. Purchases of Textbooks, Instructional Materials and Learning Technologies.

- 14.1. All textbooks are to be purchased in accordance with procedures prescribed in W. Va. Code §18-2A-1 et seq. No textbook, instructional materials, or learning technologies may be purchased for use in the public school in the State of West Virginia as the primary source of delivery of the instructional goals and objectives for state required courses unless the materials have been approved and listed on the state multiple list by the West Virginia Board of Education (hereinafter State Board), except for the provisions included in W. Va. Code §18-2A-8. Magazines, newspapers and other periodicals may be purchased for classroom use to supplement those items on the state multiple lists.
- 14.2. When the selection and approval of the items on the multiple list have been made, the State Board is required to: (1) furnish contracts for the selected items to the appropriate vendors within 30 days of the adoption of the multiple list; (2) prepare a list of the adopted items, publish the list; (3) and provide a copy of the list to each county superintendent and vendor who submitted a bid by January 15th of the year of the county adoption of the materials.
- 14.3. Any vendor awarded a contract to furnish items on the multiple list is required to furnish the items for the period of adoption, to any county board of education, any dealer appointed by the board, or any State Board approved depository at the lowest wholesale price contained in the bids or contracts made to any other county school system, dealer, or depository in any other state, like conditions prevailing.
- 14.4. According to W. Va. Code §18-2A-4, vendors are required to automatically reduce prices when prices are reduced anywhere in the United States, so that no item is sold at any time in the State at a higher wholesale price than received for the item elsewhere in the country.
- 14.5. All items sold in West Virginia must be identical to the official samples filed with the State Board as regards to quality standards, specifications, subject matter, and other particulars, which may affect the value of the items. The State Board may however, approve revised editions of the adopted materials during the period of the contract, which will authorize a vendor to furnish the revised materials.

15. Compliance with Federal Procurement Requirements.

- 15.1. Whenever procuring commodities and services with federal grant proceeds, the Board must use the procurement procedures specified in this policy and all locally adopted procedures.
- 15.2. Any requisition utilizing federal funding which includes special requirements in addition to or different than normal purchasing requirements must be identified when the requisition is submitted to the business manager.
- 15.3. Procedures for the procurement of commodities and services with funds from the U. S. Department of Education are included in that agency's regulations entitled, United States Education Department General Administrative Regulations (EDGAR), sections 74.41 through 74.48.
- 15.4. Procedures for the procurement of commodities and services with funds from other federal agencies can be found in that agency's administrative regulations.
- 15.5. The Board is prohibited from purchasing commodities or services, or entering into construction contracts, from a vendor that has been debarred by the federal government.

16. Submission of Sealed Bids.

- 16.1. All sealed bids are to be submitted at the vendors' expense.
- 16.2. Bidders must submit their bids and/or proposals prior to the date and time of the bid opening in the format prescribed by the Board. Substitutions for the prescribed format are acceptable only if the substituted terms, conditions, and/or provisions have been approved in advance by the business manager.
- 16.3. Bidders shall submit their bids and/or proposals to the business manager. The business manager shall reject all bids not received by the specified date and time.

- 16.4. An authorized representative of the bidder shall sign all bids before submission. A corporate signature without an individual name is not an acceptable signature.
- 16.5. The Board may accept the submission of bids by facsimile transmission. The completed facsimile transmission must be received by the Board prior to the specified date and time for submission of the bid. A vendor choosing to submit a bid or a written change to a bid by facsimile transmission accepts full responsibility for the transmission and receipt of the bid or change. The Board accepts no responsibility for the unsuccessful and/or incomplete transmission of bids by facsimile machine. An original document and a copy of a bid that is initially sent by facsimile transmission shall be sent to the business manager within two (2) working days after the bid opening date and must be identical to the bid submitted by facsimile transmission.
- 16.6. Copies of bids may be open for public inspection in the office of the business manager immediately after bid opening. All files related to the evaluation and awarding of the bids are open for public inspection after the award has been made.
- 16.7. A bidder may make a written change of a sealed bid before the bid opening. A bidder shall submit written changes to the business manager prior to the date and time of the bid opening. A bidder may submit changes by facsimile transmission.
- 16.8. The Board may reject an erroneous bid after the bid opening if all of the following conditions exist: (1) an error was made; (2) the error materially affected the bid; (3) rejection of the bid would not cause a hardship on the Board, other than losing an opportunity to receive commodities at a reduced cost; and (4) enforcement of the part of the bid in error would be unconscionable. In order for the Board to reject a bid, documented evidence shall be maintained that all of the conditions set forth in this subdivision exist.
- 16.9. If there is a conflict between the extension price and the unit price, or other minor errors exist that are not sufficient to cause the bid to be rejected, the unit price prevails.
- 16.10. A bidder may make a price adjustment on any purchase order if specific provisions for price adjustments have been incorporated in the RFQ and purchase order. A bidder shall make a request for price adjustment in accordance with the specific terms and conditions of the individual purchase order. In the event no provision for price adjustment has been made, discretion to grant a price adjustment rests with the Board.

17. Resident Vendor Preference.

- 17.1. According to W. Va. Code §5A-3-37, preference for resident vendors of the State of West Virginia or preference for vendors employing state residents may be granted in the purchase of commodities or printing.
- 17.2. There is no statutory authority that permits the Board to grant local residential preference to vendors of a county or a local community within a county.
- 17.3. The Board may establish by local board policy, procedures for granting preference to resident vendors of the State in the awarding of a bid for the purchase of commodities and printing made upon competitive bids, with the exception of purchases made with federal funds where the federal program regulations prohibit the granting of such vendor preference. Care should be taken in establishing such procedures, however, because it can result in a higher purchase price for the Board. Vendor preference cannot exceed five (5) percent of the lowest bid submitted by a qualified bidder.
- 17.4. A qualifying resident vendor may include but not be limited to one who maintains the following business activities or has paid the indicated taxes within the State:
 - 17.4.1. Is authorized to transact business within the State by appropriate authorities;
 - 17.4.2. Maintains an office in the State;
 - 17.4.3. Has actually paid real or personal property taxes on real estate or equipment used in the regular course of business related to the commodities or services offered;
 - 17.4.4. Has paid business taxes to the State and to municipalities; and
 - 17.4.5. When selling tangible personal property, has available for delivery a stock of materials of the type being offered and of a reasonable quantity.

18. Approval.

- 18.1. In order to ensure that only necessary purchases are made, all purchases must have the prior approval of an employee who has supervisory authority over the individual initiating the purchase request. Purchases by employees who have the authority to approve purchase requisitions must have the approval of the Superintendent or designee, except purchases of expendable supplies by schools.
- 18.2. The purchase of commodities or services costing less than \$5,000 must have the prior approval of an employee who has supervisory authority over the individual initiating the purchase request.
- 18.3. All contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$5,000 or more but less than \$25,000 must have the prior approval of the business manager or other designee.
- 18.4. All contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$25,000 or more but less than \$100,000 must have the prior approval of the Superintendent.
- 18.5. All contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$100,000 or more must have the prior approval of the Board. The approval can be granted either as a consent agenda item or by a separate motion of the Board.

19. Awarding.

19.1. Commodities.

- 19.1.1. The award for the purchase of commodities shall be made to the lowest responsible bidder, with exception of the purchase of school buses. According to W. Va. Code §5A-3-11, state bids on school buses shall be accepted from all bidders who shall then be awarded contracts if they meet the State Board's "minimum Standards for Design and Equipment of School Buses." County boards may select from any of the bidders who have been awarded contracts.
- 19.1.2. In making such award, the business manager shall consider such factors as quality (meeting specifications), price, time of delivery, cost of delivery, and other terms and conditions considered prudent.
- 19.1.3. In situations of discrepancies in bid documents, unit prices shall prevail in all cases.
- 19.1.4. In some cases the business manager shall make multiple and/or split awards when it is in the best interest of the LEA to do so.
- 19.1.5. The Board may reject any or all bids and solicit new bids.

19.2. Agreements.

- 19.2.1. The award of agreements that are used for obtaining professional, technical, or other specialized services may be negotiated and need not be competitively bid, since the variety of the services can vary significantly among providers.
- 19.2.2. Locally developed criteria may be established for evaluating and negotiating such agreements. Competitive bids may be solicited, but the award need not be awarded to the lowest bidder.
- 19.2.3. The Board may reject any or all bids that have been requested and solicit new bids.

19.3. Contracts

- 19.3.1. According to West Virginia Code §5A-3-10a, No contract or renewal of any contract may be awarded by the state or any political subdivision to any vendor when the vendor or a related party to the vendor is a debtor and the debt owed is an amount greater than \$1,000, as defined in the following paragraphs.
- 19.3.2. Debt is defined in the statute as any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions

because of a judgment, fine, permit violation, license assessment, workers' compensation premiums, penalty, or other assessment or surcharge presently delinquent or due and required to be paid to the state or any of its political subdivision, including any interest or additional penalties accrued thereon.

19.3.3. The prohibition does not apply where a vendor has contested any tax, workers' compensation premium amount, permit fee, or environmental fee or assessment and the matter has not become final, or the vendor has entered into a payment plan and the vendor is not in default of any provisions of the payment plan.

19.3.4. Any bids, contract proposals or contracts with the state or any of its political subdivisions must include an affidavit that the vendor or related party to the vendor does not owe any debt in an amount in excess of \$1,000.

19.4. Accounting and Auditing Services Contracts.

19.4.1. Contracts for the annual audit of the Board are to be awarded in accordance with the instructions issued by the State Auditor's Office.

19.4.2. Contracts for accounting services may be issued by the Board using the procedures specified above for agreements.

19.4.3. The Board may reject any or all bids that have been requested and solicit new bids.

19.5. Construction Contracts.

19.5.1. According to W. Va. Code §5-22-1 et seq., the award of every construction contract that exceeds \$25,000 in total cost must be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond.

19.5.2. The Board may establish by local procedures the criteria for determining whether a bidder is considered a qualified responsible bidder. The determination is to be made during the evaluation process and not at the time the bids are opened.

19.5.3. The Board may reject any or all bids and solicit new bids on the project.

19.6. Architectural or Engineering Services.

19.6.1. According to W. Va. Code §5G-1-1 et seq., the state and its sub-divisions, including the Board, must procure architectural or engineering services on the basis of demonstrated competence and qualifications for the type of professional services required, as discussed in Section 12 of this manual.

19.6.2. The Board may accept or reject, in whole or in part, any bid when it is determined to be in the best interest of the Board. If any bid is rejected, the business manager shall place a written explanation in the purchase order file.

19.7. Tied Bids.

19.7.1. When tie bids are received, the award can be made by allowing the tied vendors to make a "last and final offer," by flip of a coin, draw of the cards, or any other impartial method considered prudent by the business manager.

20. Requirement for Bonds and Deposits.

20.1. The business manager shall determine the applicability and amount of bonds and/or deposit required of a vendor at any time, if, it is judged that security is necessary to safeguard the Board from undue risk.

20.2. The types of bonds that may be required include bid bonds, performance, surety, litigation, or maintenance bonds.

20.3. The business manager may require the vendor to submit a certified check, certificate of deposit, bond, or any other security acceptable to the business manager, payable to the Board. Personal checks and/or company checks are not acceptable.

20.4. The provisions for these requirements should be incorporated into the request for quotation and purchase order. When any contract is satisfactorily completed on which a surety bond

or other deposit has been previously submitted, the individual originating the purchase shall certify the satisfactory completion or acceptance of the commodities or services being purchased in writing to the business manager.

- 20.5. Upon receipt of the notification, the business manager shall return the check or deposit to the vendor.

21. Vendors' Rights and Duties.

- 21.1. Each vendor is solely responsible for the delivery of the bid proposal in writing to the place and location specified by the Board in the bid requisition. The bid must be received by an authorized employee of the Board prior to the specified date and time specified in the bid opening.
- 21.2. The official time clock for the purpose of receipt of bids shall be displayed in the office of the business manager.
- 21.3. Vendors are responsible for the accuracy of the information in the bid.
- 21.4. A vendor who fails to return all required forms and materials with their bid may be suspended from the bidding list.
- 21.5. If there is a conflict between the extension price and the unit price, the unit price prevails.
- 21.6. Each vendor must honor any contractual term or condition included in the bid document.
- 21.7. Each vendor must indicate a definite shipping date on all bids after receipt of the purchase order. If not indicated on the vendor's response, the Board may require delivery within ten (10) days after receipt of the order.
- 21.8. Any changes made by the vendor in the specifications listed in the bid request shall be clearly stated by the vendor. If changes are not stated, the Board shall assume that items offered meet the specifications.
- 21.9. If a vendor is suspended and requests a hearing, one will be scheduled with the Superintendent or his/her designee. The vendor shall be notified, in writing, of the date, time and place of the hearing.

22. Remedies and Suspensions.

22.1. Remedies.

- 22.1.1. In the event that a vendor fails to honor any contractual term or condition, the Board may:
- a. Cancel the contract and re-award the purchase order to the next lowest bidder. The vendor failing to honor contractual obligations is responsible for all differences in cost;
 - b. Declare a vendor non-responsible or non-responsive and refuse to award a purchase order. All such instances shall be substantiated in writing. The documentation shall be considered a public document and shall be available for inspection at all reasonable times; or
 - c. Suspend, for a period not to exceed one (1) year, the right of a vendor to bid on purchases when there is reason to believe the vendor has violated any of the provisions, terms, or conditions of a contract, this rule, and/or State law. A suspended vendor may appeal the decision of the business manager to the Board.

22.2. Suspensions.

- 22.2.1. The following are adequate grounds for suspension:
- a. A vendor has exhibited a pattern of poor performance in fulfilling his or her contractual obligations to the Board. Poor performance includes, but is not limited to, a vendor providing or furnishing commodities, materials, or services late, or at a quantity or quality level below that which is specified in the contract.

- b. A vendor has breached any contract entered into pursuant to the provisions of W.Va. Code §5A-3-1 et seq. or this rule; or
- c. A vendor has been convicted of a federal, state, or local crime punishable as a felony, directly related to the performance of a contract entered into pursuant to this rule.

23. Protests.

23.1. Submission of a Protest.

- 23.1.1. Protests based on bid specifications must be submitted no later than five (5) working days prior to bid opening. Protest of purchase order/contract awards must be submitted no later than five working days after the award. The vendor is responsible for knowing the bid opening and award dates. Protests received after these dates may be rejected at the option of the business manager.
- 23.1.2. All protests shall be submitted in writing to the business manager and contain the following information:
 - a. The name and address of the protestor;
 - b. The requisition, purchase order/contract numbers;
 - c. A statement of the grounds of protest;
 - d. Supporting documentation (if necessary); and
 - e. The resolution or relief sought.
- 23.1.2. Failure to submit this information shall be grounds for rejection of the protest by the business manager.

23.2. Review of Protest.

- 23.2.1. The business manager or his/her designee shall review the matter of protest and issue a written decision. A hearing may be conducted at the option of the business manager or assigned designee. Continuation or delay of purchase order/contract award is at the discretion of the business manager.
- 23.2.2. The business manager may refuse to review any protests when the matter involved is the subject of litigation before a court of competent jurisdiction; if the merits have previously been decided by a court of competent jurisdiction; or if it has been decided in a previous protest by the business manager. The provisions of this subsection do not apply where the court requests, expects, or otherwise expresses interest in the decision of the Board.

24. Receipt of Deliveries.

24.1. Deliveries to a warehouse.

- 24.1.1. When deliveries are made to a central warehouse, or directly to a school or other cost center, personnel receiving the commodities are responsible for the inspecting of goods, ensuring that purchases meet contractual requirements, signing for the commodities, and forwarding the receipting documents to the business office for payment of the invoice.
- 24.1.2. The Board must develop procedures for receiving merchandise shipped from vendors to a central warehouse for subsequent delivery to a school or other cost center. These procedures must include the steps to be followed in the following circumstances:
 - a. When the complete order is received and the warehouse personnel are able to verify that all items ordered are received;
 - b. When the complete order is received but the warehouse personnel are not able to verify that all items ordered are received, such as when the computer hardware is ordered with specified pre-loaded software;
 - c. When all items are not shipped and backorders will not be accepted;
 - d. When all items are not shipped and backorders will be accepted.

24.2. Deliveries shipped directly to a school or other cost center.

- 24.2.1. The Board must also develop procedures for receiving merchandise shipped from vendors directly to a school or other cost center. These procedures must include the steps to be followed in the same circumstances discussed in the preceding paragraph.

24.3. Deliveries received that are not of acceptable quantity or quality.

- 24.3.1. Any problems with quality, quantity, performance, and lack of conformity to specifications, should be reported to the business manager immediately. Poor quality items that do not meet specifications should not be accepted and approved for payment. This applies also to term contract items. It is always best to resolve problems before final payment has been made, whenever possible. Retain all shipping documents and packing containers.

25. Online Procurement.

- 25.1. Online procurement is the process of comparing prices, requisitioning, purchasing, and paying for commodities and services using the Internet.
- 25.2. Online procurement products include: bid process acquisition system for purchases requiring a quote or competitive bid process; direct purchase system for purchases not requiring a quote or bid, purchasing card payment process, if desired; and purchasing card reporting system.
- 25.3. If online procurement is used, all purchasing policies must be followed, including the issuance of purchase orders prior to the time the commodities or services are ordered. The purchase order must be issued to the vendor from whom the commodities or services are being purchased, and not to the online procurement provider.

26. Payment for Commodities or Services.

- 26.1. According to W. Va. Code §12-3-18, it is unlawful for a board of education to pay any claim for services rendered or materials furnished unless the claimant files an itemized account of the claim. The Pendleton County Board of Education shall routinely and regularly pay invoices twice to three times per month.
- 26.2. The account shall be itemized in detail, and shall show, among other things, the following:
- 26.2.1. If the claim is for services, the claim shall show the kind of services, the dates when the services were performed, and the name of the person performing the services.
- 26.2.2. If the claim is for materials or supplies furnished, the claim shall show in detail the kind of material or supplies, the quantity, dates of delivery, and to whom delivered.
- 26.3. Consequently, the Board cannot make payments from a summarized statement, but must make all payments for materials furnished and services rendered from an itemized invoice.
- 26.4. In addition, payments cannot be made in advance of the materials being furnished or the services rendered.
- 26.5. According to W. Va. Code §11-10-11(d), all state, county, district, and municipal officers and agents making contracts on behalf of the state or any political subdivision thereof must withhold payment in the final settlement of any contract, until the receipt of a certificate from the tax commissioner to the effect that all taxes against the contractor have been paid or provided for. A copy of the "Release of Final Settlement" form is included in Appendix C.
- 26.6. In addition, if the contract is subject to county or municipal business and occupation taxes, the payment must also be withheld until receipt of a release from the applicable county or municipality to the effect that all county or municipal business and occupation taxes levied or accrued against the contractor have been paid.

27. Credit Cards.

27.1. General

- 27.1.1. A credit card program can include purchasing cards, vendor issued credit cards, or corporate credit cards for the payment of authorized travel related expenses.
- 27.1.2. The Board may establish by board policy a credit card program as an alternative payment method when making purchases of commodities and services, or for the payment of authorized travel expenses. Credit cards, however, cannot be used to purchase land, buildings, vehicles, or equipment those cost is above the Board's capital asset control level threshold.
- 27.1.3. Individual schools.
 - a. The Board may also establish, by board policy, a credit card program for use by the individual schools in the county to be used for the purchase of instructional materials and supplies.
 - b. In addition, the Board may establish, by board policy, a credit card program for the individual schools in the county to use for travel expenses incurred by students on authorized student trips, including the accompanying adults having supervisory responsibilities of the students, such as coaches, music directors, team sponsors, and chaperones.
- 27.1.4. For cards issued in the name of designated employees, each designated employee must complete and sign an acknowledgement form provided by the Board (See Appendix C) in which the employee acknowledges the responsibilities associated with becoming a cardholder.
- 27.1.5 Prohibitions and Restriction
 - a. Cardholders are prohibited from delegating a card to another individual. Card delegation is the practice of allowing an individual other than the cardholder whose name appears on the front of the card to have access to the card or card number to initiate or complete a purchase transaction.
 - b. The actual card must be presented for all purchases. Cards and card numbers may not be photocopied and disseminated for making purchases. Card numbers must be kept secure at all times so that the numbers are not photocopied by unauthorized individuals.
 - c. Cards must be surrendered immediately upon termination or separation of employment. Upon surrender, the card is to be canceled and the card destroyed.
 - d. The card must be kept secure at all times. For cards issued in the name of designated employees, the cardholder must sign the back of the card upon receipt. Each individual cardholder is responsible for every charge that appears on his/her card. Cards should only be used on secured internet sites. A secured site has a closed lock at the bottom of the screen.
 - e. A card shall not be used to obtain cash advances or cash credits. Cards may not be used to pay a vendor requiring the payment of a surcharge.
- 27.1.6. Receipts.
 - a. An itemized receipt must be obtained for each transaction charged on a card. The receipt must contain the following specific information and meet certain conditions:
 - (1) Receipts must be itemized and include a description of the items purchased unit price, quantity, and total cost for each item. Use of generic terms such as "miscellaneous" or "various merchandise" is not acceptable.
 - (2) Receipts must show no balance due or be marked "paid."
 - (3) Receipts must be totaled.
 - (4) Receipts must show that the payment was by credit card.

(5) All receipts should be kept in chronological order by date of purchase.

27.1.7. Reconciliations and Reviews.

- a. Each cardholder is responsible for reconciling his/her statement every month. The credit card program coordinator is responsible for reconciling the master statement.
- b. Individual and master statements must be examined carefully for billing errors, debits due to erroneous billings, or credits to correct a previously disputed item.
- c. Upon completion of reconciliation, the cardholder must forward his/her documentation to the coordinator for review.
- d. The coordinator is responsible for reconciling the master statement. This includes reviewing all transactions to ensure that they are legitimate and for official business, and that all required documentation is present.
- e. For post-audit purposes, all documentation relating to the card program must be retained for two (2) years from the end of the fiscal year in which the transaction was completed.
- f. Schools must provide copies of the master statement, receipts, and other documentation to the business office for review on a quarterly basis.

27.1.8. Unauthorized Use.

- a. Employees using a card to knowingly pay for items intended for personal use are subject to disciplinary action up to and including termination and prosecution by the Board, and subject to civil action by the credit card company for personal liability.
- b. Employees failing to properly follow purchasing policies, procedures, and state law associated with the credit card program are also subject to disciplinary action up to and including a period of probation, or revocation or limitation of credit card privileges.

27.2. Vendor Issued Credit Cards.

- 27.2.1. Vendor issued credit cards can include cards issued by gasoline companies (such as Exxon) or general merchandise outlets (such as Wal-Mart, Sam's Club, Lowe's, etc.)
- 27.2.2. Vendor issued credit cards may be issued either in the name of the Board without an authorized employee's name printed on the card, or in the name of the Board and each individual cardholder's name also printed on the card.
- 27.2.3. A vendor issued credit card can generally be used only for purchases from that particular vendor or related vendors. Normally, there are very few restrictions as to the type of merchandise that can be purchased using the card, therefore, stringent controls must also be maintained over who has access to the card and the types of purchases that are made.
- 27.2.4. In the cases where a vendor issued card is issued only in the name of the Board to maintain accountability and control, the Board must maintain a log for each card employees are required to sign- out the card each time the card is being used. A sample form can be found in Appendix C.
- 27.2.5. Employees who are authorized to use a vendor issued credit card must attend a training course specifically designed for cardholders, whereby all rules pertaining to card use are discussed in detail, including purchasing policies, ethics, and disciplinary action that could result if the card is misused.
- 27.2.6. Employees who are authorized to use a vendor issued credit card must also sign a statement acknowledging that they have attended the training session and that they understand and are willing to assume the responsibilities that are associated with the card's use (See Appendix C for a sample form).

- 27.2.7. All purchasing policies must be followed when making purchases using a vendor issued credit card, however purchase orders are not required if the card is issued in the name of a designated employee.

27.3. Purchasing Cards.

- 27.3.1. Pursuant to the authority of W. Va. Code §12-3-10a, the Board may establish by board policy a purchasing card program for the purpose of authorizing the use of a purchasing card as an alternative payment method when making purchases of commodities and services.
- 27.3.2. Authorized Card Holders.
- a. Purchasing cards may be issued only to the Board's regular, full-time employees; they cannot be issued to temporary or part-time employees, contract employees, volunteers, or students.
 - b. Each card must be issued in the name of an individual cardholder. Only the employee whose name appears on the front of the card is an authorized user of the card. Cards cannot be issued generically in the name of the Board or school.
 - c. Employees to whom purchase cards are issued must attend a training course specifically designed for cardholders, whereby all rules pertaining to card use are discussed in detail, including purchasing policies, ethics, and disciplinary action that could result if the card is misused.
 - d. Employees to whom purchase cards are issued must also sign a statement acknowledging that they have attended the training and that they understand and are willing to assume the responsibilities that are associated with the card's use.
- 27.3.3. All applicable purchasing policies must be followed for each transaction, regardless of the method of payment.
- 27.3.4. Purchase orders are not required for purchases of commodities and services made through the use of the State's purchase card system or other purchase card system which provides the same level of internal accounting controls as the State's system, but all requirements specified in this section of the policy related to the purchase card program must followed, including individual transaction limits, monthly transaction limits, and maximum number of transactions.
- 27.3.5. Limits.
- a. The purchasing card may be used to make payments for goods and designated services that do not exceed the single transaction limit established by the Board.
 - b. The Board must establish a maximum monthly limit, a maximum transaction limit, a maximum number of daily transactions and a maximum number of monthly transactions for each individual cardholder.
- 27.3.6. Responsibilities.
- a. The Chief School Business Official or designee is responsible for administering the purchasing card program for the Board. The responsibilities may be delegated to a purchasing card coordinator.
 - b. If the board has authorized a purchasing card program in the individual schools, the school principal shall serve as the purchasing card coordinator for his/her school and is responsible for administering the purchasing card program at that school.
 - c. Responsibilities of the coordinators include, but are not limited to, the following:
 - (1). Monitor and oversee the purchasing card program to ensure that key controls are in place to prevent misuse.

- (2). Determine the locations and types of purchases that may be made with each card and work with the credit card company to limit the card to those purchases and vendors only.
- (3). Determine the employees who are eligible to obtain a card.
- (4). Ensure the proper completion of applications and cardholder agreements.
- (5). Reconcile master statements.
- (6). Ensure the prompt payment of the master statement.
- (7). Ensure that all cardholders follow all purchasing policies.
- (8). Maintain copies of all cardholder agreement forms.
- (9). Disseminate updated purchasing card information to cardholders.
- (10). Activate purchasing cards.
- (11). Ensure that cards are canceled and destroyed upon a cardholder's termination or separation of employment.
- (12). Determine the following: credit limit, single transaction limit, monthly transaction limit, number of daily transactions, and number of monthly transactions.
- (13). Be responsible for all charges appearing on the master statement.

27.3.7. Utilities.

- a. The Board may obtain a separate purchasing card with transaction and credit limits exceeding those for individual cards to make payments for utilities.
- b. In obtaining a utility card, all transactions other than the payment of utilities must be blocked.
- c. A utility company may not charge a surcharge for the convenience of paying with the utilities purchasing card.

27.4. Corporate Credit Card for the Payment of Travel Related Expenses.

27.4.7. The Board may obtain a corporate credit card for each employee to use in charging authorized travel related expenses. The cards must be issued in the name of the Board and the individual cardholder.

27.4.8. Authorized Card Holders:

- a. Corporate credit cards for the payment of travel related expenses may be issued only to the Board's regular full-time employees: they cannot be issued to temporary or part-time employees, contract employees, volunteers, or students.
- b. Each card must be issued in the name of an individual cardholder. Only the employee whose name appears on the front of the card is an authorized user of the card. Cards cannot be issued generically in the name of the Board or school.
- c. Employees to whom travel cards are issued must attend a training course specifically designed for cardholders, whereby all rules pertaining to card use are discussed in detail, including purchasing policies, ethics, and disciplinary action that could result if the card is misused.
- d. Employees to whom travel cards are issued must also sign a statement acknowledging that they have attended the training and that they understand and are willing to assume the responsibilities that are associated with the card's use.

27.4.9. The card is to be used only for authorized travel related expenses incurred by the cardholder. Travel expenses for other individuals, even if they are Board employees, cannot be charged to another employee's card.

- 27.4.10. The Board can elect to have the monthly statement issued to each individual cardholder, who would be responsible for payment of the invoice amount, or issued to the LEA for payment.
- 27.4.11. If the statement is issued to the Board, procedures must be established to ensure that only authorized travel expenses are being charged on the card and are being paid by the Board.
- 27.4.12. Regardless of the method selected, all personnel are required to follow all travel authorization and reimbursement requirements and must submit a travel expense reimbursement request prior to the payment of the travel expenses by the Board, either by direct payment to the issuer of the card or by reimbursement to the employee, even if all expenses incurred for the travel were charged on the card. The purpose of this is for the Board is to have on file a certification from the traveler that all travel related expenses appearing on the statement were for an authorized purpose.

28. Emergency Procurement.

28.1. Declared Emergencies.

- 28.1.1. The Governor of the State of West Virginia has the inherent constitutional authority to declare an emergency situation. In the event the Governor declares such an emergency, the Governor has the authority to suspend certain laws, rules and/or regulations relating to the acquisition of commodities and service by public organizations pursuant to W.Va. Code § 15-5-6(g).
- 28.1.2. It is of the highest importance that state government responds quickly and effectively to safeguard the public safety and welfare during states of emergency. Yet, even under those circumstances, the acquisitions of commodities and services must be effectuated in a fair and accountable manner.
- 28.1.3. Accordingly, should the Governor suspend said laws, rules and/or regulations, the following procedures shall apply:
 - a. The employees or representatives of the Board covered by these procedures shall exercise sound judgment and discretion when acquiring commodities and services related to the emergency.
 - b. The employees or representatives of the Board shall operate with highest ideals of honor and integrity and strive to avoid the appearance of perceived impropriety.
 - c. No person shall corruptly combine, collude, or conspire with one or more persons to lessen competition, cause a higher price to be paid or cause one vendor to be unjustifiably preferred over one or more other prospective vendors.
 - d. No person shall solicit or receive anything of value, directly or indirectly, now or in the future, from any vendor or person supplying commodities or services in relation to the emergency.
 - e. The Board shall be responsible for developing specifications for commodities and services that do not favor a particular brand or vendor.
 - f. Any contract and/or purchase order in excess of \$100,000 shall be reviewed, approved and signed by the Superintendent.
 - g. The acquisition of commodities and services not on contract that is estimated to cost in excess of \$1,000 but less than \$5,000 shall at all times be based on three competitive bids. Bids may be verbal but shall be summarized and documented and include the date of contact, vendor, dollar amount, commodity or service description, quantity, number of bids obtained and whether the award was made to the low bidder.
 - h. The acquisition of commodities and services not on contract that is estimated to cost in excess of \$5,000 shall be based on three written bids which shall be documented and include the date of contact, vendor, dollar amount,

commodity or service description, quantity, number of bids obtained and whether the award was made to the low bidder.

- i. If, in the opinion of the Board, using sound judgment and discretion, time does not permit written bids to be received, verbal bids shall be obtained and documented, with written bids received within five working days of the request.
- j. If, in the opinion of the Board, using sound judgment and discretion, time does not permit verbal bids to be received, the Board must secure written approval from the chief executive officer of the state agency to secure necessary services and supplies without bids for only that period of time absolutely necessary to abate the emergency.
- k. All purchase order and/or contract awards shall be made to the lowest, responsible bidder meeting specifications.
- l. Should the award not be made to the lowest priced bidder, a written justification shall be placed on file with the bids that documents the reason the low price was rejected. The Superintendent must sign this justification.
- m. The Board shall document each expenditure and include specifications, bids, no-bids, award justifications and any other relevant data.
- n. The documentation for each expenditure shall be complete and shall be kept in an orderly manner that will enable any interested party to understand the specifics of the expenditure.
- o. A complete written record of all expenditures relating to the emergency shall be submitted to the Governor within 30 days of the expiration of the declaration of the emergency.
- p. The written record shall include a summary sheet that details all acquisitions for the emergency and lists date of purchase, vendor, dollar amount, commodity or service description, quantity, number of bids obtained and whether the award was made to the low bidder.
- q. The Governor reserves the right to remove the spending authority at any time during the emergency and appoint a person or organization to manage the emergency expenditures and/or transfer that authority to another organization.
- r. All emergency expenditures are subject to complete review and/or thorough audit as requested by the Governor.
- s. The Governor has reserved the right to amend, alter, or cancel the preceding procedures as necessary through written amendments, alterations or cancellations with justification and documentation of specific situations and reasons.

28.2. Local Emergencies.

- 28.2.1. The Board must establish by board policy the procedures to be followed in the case of an emergency at the local level that has not been declared an emergency by the Governor.
- 28.2.2. The Superintendent, business manager or appointed designee shall issue prior written approval for purchases in emergency situations. These situations can arise from acts of nature, conditions that are detrimental to the health, safety, or welfare of employees or students, or other unforeseen events that threaten the termination of essential services. These can include unforeseen delays by contractors or delays in the transportation of indispensable goods and materials. Emergency purchases are not to be used for hardships created by neglect, poor planning, or lack of organization.
- 28.2.3. Competitive bids must be obtained whenever possible. If, in the opinion of the Board, using sound judgment and discretion, time does not permit verbal bids to be received, the Board must secure written approval from the chief executive

officer (state) to secure necessary services and supplies without bids for only that period of time absolutely necessary to abate the emergency.

29. Purchases by Schools.

- 29.1. All purchases by the schools are to be made in accordance with the procedures specified in State Board Policy 1224.1 and the incorporated manual entitled *Accounting Procedures Manual for the Public Schools in the State of West Virginia* and all locally established purchasing procedures.
- 29.2. Public schools are not legal entities and school personnel do not have the statutory authority to enter into bidding contracts or obligate board funds. All contracts must be approved and signed by the Board or the Superintendent, if approval authority has been delegated to the Superintendent. Except for the funds discussed in the succeeding paragraph, individual schools have the authority to expend only the “quasi-public” funds received by the school from curricular or non-curricular activities.
- 29.3. The Board is not permitted to distribute public funds to individual schools for expenditure. Funds may be allocated to each school, but the actual procurement transactions are to be handled through the Board’s central business office. Exceptions to this general rule are: (a) the distribution of funds appropriated for faculty senates through the Public School Support Program (PSSP) and supplemental allocations by the Board to provide the basic allocation for teachers not funded through the PSSP; (b) the occasional or infrequent reimbursement of an expense unintentionally paid by a school, or; (c) the disbursement of funds to a school for the repetitive purchase of a specific item, such as postage, where it is impractical to handle the transaction in any other manner. Supplemental allocations by the Board to the appropriated amount provided to each teacher through the PSSP are not to be distributed to the schools for expenditure. The latter two exceptions are for small dollar amounts and are not to be extended to the routine distribution of funds to all schools in the county on a formula or predetermined basis for the schools to determine how the funds are expended.
- 29.4. All state or federal grant funds received directly by an individual school are to be remitted immediately to the board office. The funds are to be allotted to the school for expenditure for the purposes identified in the grant award, but the procurement transactions are to be handled through the Board’s central business office.
- 29.5. Schools making purchases using “quasi-public” funds or student activity funds should explore whether the goods and services are available from a contract negotiated by the Board or a cooperative contract with a RESA or other counties before going to the open market.

30. Safeguarding and Control of Assets.

30.1. Inventory Control Function.

- 30.1.1. An adequate inventory control system of all capital assets, equipment and disposal supplies and commodities purchased must be maintained to safeguard the assets on hand and to ensure that those that are placed into service or consumed have been used for an authorized purpose. The maintenance of inventory records is an integral part of this system, providing an accounting of all assets purchased and consumed. A perpetual inventory system provides a continuous report of the quantity and description of the items on hand at any given time.

30.2. Inventory of Capital Assets.

- 30.2.1. The inventory of capital assets must be maintained on the West Virginia Education Information System (WVEIS), as specified in the procedures manual issued by the Office of School Finance entitled Fixed Asset Inventory System for the County Boards in the State of West Virginia.

30.3. Inventory of Supplies and Other Expendable Property.

- 30.3.1. A perpetual inventory system is to be maintained of all supply items that have a material dollar value, such as the supply inventory in a central warehouse or the vehicle replacement parts at the maintenance garage. The supply inventory

should include for each item or group of items the following information: Name of item, quantity purchased, date of purchase, cost, reorder point, amount dispensed, and date dispensed.

31. Disposal of Surplus Real and Personal Property.

31.1. Disposal of Real Property:

- 31.1.1. According to the provisions of W. Va. Code §18-5-7 and related case law, at any time a county board determines that any building or land is no longer needed for school purposes, the real property must be sold at public auction, unless it is sold to:
 - a. The state or political subdivisions, including county commissions or agencies thereof, for an adequate consideration;
 - b. The United States of America, or any instrumentality, agency or political subdivision thereof, provided that the property is included in any federal flood control project;
 - d. A private, nonprofit, tax-exempt organization having been granted tax-exempt status by IRS Code 501(c) 3 through (8) inclusive, (19) or (23) for nominal consideration, provided that the property is for charitable, economic development or other community use, and provided further that the title to the property reverts to the board if the organization dissolves or ceases to use the property for the intended purpose within the first five years of such conveyance.
- 31.1.2. In rural communities, if the original sale to the board was not a voluntary arm's length transaction at fair market value at the time of sale, the grantor of the land, his heirs or assigns, shall have the right to purchase the land and the mineral rights at the same price for which it was originally sold.

31.2. Disposal of Personal Property:

- 31.2.1. At any time the Board determines that any personal property, including equipment, portable building, or motor vehicle, including school bus, school furniture, computers, or other personal property is no longer needed for school purposes, the Chief School Business Official/Business Manager may declare the property surplus and dispose of the property in the most economical method for the benefit of the Board.
- 31.2.2. The property may be disposed of in several ways: discarded or junked if it is determined not to have any salvageable value, traded in towards the purchase of a replacement item, sold at public auction, by competitive bid to the highest bidder, by fixed price, or contributed to:
 - a. The state or political subdivisions, including county commissions or agencies thereof;
 - b. A private, nonprofit, tax-exempt organization having been granted tax-exempt status by IRS Code 501(c) 3 through (8) inclusive, (19) or (23) for nominal consideration, provided that the property is for charitable, economic development or other community use.
- 31.2.3. Board employees and members of their immediate family are not eligible to buy or receive surplus property belonging to the Board unless the surplus property is offered to the general public for sale.
- 31.2.4. The sale of the surplus property must be conducted by the business manager or designee at a central location.
- 31.2.5. The determination that property is no longer needed for school purposes and the sale of the property cannot be made at the school or cost center level.

31.3. Disposal of Equipment Purchased From a Federal Grant:

- 31.3.1. When equipment purchased with federal funds is no longer needed for the original project or program, the recipient must use the equipment in connection

with its other federally-sponsored activities, in the following order of priority: (1) activities sponsored by the awarding agency which funded the original project; and then (2) activities sponsored by other federal awarding agencies.

- 31.3.2. When equipment purchased with federal funds is no longer needed by the recipient, disposal procedures are contained in the United States Department of Education General Administrative Regulations (EDGAR) §74.34.

32. Code of Ethics.

- 32.1. In order to maintain public confidence in the honesty and integrity of the procurement process, all officers and employees of the Board involved with the procurement of commodities and services must conduct themselves in a manner that is above reproach.
- 32.2. All Board employees must comply with the requirements of West Virginia Government Ethics Act (W. Va. Code §§6B-1-1 and 6B-2-1 et seq., W. Va. Code §§61-5A-6 and 61-10-15, and all decisions of the Ethics Commission.
- 32.3. The Code of Ethics of the National Institute of Governmental Purchasing, Inc. is included in Appendix D, which is an excellent code for all personnel involved in the procurement of commodities and services for the Board to follow.

33. Non-Discrimination Provisions.

- 33.1. The Board will not discriminate in its procurement policies, practices or procedures based on race, color, religion, creed, or sexual orientation.

34. Violations.

- 34.1. According to W. Va. Code §11-8-26 and subsequent sections of the article, any person who authorizes or approves a purchase or contract in violation of the W. Va. Code, this rule or any policy or procedure adopted by the Board may be held personally liable for the cost of the purchase or contract. Purchases and contracts violating the Code and/or this rule are void and of no effect.
- 34.2. Any person receiving anything of value from a known interested party in awarding a purchase order is subject to the provisions of W. Va. Code §5A-3-28, 29, 30 and 31, 61-5A-6 and 61-10-15, and all rulings of the West Virginia Ethics Commission, unless determined otherwise by a court or the West Virginia Ethics Commission.
- 34.3. Pursuant to W. Va. Code §18-2A-9, any member of the State Board, county board of education, county superintendent, or any other person who shall, either directly or indirectly, receive, solicit, or accept, or who shall give or offer to give, any gift, present or thing of value to influence the vote for the adoption of any book, instructional material, or learning technology, shall be guilty of a felony, and upon conviction, be punished by confinement in the penitentiary for not less than one year nor more than three years.
- 34.4. Misuse of a purchasing card authorized by W. Va. Code §12-3-10a is a felony and upon conviction thereof is subject, pursuant to W. Va. Code §12-3-10b, to confinement in the penitentiary for not less than one (1) nor more than five (5) years, or to a fine of not more than five thousand dollars (\$5,000), or both a fine and imprisonment.
- 34.5. The business manager may suspend from bidding on Board purchases up to one year, any vendor violating the W. Va. Code, this rule, or any policy or procedure adopted by the board. Appeal of the suspension may be made to the county board of education.
- 34.6. According to W. Va. Code §61-10-15(a), it is unlawful for any member of a county commission, overseer of the poor, district school officer, secretary of a board of education, supervisor or superintendent, principal or teacher of public schools, or any member of any other county or district board, or for any county or district office to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service, or in furnishing any supplies in the contract for, or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal, or teacher, he or she may have any voice, influence or control.
- 34.7. W. Va. Code §61-10-15(b) states that, any person or officer named who violates subsection (a) of this section is guilty of a misdemeanor, and, upon conviction thereof shall be fined not

less than fifty nor more than five hundred dollars and may, in the discretion of the court, be imprisoned for a period not to exceed one year.

- 34.8. W. Va. Code §61-10-15(c) states that any person convicted of violating the provisions of subsection (a) of this section shall also be removed from his or her office and the certificate or certificates of any teacher, principal, supervisor and superintendent who violates any provision of this section shall, upon conviction, be immediately revoked.
- 34.9. W. Va. Code §61-10-15(d) states that any person, firm or corporation that offers or gives, any compensation or thing of value or forebears to perform any act to any of the officers or persons named in subsection (a) of this section or to or for any other person with the intent to secure the influence, support, or vote of such officer or person for any contract, service, award or other matter as to which any county or school district becomes or may become the paymaster, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred, nor more than twenty-five dollars, and in the court's discretion, the person or any member of the firm, or if it be a corporation, any agent or officer offering or giving any compensation, may in addition to a fine, be confined in the county or regional jail for a period not to exceed one year.
- 34.10. W. Va. Code §61-10-15(e) through (h) contain certain exceptions where the provisions of subsection (a) of this section do not apply.

[Home](#)

(P) F.5.2. APPENDIX A

DEFINITIONS

Agreement – An arrangement between parties regarding a method of action.

Architectural and Engineering Services – Includes those professional services of an architectural or engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform.

Bid – A competitive offer made by a seller.

Bidding – The process of soliciting the price and other considerations for goods and services from qualified vendors. The solicitation of prices from more than one vendor constitutes competitive bidding. Bids may be solicited in an informal manner by telephone, facsimile, Internet or mail, or through a formal sealed bid process.

Bid Bond – An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a selected bidder fails to accept the contract as bid. The bond is usually five (5) percent of the total bid amount.

Bid Opening – A firmly established date and time for the public opening of responses to a solicitation.

Blanket Purchase Order - A written or electronic document issued by the Board to a vendor authorizing or executing a purchase transaction in situations where there is normally a large volume of small dollar purchases of a repetitive nature and it is difficult to determine in advance exactly which products are needed.

Business Manager – The individual employed by the Pendleton County Board of Education who is assigned the responsibility of directing, supervising or performing the duties of purchasing all required commodities and services at the most advantageous benefit to the county.

Capital Asset – Land, land improvements, easements, buildings, building improvements, vehicles, machinery, equipment, and all other tangible or intangible assets that exceed the capitalization threshold established by the board of education and have a useful life extending beyond one year.

Commodity – Supplies, materials, equipment, contractual services and any other articles or things used by or furnished to a governmental agency.

Competitive bids - The process of soliciting the price and other considerations for goods and services from more than one qualified vendor.

Confirming Purchase Order – A purchase order issued to a vendor immediately after an order has been placed either electronically or by telephone by an authorized individual to encumber the funds and provide written confirmation of the order. Confirming purchase orders are not to be issued after the invoice has been received.

Consumable Supply – A commodity which, when used in the ordinary course of business, will become consumed or of no market value. Also referred to as an expendable commodity.

Contract – A written, legally binding agreement between two (2) or more parties in which is specified the terms and conditions to which the parties have agreed.

Construction – Construction means the building, alteration, renovation, or upgrading of facilities, buildings and structures including the acquisition and necessary site preparation of land, as well as the acquisition, installation, or substantial upgrade of existing equipment, machinery, furnishings, utilities, or other similar items.

Construction Change Order – A written document which may be initiated by any party to a construction contract specifying that a change is to be made to the construction project. The order should address the changes in the work and adjustments to the contract costs and contract time, if any.

Cooperating Agreement – An agreement between two or more boards of education in which the participants have agreed to issue a combined solicitation for bids for the purpose of obtaining larger volume discounts or reducing administrative expenses.

Credit Card – A card authorizing the holder to buy commodities and services on credit.

Declared Emergency – An unexpected situation or sudden occurrence of a serious and urgent nature that has been declared an emergency by the Governor of the State of West Virginia.

Emergency – An unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action. These situations can arise from acts of nature, conditions that are detrimental to the health, safety, or welfare of students, or other unforeseen events that threaten the termination of essential services, including delays in the transportation of indispensable goods and materials. Situations created by improper planning or negligence are not to be considered an emergency.

Evaluation of Bids – The process of examining all offers received in order to ascertain whether they meet all bid requirements and to determine which offer to recommend or select for award.

Expression of Interest (EOI) – A written or electronic response from a vendor expressing interest in submitting a proposal to a request or solicitation issued by the board of education.

Freight Terminology – Terms used to specify the point of origin and destination, stating the responsible party for bearing freight charges and when title passes.

Free on Board (FOB) Destination – Title remains with the vendor until the commodities are delivered to the point of destination specified in the purchase order and accepted by the buyer. The seller is responsible for any losses or damages resulting from shipment and files any claims against the carrier. The freight costs may be paid by the seller (Freight Prepaid), may be paid by the seller in advance but invoiced back to the buyer (Freight Collect and Allowed), or may be paid by the buyer (Freight Collect).

Free on Board (FOB) Shipping Point or Origin – Title passes to the buyer immediately at the time the commodities are picked up by a common carrier for shipment. The buyer is responsible for any losses or damages resulting from shipment and files any claims made against the carrier. The freight costs may be paid by the seller (Freight Prepaid), may be paid by the seller in advance but invoiced back to the buyer (Freight Prepaid and Add), or may be paid by the buyer (Freight Collect).

General Terms and Conditions – Standard clauses and requirements incorporated into all solicitations and resulting contracts which are derived from laws, or administrative procedures.

Grant – Money distributed to a recipient, including state agencies and political subdivisions, in which no direct commodity or service is received by the granting agency.

Individual Statement – A monthly statement of transactions for each purchase card issued to employees of the board of education listing all activity charged on the card.

Instructional materials – According to W.Va. Code §18-2A-1, instructional materials means and includes systems of instructional materials, or combinations of books and supplementary materials that convey information to the student.

Justification – A written explanation or an award which must be retained as a public record available for inspection when the award is not awarded to the lowest bidder.

Labor and Materials Payment Bond – A bond submitted by the successful vendor upon request by the Board to ensure the payment of labor and materials purchased or contracted for or on behalf of the Board in a construction project.

Learning Technologies – According to W.Va. Code §18-2A-1, instructional materials in an electronic or magnetic format used for the formal study of a particular subject, and include applications using computer software, computer assisted instruction, interactive videodisc, other computer courseware, and magnetic media.

Lease – A written agreement between the owner of the equipment (lessor) and the Board (lessee) by which the owner agrees to authorize the board of education to use the equipment for a predetermined fee for a period exceeding 30 days. Title does not pass from the owner to the lessee.

Lease Purchase – A written agreement in which the lessee exercises an option to have the lease payments apply, in whole or in part, as installment payments for equity or ownership upon completion of the agreement. Title transfers to the lessee with the last installment payment.

Life Cost Cycle – A best value purchasing tool that allows for the evaluation of the total or projected cost of an item over its life cycle, in addition to the initial purchase price, including operational costs, salvageable value and other factors.

Liquidated Damages – A specified contract provision which entitles the board of education to demand a set monetary amount determined to be a fair and equitable repayment to the Board loss of service due to the vendor's failure to meet specific completion or due dates.

Litigation Bond – A valid bond submitted by the vendor with the bid that may be used by the board of education to recover damages due to frivolous and groundless lawsuits filed by the vendor.

Local Education Agency (LEA) – This includes county boards of education, Regional Educational Service Agencies and multi-county vocational centers.

Maintenance Bond – A valid bond provided by the vendor as a warranty of normally two years, which is frequently used on roofing projects.

Mandatory Terms – All terms and conditions in the written specifications that are absolute and preceded by shall, must, or will.

Master Statement – A monthly statement of transactions for all purchase cards issued to employees of the Board listing the activity charged on all cards.

Negotiation – A bargaining process between two or more parties, each with its own viewpoints and objectives, which are seeking to reach a mutually satisfactory agreement on, or settlement of, a matter of common concern.

No Debt Affidavit – A form required by W.Va. Code §§ 5A-3-10a to be completed by all vendors prior to the award of a contract. The statute states that no contract or renewal of any contract may be awarded to any vendor who is a debtor to the State of West Virginia in an aggregate amount of \$5,000 or more.

Non-mandatory Terms – All terms and conditions in the written specifications that are understood to be permissive and are preceded by may, should, or could.

Notice to Proceed – A formal written communication most often used in construction contracts to establish the date for work to commence and determines the date for completion.

Open-ended Contract – A generic term used for an instrument that is competitively bid and awarded in which all terms, conditions, and prices are predetermined with the exception of quantity.

Performance Bond – A bond, usually for the full amount of the contract, in which a valid surety agrees to pay a certain sum in the event a vendor fails to perform a contract as bid.

Personal Property – Property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents or securities.

Piggybacking – The process of utilizing another agency's existing open-ended contract to which the requesting board of education was not an original party to make purchases.

Pre-bid Conference – A meeting between the Board and all interested vendors that offers the opportunity to emphasize and clarify critical aspects of a solicitation, eliminate misunderstandings, and allow for vendor input. Vendor attendance may be mandatory or voluntary as specified in the bid document.

Prevailing Wages – Hourly labor and fringe benefits rates established annually by the West Virginia Division of Labor which is required by W.Va. Code §§ 21-5A-2 to be paid to all workers employed by or on behalf of any public authority engaged in the construction of public improvements. This includes the construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract.

Protest – A formal, written complaint filed by a vendor regarding specifications or the award of a contract submitted with the intent of receiving a remedial result.

Public Improvement - All buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports, and all other structures upon which construction may be let to contract by the State or any political subdivision, including a board of education.

Purchase Card – A credit card issued in the name of an employee of the Board to be used as an alternative method of payment for authorized purchases of the Board that do not exceed the amount specified elsewhere in these procedures.

Purchasing Card – A credit card used for the purchase of commodities.

Purchase Order – A written or electronic document issued by the Board to a vendor authorizing or executing a purchase transaction.

Quasi-public funds – Funds collected or received by any principal, teacher, student, parent, person, or organization or body directly connected with the school for the benefit of the school system as a result of curricular or non-curricular activities.

Real Property – Land, including land improvements, structures, and additions thereto, but excludes movable machinery and equipment.

Requisition – A written or electronic request submitted by a sub-unit of the board of education to the Business Manager requesting that a certain purchase be authorized. Upon approval, purchase requisitions are converted into purchase orders.

Related Party - Means a party, whether an individual, corporation, partnership, association, limited liability company or any other form of business association or other entity whatsoever related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership, or other interest with the vendor, so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

Release – A written order by the Board to the contractor authorizing quantities of commodities and/or services to be delivered in accordance with the terms, conditions, and prices stipulated in the original contract.

Removable Property – Any personal property not permanently affixed to or forming a part of real estate.

Renewal – The extension of an existing contract for an additional period of time in accordance with the terms and conditions of the original contract.

Rental – Fee paid for the temporary use of facilities or equipment, usually for a period of less than 30 days.

Request for Information (RFI) – A document used to solicit information to assist in preparing specifications for a Request for Quotation (RFQ) or Request for Proposal (RFP). No award can be made from a RFI.

Request for Quotation (RFQ) – A document that is used to solicit written bids that contain all of the specifications or scope of work and contractual terms and conditions. Conformity to specifications and price are the only factors used in the evaluation process.

Request for Proposals (RFP) – A best value purchasing tool used to acquire professional and other services where the scope of the work may not be well defined and cost is not the sole factor in

determining the award. All criteria by which the bidders will be evaluated must be contained within the bid document.

Resident Vendor Preference (RVP) – An additional score assigned to a local vendor during the evaluation process to provide preferential treatment.

Sealed Bids – A process for the solicitation of bids for the purchase of commodities or services wherein the interested vendors are required to submit their proposals in a sealed envelopes that are opened during a formal at the place, date, and time specified in the bid solicitation.

Services – Work performed by a vendor that consists primarily of intangible personal services rather than the furnishing of tangible commodities.

Sheltered Workshop – An establishment where manufacture or handiwork is carried on, which is operated either by a public agency, a cooperative, or a nonprofit private corporation or association, in which no part of the net earning inures, or may lawfully inure, to the benefit of any private shareholder or individual. It is operated for the primary purpose of providing remunerative employment to blind or severely disabled persons who cannot be absorbed into the competitive labor market and which shall be approved, as evidenced by a certificate of approval, by the West Virginia Division of Rehabilitation Services.

Sole Source – The only source for a specific commodity or service.

Solicitation – A written, electronic, or oral request submitted by the Board to obtain bids or proposals for the purchase of commodities or services. The request can be in writing or orally.

Specifications – A detailed description of the commodity or service for which a bid is being requested.

Statewide Contract – A contract between the State of West Virginia and a qualified vendor used for the purchase of frequently used commodities or services. The Board may purchase from statewide contracts.

State Multiple List – List of textbooks, instructional materials, and learning technologies that have been approved by the State Board of Education for use in the public schools in the State as the primary source of delivery of the instructional goals and objectives for state required courses.

Stringing – The illegal practice of issuing a series of requisitions or purchase orders for the purpose of circumventing the competitive bidding procedures.

Terms of Sale – Stipulations made within the contract regarding the transaction.

Textbook – According to W.Va. Code §18-2A-1, textbook is a book used as a standard work for the formal study of a particular subject. The term “textbook” includes books, instructional materials and learning technologies.

Transaction Limit – The maximum amount that can be charged in a single transaction using an authorized purchase card.

Unit Price – The cost per unit of the commodity or service being purchased.

Utility Card – A purchase card issued for the sole purpose of paying utility bills, which include cable, electric, garbage collection, heating oil, natural gas, sewage, telephone, water, and similar services.

Vendor – An individual, partnership or business authorized to conduct business in the State of West Virginia that is able to furnish the desired commodity or service.

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Amended/Revised: June 1, 2004; October 4, 2004; September 20, 2006; September 25, 2007;
August 21, 2012; October 2, 2012

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.6. Payroll Procedures and Deductions	Adopted: August 20, 2003 Last Review: March 2018

All employees of the Pendleton County Board of Education shall be paid on regular intervals as established by procedures adopted by the Board.

Guidelines and Regulations:

Salaried regular employees shall be paid on the fifth and the twentieth day of the month. Payday shall be the preceding regular business day when the fifth day or the twentieth day of the month falls on a Saturday, Sunday or holiday. Substitutes shall be paid on the first payday of the calendar month following the receipt of the substitute time sheets in the Central Office. These time sheets are due within five days after the end of the school calendar month.

Upon the written request of any employee, the Board of Education shall have the employee's compensation deposited directly into a demand or time deposit or time account in a bank, credit union, or savings and loan association. The written request shall specifically identify the employee, the financial institution, the type of account, and the account number. Payroll deduction shall be made only when recognized as a legal procedure by the local, state and federal governments, and then only upon approval of the Board of Education.

Effective April 16, 1991, new and/or additional payroll deductions for private commercial insurance, investments, or other commercial firms shall not be approved unless five percent of all eligible employees desire such deductions. In the event the number of deductions falls below such percentage the firm/company shall have the choice of reimbursing the Pendleton County Board of Education for expenses or have payroll deduction privileges revoked.

Pursuant to the provisions of WVC §18A-4-9, the Pendleton County Board of Education can determine the number of pays to be made during a school year to the various classes of employees, and may defer a portion of the annual salary to be paid to the personnel employed less than 12 months per year and pay their salary over the full year. The Internal Revenue Service (IRS) calls this practice "annualized compensation".

Commencing with the 2008-2009 fiscal year, the Pendleton County Board of Education requires that each employee receive annualized compensation to be paid in pro-rata amounts over 12 months. Annualized compensation is irrevocable unless severance of employment should occur.

Employees who start mid-year will receive annualized compensation to be paid in pro-rata amounts over the remaining period like other employees of similar contracts (i.e. 200, 210, 220, etc.).

[WVC §7-7-22; §18A-4-9, IRC 409(a)]

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Amended/Revised: August 26, 2008

PENDLETON COUNTY BOARD OF EDUCATION**F. FINANCIAL MANAGEMENT****File: F.7. Travel Expense Reimbursement****Adopted: August 20, 2003****Last Review:****March 2018**

Board members and employees traveling on Board approved official business may have their necessary travel expenses reimbursed to the maximum amount permitted according to the most recent Board action. All out-of-county travel by employees must be pre-approved by the Superintendent (or administrative designee) or expenses may not be reimbursed.

Reimbursement Procedures:

The Board shall reimburse any school personnel, or Board Member, for each mile traveled when s/he is required to use a personal motor vehicle in the course of employment or Board business. The Board shall reimburse at the same rate for all persons eligible for reimbursement.

Employees shall only be eligible for mileage reimbursement after they have reported to their assigned work station within the county. Should their duties and responsibilities require them to travel to additional locations in the county; they will be reimbursed for the mileage to that work station(s) and back to their assigned work station.

Car-pooling shall be done whenever possible. Mileage may not be paid when car-pooling is not utilized. Mileage shall not include extra travel for personal and/or pleasure side trips made while the employee is on an approved business trip.

The maximum amount the Board will reimburse for overnight lodging accommodations is the rate established as the government rate or lowest rate available for the type of room requested at the lodging facility used. All employees are encouraged to secure lodging at the most reasonable rates possible, and they must secure a tax exempt certificate from the finance office to ensure that lodging taxes are not charged.

An exception will be made to the maximum reimbursement amount if the conference or meeting the employee is attending is being held at a particular hotel/motel or conference center. Under these circumstances, the employee will be reimbursed the full amount of the lodging expense.

To be reimbursed, the traveler must turn in room receipts for lodging. Whenever possible, employees of the same gender attending the same meeting or conference, shall room together. Travelers may deviate from this practice if extenuating circumstances are presented to and pre-approved by the Superintendent.

Meal allowances are permitted for out-of-county travel when it involves an overnight stay or long day trips that begin before the employee's normal start time and/or extends beyond the employee's normal end of day time. The maximum allowance per day shall be \$30 dollars for each full day of prior approved out-of-county business travel. Receipts are not required for meal reimbursements. For reimbursement of additional miscellaneous expenses such as parking fees, tool costs, registration, tolls, etc., receipts are required.

In lieu of mileage reimbursement for use of personal automobiles, employees are strongly encouraged to drive the District's automobile when it is available. When District owned vehicles are used, the driver shall complete the mileage chart in the key case. The driver is responsible for checking the oil level daily, and returning the car with at least one-half tank of gas. Any mechanical problems encountered with District owned vehicles, shall be reported to the bus mechanics as soon as practicable following trip completion.

School secretaries who are required to make bank deposits shall be reimbursed for one trip per day from their school to the bank and back. The rate of reimbursement shall be the current rate per mile.

(WVC §18-5-4)

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Amended/Revised: September 25, 2007; September 5, 2017

The business functions performed by a principal are important to the total school program; therefore, all principals in the county are required to utilize the uniform accounting system approved by the State Department of Education.

The Pendleton County Board of Education adopts as its official policy the current provisions of SBP 1224.1-Accounting Procedures Manual for the Public Schools in the State of West Virginia as the official standard for managing financial transactions in all Pendleton County schools to assure the proper handling of school funds. Follow this link to [SBP-1224.1-Accounting Procedures Manual for the Public Schools in the State of West Virginia](#).

While the *Accounting Procedures Manual* is too lengthy to be included in this Policy Manual, the following is brief overview of the main features of funds accounting requirements placed on schools. This overview should not be construed as the minimum requirements placed on schools.

Additionally, it must be noted that the state of West Virginia does not recognize individual schools as legal entities; therefore, principals do not have the legal authority to enter into contracts. All contracts must be entered into with the Board of Education serving as the legal entity.

(WVC §18-5-13 and SBP 1224.1)

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(P) F.8.1 Funds That May Be Maintained by Individual Schools

- ❖ General Fund – An account for the general operations of the school and all other financial resources of the school except those contained in another fund. Required of every school.
- ❖ Faculty Senate Fund – A fund used to account for the revenues and expenditures of the school's faculty senate.

Note: Activities for Faculty Senate Funds and athletics may be recorded as sub-accounts of the General Fund rather than in separate funds.

Note: A school may establish as many separate sub-accounts within each fund as is considered necessary to accurately account for the financial activity of the school.

(P) F.8.2. Required Accounting Records

The following account records must be maintained for each fund:

- ❖ Pre-numbered receipt forms which must be issued for all monies received;
- ❖ Transaction (receipts and disbursements) Journal;
- ❖ Requisition and purchase orders for all transactions;
- ❖ Bank Checkbook;
- ❖ Bank deposit slips;
- ❖ Monthly financial statements; and
- ❖ Annual financial statements.

All financial transactions must be completed through the principal's office. Each student organization shall receive a monthly statement of the balance of its account.

Receipts

A pre-numbered receipt must be issued for all collections at the time the funds are collected, regardless of whether the collections are in cash or by check. This includes, but is not limited to, all revenues collected from students and parents; vending machine sales, concession stand and cafeteria sales; gate receipts from competitive events; proceeds from carnivals, book fairs and other student activities; fund

drive collections; donations; refunds from vendors; tuition payments; and reimbursement from the central board office. The total amount of receipts issued must equal the total amount of funds received.

Purchase Orders

A purchase order system is to be maintained at each school whereby all purchases of materials, equipment, supplies and services are made through a pre-numbered purchase order approved in writing by the principal or designee before the purchase is made. Schools are required to follow the bid thresholds outlined in *SBP 8200, Purchasing Procedures for Local Educational Agencies*.

Authorized Expenditures

All moneys received by a school are considered quasi-public funds and are to be expended for the benefit of the students in the school. See Appendix C for a listing of allowable expenditures.

Signatures

Signatures are generally required to be manually handwritten; however, the use of electronic signatures is acceptable so long as the signature is password protected. Signature stamps and preprinted signatures do not satisfy the requirements of the *Accounting Procedures Manual*. Two signatures are required on every check issued by the school regardless of the fund from which issued. Both signatures cannot be by the same individual.

(P) F.8.3. School Funds Accounting Practices

See *SBP 1224.1-Accounting Procedures Manual for the Public Schools in the State of West Virginia* for additional guidance regarding accounts and the records retention schedule for the financial records of the public schools in the state of West Virginia.

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(P) F.8.4. Banking and Bank Accounts

All school funds must be deposited in an insured bank or one that provides adequate bonding to cover the deposits. The account must contain the name of the county board of education, the school name, the fund name, and the county board's Federal Employer Identification Number (FEIN). Schools that apply for a business registration certificate must be assigned the same basic FEIN as the county board.

Any funds deposited in an account with the Board's FEIN number must be accounted for in the school's general ledger and must follow the procedures outlined in the *Accounting Procedures Manual*.

Bank signature cards for individual that have signature authority on local bank accounts must be maintained current at all times. The school principal must have signature authority for every account in which school funds are deposited. In addition, the Business Manager/Treasurer must also have signature authority on all accounts, including C.D. and investment accounts. This is to ensure that the school has access to school funds during circumstances in which the principal and his/her designee, if applicable, are absent unexpectedly or for an extended period of time. A second party at the school (i.e. secretary) shall also have signature authority as a co-signatory with the principal. **Signature stamps are not acceptable.**

Only one checking account per fund may be maintained. An exception to this is that the Vocational and Adult Education Centers are permitted to have a separate checking account for Pell Grants.

All schools shall use preprinted checks, which have the school name and address, name of the fund, check number and two blank spaces for signatures.

All monies collected from school activities, including child nutrition, must be remitted to the principal or a designee daily. Monies collected after school hours or on weekends shall be remitted the next school day. Principals shall see that bank deposits are made regularly. It is recommended that deposits be made daily.

Bank deposits must be made whenever total collections on hand exceed \$500 or before an extended holiday. Deposits must be made at least weekly regardless of the amount of collections. Personal checks may not be cashed from these collections. If bank deposits are not made on a daily basis, a bank deposit slip **must** be prepared on a daily basis with the total collections made for the day sealed in a deposit envelope and placed in a safe or safeguarded until the deposit is actually delivered to the bank.

Checks collected by the school must be made out to the school. Checks may not be made payable to an employee or a school group representative. Checks may be made payable to an approved third party vendor providing a commission to the school in the form of cash or merchandize (i.e. school pictures).

(P) F.8.5. Petty Cash and Start-up Cash Drawer

Petty cash accounts are discouraged. However, when a principal determines that such an account is needed, s/he is authorized to open an account not to exceed \$50. These funds may be used to purchase incidental items of nominal value. The receipts and cash in the petty cash drawer must always equal \$50. Personal checks may not be cashed from this account. The petty cash drawer is to be replenished periodically by a check made payable to the principal for the amount required.

Schools may establish a starting cash drawer (\$500 maximum per gate) for athletic events, concession stands or other school activities. Any amount greater than \$500 must be approved in writing by the Business Manager.

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(P) F.8.6. Payment for Personal Services

All payments made by a school to an individual for services rendered are to be considered wages and are to be paid through the normal payroll process at the central office, unless it can be clearly shown that the individual is an independent contractor in accordance with Internal Revenue Service Guidelines (i.e., ticket takers, chaperones, part-time help are wage earners; athletic officials are independent contractors).

Procedures established by the county Business Manager/Treasurer shall be followed in reporting wage earners and independent contractor payments to the central office.

Schools will report all payments made to individuals who are determined to be independent contractors to the Finance Office before January 1 following the end of each calendar year so that a determination can be made as to whether the Form 1099 Miscellaneous is to be filed for the individual who is providing the services.

(P) F.8.7. Gate Receipts

Pre-numbered tickets are to be used at any event where an admission fee is charged or a donation accepted for admittance. Whenever practical, separate individuals should be used to sell and collect the tickets. Tickets should be torn in half, one half being kept by the individual and the other for school records.

A ticket reconciliation report must be prepared for each event. The report shall include beginning cash, number and type of ticket (i. e. adult, student), first and last number of tickets sold, price of each ticket, total sales, and ending cash balance. Advance sales of tickets must be a part of the report. The report must also show the type of activity and date and must be signed by the preparer and the principal. (See Appendix A of the afore- mentioned accounting procedures manual for a sample form)

Cash disbursements are not allowed from event collections. All proceeds from school sponsored events must be deposited intact into the school account.

(P) F.8.8. School-Based Fund Raising Accounting

All proceeds from fundraisers conducted by and in the name of the school must be receipted and deposited into one of the depository accounts. Merchandise purchased for resale must be purchased by checks issued for that purpose. A profit and loss statement that shows gross proceeds, cost of goods sold, and net proceeds must be prepared and made available for public inspection for each fund raising activity. (See Appendix A of the afore- mentioned accounting procedures manual for sample copy of form)

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(P) F.8.9 School Support Organization Guidelines

It is recognized that parent-teacher associations, booster groups and many other school support organizations provide an essential function in the support and funding of various curricular and extra-curricular programs offered by the Pendleton County Schools. Without this support, many schools would not have the financial resources to provide many of the programs that are being provided to their students.

In order for these outside organizations to be effective in their efforts to provide financial support, however, they must maintain the trust and support of the school community. To do this, it is essential that each school and all of the organizations that support the school maintain an accurate accounting of all funds collected and expended.

The Pendleton County Board of Education accepts its role in assisting the school support organizations to develop and maintain the trust of the school communities throughout the county by establishing local policies by which such organizations are to operate. A list of all groups that will be collecting funds in the name of any school must be approved by the Board in advance. Also, each school support organization must be approved annually by the school's principal. It is strongly encouraged that student support organizations operate as a sub-account of the school's general fund and follow all school accounting procedures.

The alternative to depositing their funds in the school's general fund, organizations may secure their own Federal Employer Identification Number (FEIN) in order to legally open their own bank accounts. This option must be discussed with the Business Manager/Treasurer to assure that proper procedures are followed.

In any case, **all** school support organizations must follow the guidelines set forth in [SBP-1224.1-Accounting Procedures Manual for the Public Schools in the State of West Virginia.](#) While the *Accounting Procedures Manual* is too lengthy to be included in this Policy Manual, the following is brief overview of the main features of funds accounting requirements placed on school support groups. This overview should not be construed as the minimum requirements placed on such organizations. A copy of this manual may be downloaded from the West Virginia Department of Education website by clicking on the above link and should be read carefully.

It is the responsibility of the school principal to assure that all persons handling money within each school support group receive training on the contents of the *Accounting Procedures Manual*. It shall be the responsibility of the each organization's president and board of directors to cooperate with the school principal in attaining this training.

(WVC §18-5-13; SBP 1224.1 and SBP 8200)

Organization of Support Groups

Every school support group should be officially organized with a set of published by-laws and be governed by an elected board of directors consisting of at least a president, a vice president, a secretary and a treasurer. All school support organizations must be approved annually by the Pendleton County Board of Education.

Written minutes are to be prepared of each meeting and such minutes are to be made available to anyone interested in them within a reasonable time after the meeting. At a minimum, the minutes should contain the following information:

- ❖ The date, time and place of the meeting,
- ❖ The name of each member of the governing board present and absent,;
- ❖ All motions, proposals, and resolutions proposed, the name of the individual who made the proposal and their disposition, and
- ❖ The results of all votes.

Transaction Journal

A transaction (receipts and disbursements) journal should be maintained to record all receipts and disbursements. Each posting should include the following: the date of the transaction; receipt or check number listed in numeric order, name of payor or payee; and individual account(s) for which the collection or disbursement was made.

Bank Accounts

Every bank account in which the organization funds are deposited should be insured or the bank should be required to provide adequate bond to cover the maximum amount that may be deposited at any one time. The account should contain the name of the organization and the organization's Federal Employer Identification Number (FEIN). The account cannot use the school's FEIN. If the organization does not obtain a separate FEIN, the organization must operate as a subaccount of the school's funds and the organization's monies must be deposited into the school's bank account. In this case, all school accounting policies and procedures must be followed.

The bank signature cards must be maintained current at all times. Two signatures are required on every check issued by the organization. One of the signatures should be that of the organization's president. Both signatures cannot be by the same individual.

All checks should have pre-printed on them the name of the organization, the organization's address, the check number and two blank spaces for signatures

Collections

All moneys collected should be receipted and deposited intact daily into one of the organizations depository accounts. The total amount of money collected should be reconciled to the detailed records that support the collections. To decrease the risk of theft, each check received by the organization should be stamped or marked on the back with a restrictive endorsement stating "for deposit only" at the time of receipt.

Disbursements

All disbursements must be made by check, except for those from petty cash. The check must be made payable to the individual or vendor to whom the payment is being made, not to another party that is subsequently making payment on behalf of the organization. Every check and check stub must be completely filled out at the time the check is issued.

Checks are not to be made payable to cash. If starting cash is needed for an event from which to make change, the check must be made payable to the individual who will be cashing the check.

Concession Sales

If concession stands are operated by a school organization, local procedures should be established to safeguard the inventory of goods sold to protect against pilferage or unauthorized use.

All proceeds from concession sales operated by a school support organization should be receipted and deposited intact and in a timely manner into one of the organizations depository accounts. Merchandise purchased for resale should be purchased by check issued for that purpose. In addition, the purchase invoices should be retained as documentation for the disbursements.

Periodically, a profit and loss statement must be prepared to compare actual sales proceeds to the expected sales totals that should have been recognized from the amount of merchandise sold. See Appendix A for sample copies of the forms to be used.

Fund Raisers

All school support organizations must obtain prior approval of the school principal before conducting any fund raising activity in the name of a school. See Appendix A for a sample Fundraiser Approval form. Local procedures must be established to regulate all fund raising activities conducted by school organizations to ensure that they are conducted in a proper manner.

All proceeds from fund raisers conducted by a school organization must be receipted and deposited intact into one of the organization's depository accounts. Merchandise purchased for resale should be purchased by checks issued for that purpose. In addition, all purchase invoices should be retained as documentation for the disbursements.

A profit and loss statement must be prepared for each fund raising activity conducted by a school support organization that shows gross proceeds, cost of goods sold and net proceeds. See Appendix A for a sample copy of a fund raiser profit and loss statement.

Event Receipts

If activities are sponsored by school support organizations on school property at which an admission fee is charged or a donation is accepted for admittance, pre-numbered tickets must be used. Whenever practical, separate individuals should be used to sell and collect the tickets. As tickets are collected from patrons, they should be torn in half; one half should be returned to the individual as a receipt and the other half should be retained.

A ticket reconciliation report must be prepared for each event to reconcile tickets sold to cash collected. The report should show the following: beginning cash balance; first and last numbers of each type of ticket sold (student, adult, other); total number of tickets sold by type; price of each type of ticket; total sales; ending cash balance; total cash in cash box; and differences, if any. In addition, total sales from tickets sold prior to the event should be shown.

Annual Financial Statements

Annual financial statements are to be prepared by each school support organization and a copy is to be provided to the school principal. They should be prepared on either a fiscal year basis of July 1 through June 30 or in accordance with the organization's fiscal year, and are to include all financial activities of the organization for the year for which prepared.

Consumer Sales Tax on Purchases

Private nonprofit organizations such as Parent Teacher Associations, booster groups and other school support organizations, are not exempt from paying the consumer sales and use tax by reason of their nonprofit status alone, but must meet very specific requirements contained in State tax laws and legislative regulations. See Appendix B for an explanation of these specific requirements.

Consumer Sales Tax on Sales

WVC §11-15-9q states that notwithstanding any other provisions of this code to the contrary, sales of tangible personal property and services by not-for-profit volunteer school support groups for elementary or secondary schools which hold fund raisers for their schools that last no more than 14 consecutive days and are held not more than 18 times during any 12-month period, are exempt from the taxes imposed by §11-15-1 *et seq.* and §11-15A-1 *et seq.* of this code, if the sole purpose of the sales is to obtain revenue for the functions and activities of an elementary or secondary school. This exemption applies to such sales without regard to whether the volunteer school support organizations holds, or does not hold, an exemption under §501(c)(3) or §501(c)(4) of the Internal Revenue Code of 1986, as amended.

Review of Financial Records

Boards of education have the authority, pursuant to the provisions of W. Va. Code 18-513(1), to examine the financial records of any parent teacher association, booster group or other school support organization collecting money in the name of a school, or to require the organization to provide the county board with financial statements that have been examined by an independent accountant. Such authority can be delegated to the Superintendent or Chief School Business Official.

Records Retention

All financial records, minute books and other documents maintained by or in the name of a school organization belong to the organization and must be delivered or handed over to the duly elected president of the organization, or to the county superintendent of schools, upon request.

Copies of the organization's annual financial statements and minute books are to be retained permanently. The transaction journal, bank statements, and canceled checks are to be retained for at least five (5) years. All other financial records are to be retained for at least three (3) years.

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(P) F.8.10. Vending Machine Sales

In order to generate funding for necessary programs and supplies, the Board may permit vending machine sales in schools provided that such sales are conducted in compliance with the rules of the national school lunch program, the school breakfast program of the State Board, and the Nutrition Service of the United States Department of Agriculture.

Sale of Healthy Beverages and Soft Drinks in Schools:

Soft drinks beverages may only be sold in the high school and they may not be sold there during the breakfast and lunch periods. The high school shall also offer healthy beverages for sale. Of the total beverages offered for sale, at least fifty percent shall be healthy beverages.

During the school day, soft drinks may not be sold in areas accessible to students in an elementary, middle or junior high school through vending machines on the premises, in school stores, in school canteens or fund raisers by students, teachers, and groups or by any other means. However, these schools may sell healthy beverages during the school day through the use of vending machines, in school canteens or through fundraisers by students, teachers, and groups or by any other means.

Healthy beverages include water, 100% fruit and vegetable juice, low-fat milk, and other juice beverages with a minimum of 20% real juice. Vending machines containing healthy beverages shall be in the same location or substantially similar location as vending machines containing soft drinks.

"School day" means the period of time between the arrival of the first student at the school building and the end of the last instructional period.

Nothing in WVC §18-2-6a shall be construed to prohibit or limit sale or distribution of any food or beverage item through fund-raising activities of students, teachers or educational groups when the

Seventy-five percent of the profits from the sale of soft drinks and healthy beverages shall be allocated by majority vote of the Faculty Senate of each school and twenty-five percent of the profits from the sale of soft drinks shall be allocated to the purchase of necessary supplies by the principal of the school.

Beginning with the arrival of the first student at school and lasting until the departure of the last regularly scheduled school bus, all fund raising activities on school premises involving foods and beverages shall comply with the standards set forth in SBP 4321.1—Standards for School Nutrition and Pendleton County procedure (P) T.6.4. *Sale of "Other Foods and Beverages" in Schools.*

- ❖ Except for foods served in the school nutrition programs, no food or beverage shall be sold, served or distributed to students in elementary schools from the time the first child arrives at school until 20 minutes after all students are served lunch.
- ❖ Foods and beverages shall not be offered as a reward or used as a means of punishment or disciplinary action for any student during the school day.
- ❖ Foods and beverages may not be sold, served or distributed in competition with the federal child nutrition programs in the food service areas during the meal service periods.
- ❖ Other foods and beverages may not be sold, served or distributed in such a way as to encourage the distribution or purchase of these items as a ready substitute for, or in addition to, reimbursable meals.
- ❖ Wherever and whenever foods are sold, served or distributed on school premises, outside the school day, such foods shall include nutritious choices.

If vending machines are maintained at a school, it is recommended that the vendors stock the machines and remove all sales proceeds. In this manner the school will not be responsible for purchasing, storing and safeguarding the inventory, removing and accounting for the sales or remitting the corresponding sales tax. If the school stocks the machine and removes the sales proceeds, local school procedures

must be established to ensure that the stock is safeguarded and that all proceeds are receipted and deposited into the appropriate school depository accounts.

All proceeds from vending machine sales are to be receipted and deposited into the appropriate school fund and account. Merchandise purchased for resale is to be purchased by check issued for that purpose. The purchase invoices are to be retained as supporting documentation for the disbursements. Periodically, a profit and loss statement is to be prepared to compare actual sales proceeds to the expected.

(WVC §18-2-6a; SBP 4320; SBP 4321.1)

(P) F.8.11. Concession Sales

All proceeds from concession sales by a school or school organization are to be receipted and deposited intact into the school's General Fund. Merchandise purchased for resale is to be purchased by check issued for that purpose. The purchase invoices are to be retained as supporting documentation for the disbursements.

Periodically, a profit and loss statement is to be prepared to compare actual sales proceeds to the expected sales proceeds.

(SBP 1224.1)

(P) F.8.12. Clearing of Class Accounts

All class accounts are to be cleared at the time of the class graduation. As soon as all bills from the senior class have been received, the class officers and advisors shall meet with the principal to arrange the closing of the account. The administration will not approve the establishment of class reunion accounts with school class funds. Any money left in a class account after that class graduates will be transferred to the general school account at the beginning of the next school year, or to a school project improvement account.

(WVC §18-5-13; SBP 1224.1)

(P) F.8.13. Funding of Recognition and Awards Programs

Schools are empowered to spend funds for student, parent, teacher and community recognition programs. However, the funds must be generated through fund-raising or donation-soliciting activity and once generated must be designated for recognition programs. Before beginning the fund-raising or donation-soliciting, the school must publicize that the funds are being raised or solicited for that purpose. These funds MAY NOT be diverted for other expenses. Likewise, other public funds MAY NOT be used for recognition programs.

Federal funds (i.e. Title I) may be used for recognition and awards program if the federal grant SPECIFICALLY and EXPRESSLY permits expenditures for that purpose, but only in accordance with all the terms and conditions of the grant.

[WVC §185-13(a)(2)]

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Amended/Revised: October 19, 2005; September 25, 2007; August 26, 2008; October 2, 2012
September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.9. Athletic Funds	Adopted: August 20, 2003 Last Review: March 2018

Athletic funds are to be accounted for in the same manner as all other school funds as described in the foregoing regulations. All athletic collections and disbursements must be recorded in a separate sub-account within the school's general fund.

(P) F.9.1. Change Drawer for Athletic Events

Schools may establish a change drawer to be used as starting cash for athletic events or other school activities. The authorized maximum of this fund is \$500. The cash in the drawer must equal the established amount at all times. Personal checks are not to be cashed from this drawer. The balance in the drawer must be deposited in the school's bank account at the end of each school year.

(P) F.9.2. SSAC Tournaments

Schools acting as a host for SSAC events shall deposit all proceeds collected at such events into a school depository account and pay all expenses associated with the event by checks from that account. A separate sub-account must be established in the transaction journal to account for all collections and disbursements.

All payments made to an individual for services rendered during the tournament are to be considered wages and must be paid through the normal payroll process at the central office unless it can be clearly shown that the individual is an independent contractor as defined by IRS criteria.

(P) F.9.3. Uniforms, Equipment and Team Merchandise

All such items purchased with school funds are property of the school; therefore, an inventory of all items must be maintained. Uniforms provided to athletes and coaches must be returned to the school at the end of the season.

(SBP 1224.1 Accounting Procedures Manual for Public Schools)

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Amended/Revised: October 2, 2012

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.10. Guidelines for Student Fund Raising Activities	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County of Education permits limited fund raising for purposes deemed necessary by the school system. All fund raising activities shall be based upon the following guidelines:

(P) F.10.1. Building Principal Regulations

- ❖ All fundraisers must have the specific approval of the building principal.
- ❖ Accounts for funds received and spent must follow Board *Policy F.8. Individual School Funds Management*.

(P) F.10.2. Fund Raising Involving Students

All fund raisers involving student sales of products shall comply with the following guidelines:

- ❖ All parents/guardians shall be informed of the fund raising activity and that the participation of their child is optional;
- ❖ All students participating in the fundraisers shall have available for potential customers specific information regarding the purpose of the fundraiser including the name of the sponsoring group and firm. All participating students shall be provided, and carry with them while involved in fund raising activities, a copy of the currently approved information form;
- ❖ Potential customers shall be informed that their participation is purely voluntary, donations will be accepted, and that they are under no obligation to purchase or to donate;
- ❖ School fundraisers that include awarding of prizes to students should be carefully monitored. When possible, the school should consider increasing the profit margin for the fundraiser rather than awarding such prizes;
- ❖ No fundraiser should be approved that requires or expects minimum sales from each student; and
- ❖ Students shall not be expected to conduct door-to-door sales outside the school community. Sales should be confined to visiting members of immediate family, relatives, friends, and close neighbors.

(P) F.10.3. Major/Minor Fund Raisers

- ❖ Major fundraisers shall be considered those where students go directly to the public to solicit sales or donations from community organizations and/or individuals. Examples are selling candy, other food products, candles and other decorative items, other products packaged by fundraising specialists, selling tickets to school events, soliciting donations for school needs such as band uniforms, Social Media solicitations, etc.
- ❖ Minor fundraisers shall meet the following criteria:
 - School organizations offer service and/or products that would require the public to come to them for the purchase; thereby, no direct sales contact or solicitation is required (i.e., suppers, car washes, barbeques, raffles at school events, etc.);
 - They are designed to raise limited funds; and
 - All such fundraisers shall follow the regulations for activity funds management. (SBP 1224.1 Accounting Procedures Manual for Public Schools)

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(P) F.10.4. Limits on Number of Fund Raisers

- ❖ **High School**
 - One major fund raiser per class or school sponsored organization; and
 - Minor fund raisers as necessary and approved by Principal.

❖ **Elementary Schools**

- One major fundraiser per school;
- One major fund raiser per sixth grade class; and
- Minor fundraisers as necessary and approved by Principal.

(P) F.10.5. Limits on Major Student Sales

- ❖ Major student sales of goods or products shall be limited to no more than one per class or organization for high schools; and
- ❖ Major student sales of goods or products shall be limited to no more than one per school or sixth grade class for elementary schools.

(P) F.10.6. Approval of Major Student Sales

Prior to the beginning of any major student sales the following procedure must be followed:

- ❖ The building Principal must receive a written request from the class or organization;
- ❖ The building Principal must refer the vendor requesting to conduct the sales to the Superintendent or his/her designee for approval;
- ❖ This referral shall be made on the Sales Vendor Approval Form. These forms are available from the Superintendent's office;
- ❖ The Superintendent or his/her designee shall meet with the Vendor and/or review the product(s);
- ❖ Approval or rejection of the request shall be made by the Superintendent or his/her designee and the completed Sales Vendor Approval Form returned to the Building Principal; and
- ❖ Approval must be granted for each major student sales unless there are no changes in price or product between different sales.

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(P) F.10.7. Criteria for Approval of Major Student Sales Vendors

- ❖ The profit margin for the school should be approximately 40%;
- ❖ The product or goods must be available for inspection;
- ❖ The description of the sales program shall be available with all contractual obligations clearly specified;
- ❖ The quality/quantity of the product shall be deemed appropriate and in accordance with products available locally; and
- ❖ The sales shall be considered appropriate for the class or organization conducting the sales.

(P) F.10.8. Fund Raisers by Auxiliary Organizations

Because auxiliary organizations (such as the PTO, Band Boosters, or Sports Boosters) are affiliated with the school and use the school and students in fund raising activities, they shall operate according to the following guidelines:

- ❖ Major sales should be limited to one per year;
- ❖ The Superintendent or his/her designee shall review all proposals for major student sales made by vendors/companies; and
- ❖ A financial report is required to be submitted annually to the Building Principal. This report shall include all income, disbursements, and end of year balance.

(P) F.10.9. Fund Raising Involving Social Media

The Board recognizes that ours is a changing society with many technological innovations that can be an asset to the Pendleton County Schools when they are applied professionally and judiciously. The Board is also well aware of the growing use of Social Media as a fund raising vehicle for various causes in our society. Therefore, while wishing to preserve the community identity of its schools, it will support the

limited use of Social Media sites by the county schools and teachers to request support for county education programs under the following conditions:

- ❖ The school and/or individual teachers may make a request through Social Media;
- ❖ Individual teachers are limited to one such request per year;
- ❖ All such request must be pre-approved by the school principal;
- ❖ A list of the items requested must be submit to the principal when seeking approval of an on-line request;
- ❖ When materials are received, the shipping list shall be reviewed with the principal and compared to the original request;
- ❖ Teachers cannot “piggy back” requests. Each request requires separate approval by the principal;
- ❖ Requests may only stay “on-line” for a period of three (3) months from the date of entry;
- ❖ Schools and teachers cannot solicit Social Media sites that respond with cash donations. Sites such as “Donor Choose” are acceptable;
- ❖ Any and all items donated to the school and/or teacher become the property of the Pendleton County Schools.

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Amended/Revised: February 7, 2017

PENDLETON COUNTY BOARD OF EDUCATION**F. FINANCIAL MANAGEMENT****File: F.11. Faculty Senate Funds****Adopted: August 20, 2003****Last Review:****March 2018**

A separate faculty senate fund must be maintained at each school with its own checking account. These funds may not be considered a part of the General Fund.

(P) F.11.1. Allocation of Faculty Senate Funds**General Guidelines:**

Every faculty senate is to prepare an annual budget approved by the membership that defines how the faculty senate funds are to be expended. The budget is to be made a part of the official minutes.

Faculty senate funds are to be accounted for in the same manner as all other school funds. The same accounting practices and procedures described in the accounting procedures manual for the general activity funds of the school are to be followed for faculty senate funds.

Control of Funds:

Faculty senates shall control the funds allocated to each school from the legislative appropriations of \$400 per professional instructional personnel or funds donated to the faculty senate. The Board is required to distribute the faculty senate funds received from legislative appropriations to each faculty senate during the month of September each year.

Professional personnel who are eligible to receive faculty senate funds includes: classroom teachers, counselors, librarians, and school nurses with a bachelor's degree and who are licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Of the total allocation received by each faculty senate, \$300 is to be allocated to each eligible professional instructional employee for expenditure during the instructional year for academic materials, supplies or equipment that in the judgment of the individual will assist him/her in providing instruction. This includes expenditures for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem and address the problems of students-at-risk. Academic materials supplies and equipment shall be interpreted broadly, but does not include materials, supplies and equipment which will be used in connection with interscholastic athletic events.

The remaining funds are to be expended only for academic materials, supplies or equipment in accordance with a budget approved by the faculty senate.

Individual Allotments:

The allotment to each eligible professional instructional employee may be made in one of several ways:

- ❖ A \$300 check could be issued to each eligible professional instructional employee at the beginning of the school year with the understanding that the individuals receiving the allotment are to submit receipts by the end of the school year to show how the funds were expended or refund any difference

If this method is selected, recipients should be instructed that funds would have to be refunded if the entire amount were not expended during the school year; if the funds were expended for unauthorized purposes; or if itemized receipts were not submitted.

- ❖ Require each individual to submit a request for reimbursement after the purchase is made. Individuals could be allowed to submit requests for reimbursements after each purchase or be required to wait until a certain dollar amount is reached.

If this reimbursement method is selected, an account balance would need to be maintained for each individual.

With either method, local forms should be developed for each individual to use to list the items purchased. This makes it easier to ascertain that the expenditures were for an authorized purpose. See Appendix A for a sample copy of the form to be used.

If the amount allotted to each eligible professional instructional personnel is not expended during the instructional year, the unexpended amount is to be returned to the faculty senate. This also applies if an employee resigns or transfers to another school during the course of the school year. Funds allocated to eligible professional employees are to remain with the faculty senate to which the individual was originally assigned; the funds are not to be transferred among faculty senates.

(WVC §18-5A-5; §18-9A-9; SBP 1224.1)

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(P) F.11.2. Open Governmental Meetings Requirements

A June 7, 2001 opinion issued by the West Virginia Ethics Commission has declared that the Faculty Senate is a public agency and is subject to the provisions of the Open Meetings Act when it is exercising executive or legislative power in taking official public action on behalf of the school. Instances where the Faculty Senate would be exercising executive power include the following:

- ❖ Creating and adopting a budget;
- ❖ Allocating funds received through a grant;
- ❖ Authorizing the expenditure of funds for academic supplies, materials and equipment (this would not apply to the \$300 per person which is allocated for expenditure by individual educators; and
- ❖ Adopting specific policies such as the plans for integrating special needs students in the regular classroom

Each Faculty Senate must adopt a policy for giving notice to the public, which includes the date, time, place and agenda of all meetings that deal with the above issues. Such notice shall be given two days prior to the meeting and shall be made available to the public through the news media and postings at the school site.

Each Faculty Senate must also provide for the preparation of written minutes of all of its meetings, which shall be available to the public within a reasonable time after each meeting and shall include at least the following information:

- ❖ The date, time and place of the meeting;
- ❖ The name of each member of the governing body present and absent;
- ❖ All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition;
- ❖ The results of all votes.

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Amended/Revised: January 12, 2010; September 6, 2011; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.12. Child Nutrition Funds	Adopted: August 20, 2003 Last Review: March 2018

Child nutrition funds are to be accounted for in the same fashion as all other school funds as described in Section *F.8. Individual School Funds Management*.

(P) F.12.1. Authorized Expenditures

All monies received for this program may be expended only for the operation of the program. Such funds may not be expended for items such as flowers, gifts, banquets, or service awards for employees.

(P) F.12.2. Point of Service Head Count

Students who participate in the food service program prepay their meals. Student numbers will be entered into the point of service program as students pass through the food line to ensure accurate accounting of all meals served to students. Occasionally students will come through the line without prepaying. Students will be allowed to eat and the parent will be contacted requesting payment for that meal and pre-payment of other meals. (See County Policy T. 6.2. regarding collections) The accounting and billing program will also make note of those students who qualify for free and reduced meals. All visitor meals must be pre-paid or paid at the point of service and the school secretary will issue a receipt for the meal.

(SBP 1224.1 Accounting Procedures Manual for Public Schools;
SBP 4321.1 Standards for School Nutrition)

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Amended/Revised: August 1, 2017

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.13. Promoting Professional Ethics and Responsible Financial Procedures	Adopted: September 1, 2015 Last Review: March 2018

The West Virginia Governmental Ethics Act established a code of conduct to guide public officials and public employees and help them avoid conflicts between their personal interests and their public responsibilities. The Ethics Act tells public servants what is expected of them and gives official approval to their conduct if it complies with the standards of the Act. (See West Virginia Code 6B-1-1, et seq. See also Legislative Rules Title 158, Series 6-12)

The code of conduct established by the Act applies to all public servants [public employees, elected public officials, and appointed public officials] whether full-time or part-time, who serve in the legislative, judicial, and executive branches of state, county, and municipal governments and the boards, commissions and the agencies of each of those levels.
(WVC §6b-1-1, et seq.)

A guide to the standards established by the West Virginia Governmental Ethics Act may be accessed by clicking on the following link: [The West Virginia Ethics Act](#)

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(P) F.13.1. Training to Avoid Employee Financial Fraud or Unethical Behavior in fulfilling Job Responsibilities

The Pendleton County Board of Education recognizes that appropriate employee training is necessary to assure competent job performance at all levels throughout the school system. The Board also recognizes that the laws and regulation concerning financial matters and ethical conduct related to financial matters are complex and may not be known to all county employees. Therefore, the Business Manager shall annually provide full training or refresher training to all employees entrusted with the administration of various programs within the school system and the management of funds and grants received for operation of those programs (i.e. Special Education, Title I, Title II, etc).

Such training shall include but is not limited to the following:

- ❖ Overview of the county budget and where each funded program fits;
- ❖ Review of spending guidelines for federal programs;
- ❖ Review of county purchasing procedures;
- ❖ Review of ethical standards mentioned above;
- ❖ Discuss annual audit reports;
- ❖ Discuss record keeping and submission of records and reports required to meet program standards;
- ❖ Program directors shall train subordinates on the above topics as appropriate;
- ❖ Other topics deemed appropriate; and
- ❖ Records of all training sessions shall be maintained.

(P) F.13.2. Reporting Incidents of Fraud, Suspected Fraud, or Risks of Fraud

Employees who are aware of violations of compliance with provisions of laws, regulations, contracts, grant agreements or fraud risk related to any program within the school system should share that information with his/her immediate supervisor who will report the incident to the Business Manager . If the employee committing the inappropriate act is the immediate supervisor, such information should be reported directly to the Business Manager/Treasurer.

It shall be the Business Manager/Treasurer's responsibility to investigate all reported incidents of mismanagement of local, state or federal funds.

(P) F.13.3. Communicating the Importance of Ethical Behavior and Good Business Practices to Employees

This policy and all policies dealing with ethical behavior and proper utilization of the financial resources available to the Pendleton County Board of Education are published in the Pendleton County Policy Manual which is available to the public and all employees on-line. Information is also disseminated through in-service sessions, handbooks, staff meetings, principals' meetings and faculty meetings. Additional information regarding the financial structure of Pendleton County Schools may be In *File: 7 Financial Management* of the Pendleton County Policy Manual.

(P) F.13.4. Penalties for violating the Professional Ethics and Responsible Financial Procedures

If an employee is suspected of committing unethical or fraudulent acts involving the finances of Pendleton County School, the Superintendent and/or appropriate central office staff shall (within the limits of their expertise) conduct an investigation to determine the facts surrounding the incident. In the event that the internal investigation reveals that the employee most likely has committed a crime, the matter shall be immediately reported to the proper law enforcement authorities for action.

Regardless of the outcome of any criminal investigation, shall be subject to disciplinary action by the Board, including termination.

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Amended/Revised: September 6, 2016

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PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.1. Philosophy	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education recognizes that each student has individual and unique characteristics, aptitudes, and abilities that determine his/her educational needs. Thus the school curriculum and instructional program is founded on the belief that the educational environment, as much as possible, shall attempt to meet those individual needs. The educational program must have the depth and the breadth to accommodate ability levels that range from the very low to the talented and gifted to allow each student to realize his/her full potential. Students must be given the opportunity to master the basic skills that are necessary to cope with modern-day living, including the ability to understand and utilize the technological advances that produce an ever-changing society and way of life.

The Board further recognizes that education can no longer be relegated to a certain number of years in a person's life. Education in the 21st century must be continuous from early childhood to retirement and beyond. To this end, adult and community school programs shall be provided to meet the needs of our people beyond the years of formal school education.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.2. Academic Freedom	Adopted: August 20, 2003 Last Review: March 2018

Academic freedom may be interpreted as being the right of an individual to engage in teaching and/or learning without interference. This freedom does not exist without responsibility. When the pursuit of academic freedom is exercised on the part of the teacher, it shall take the form of presenting a number of unbiased views of issues relevant to the subject area being studied in order to allow the student to arrive at enlightened conclusions.

Basic instructional resources and technological resources offer a guide to appropriate topics for exploration or discussion in most courses. Teachers are expected to diversify their teaching approaches and all appropriate teaching methods are acceptable. The maturity level of the students involved must always be taken into consideration. If there is any doubt about the appropriateness, of material to be covered in class, readings or research to be done by students, or teaching techniques, the teacher must clear the potentially controversial area with the principal or Director of Instruction.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.3. Equal Opportunity in Pendleton County Schools	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education supports the concept of equal educational opportunity for all students as being essential to education in the public schools of the County. **Title IX** of Public Law 92-138, the education amendments of 1972 determined that:

"No person in the United States shall, on the basis of gender be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

No student is to be denied equal opportunity for participation in any program on the basis of sex, race, color, religion, handicapping condition, age or national origin. All course offerings are to be available to both female and male students.

Special education and related services shall be made available to all individuals with disabilities who are between three and twenty-one years of age, all gifted students in grades one through eight, and all exceptional gifted students in grades nine through twelve. West Virginia Code, Chapter 18, Article 20, the State's mandatory special education statute, and the federal Individuals with Disabilities Education Act are reaffirmations that education is a right and not a privilege extended to all exceptional individuals. The Board mandates that individuals employed in the district shall implement the SBP 2419, Regulations for the Education of Students with Exceptionalities in a manner to assure the Board and its constituents that all of the aforementioned individuals with extensionalities have available a free appropriate public education which includes special education and related services to meet their unique educational needs. (WVC 18-20-1 et seq.; SBP 2419; SBP 4200; IDEA 1997; and numerous federal acts which may be found in the endnotes)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.4. Organization of Instruction****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County educational program shall be under the direction of the Superintendent and it shall be comprehensive in its offerings in terms of community educational needs, as well as according to varying individual needs of the youth. The instructional program shall be organized in a manner that complies with all state statutes and directives from the State Board of Education.

The Board of Education, the administrative staff, and the instructional personnel at each school site shall make every effort to provide, maintain, and expand a program of instruction that is suited to the needs of all students and is open to all that are legally eligible for instruction. Progressive, effective methods of instruction are expected and shall be used by all instructional personnel. When assistance in instructional matters is desired, the teacher should consult the building principal.

The basic instructional organizational pattern of the Pendleton County Schools shall be K-6 elementary and PCHS - PCMS a comprehensive 7-12 school.

However, regardless of the organizational pattern, the Pendleton County Schools will make every attempt to address the needs of students in the following groups as directed by the State Board of Education:

Early Learning Programs (Pre-K – 5)**Middle School****High School**

Early Learning Readiness - Grades Pre-K-Kindergarten

Grades 6-8

Grades 9-12

Early Learning Primary – Grades 1-2

Early Learning Intermediate – Grades – 3-5

Home**(P) I.4.1. Summer and After School Programs**

The Pendleton County Board of Education may sponsor summer and after school programs providing opportunities for remedial instruction at the elementary level, make-up and review courses at the secondary level, special education programs, and special programs funded by the State and/or Federal grants.

The summer and after school curriculum will be established in line with the needs of students and in accordance with regulations of the West Virginia State Board of Education. All summer and after school programs will be subject to annual approval by the Pendleton County Board of Education.

The Board is authorized to charge tuition for summer and after school sessions; however, the tuition may not exceed the actual cost of operating the programs. Deserving students whose parents, in the judgment of the board, are unable to pay the tuition may attend the summer or after school program at a reduced rate or without charge. Students with exceptionalities whose Individual Education Plans stipulate summer services may not be charged tuition.

Students completing summer school classes at the adolescent level (grades 9 through 12) may have these grades computed with grades earned during the previous second semester to determine extracurricular activities eligibility for the first semester of the following school term. This shall mean that the credit for class or classes taken during summer school may be added to and averaged with the grades earned for the second semester of the preceding year. The student would then be credited with a grade point average based on this calculation. Determination of eligibility to participate in extracurricular activities, for the beginning of the following fall semester, would be based on this average.

Students may pursue summer school credits in schools outside of Pendleton County or through online classes with prior approval. Students wishing to enroll in summer school classes in school districts other than Pendleton County or pursuing online credit shall be subject to the following regulations:

- ❖ The student must notify his/her home school principal prior to enrolling to secure permission for the credit(s) earned to be accepted for transfer to the home school;
- ❖ Credit may not be granted for classes that will be offered or available at the student's home school; and
- ❖ Credit may not be granted for classes that are taken with the purpose of increasing grade point average, other than to meet extracurricular activities participation.

If a student wishes to enroll in summer school classes, for the purpose of securing eligibility for extracurricular activities, in school districts other than Pendleton County the following requirements will apply:

- ❖ The student must notify his/her home school principal prior to enrolling to secure permission for the class to be considered toward raising grade point average;
- ❖ Classes taken with the intent of raising grade point average can only be those that the student has taken during the previous second semester;
- ❖ The following classes will not be considered for credit: classes that are beyond the student's class level during the spring semester; or classes taken to raise a student's grade point average without regard to extracurricular eligibility; and
- ❖ Any grades received during summer school cannot be used to replace a previously earned passing grade. Summer school grades shall be placed in the student's permanent folder but not shown on student's grade transcripts unless replacing a previously failed grade.

(WVC §18-5-39 and SBP 2436.10)

(P) I.4.2. School Day and Instructional Day Defined

The school day (work day) is the time, inclusive of homeroom, class changes, breaks/recess, lunch, and other non-instructional activities from the first designated assembling of the student body in groups (homeroom or first period) to the dismissal of the student body. The school day may not exceed eight clock hours.

The length of the school day for students and teachers will be recommended by the Superintendent and set by the Board, and will be in keeping with State requirements. The particular opening and closing hours for schools will also be subject to Superintendent Approval. The school principal is authorized to make minor changes in opening and closing times to facilitate scheduling; however, major changes in schedules will be subject to approval.

- ❖ Schools will generally observe a regular daily schedule of 7:45 a.m., until 3:30 p.m., with instruction scheduled between 8:00 a.m., and 3:00 p.m. It is recognized that this will vary from school to school in order to accommodate transportation times and the different lengths of the instructional day.
- ❖ The instructional day is the time allocated within the school day for the teaching and mastery of content standards and objectives. The minimum instructional day for K-5 is 315 minutes, 6-8 is 330 minutes, and 9-12 is 345 minutes.
- ❖ Each pre-k classroom, including preschool special needs classrooms, must provide at least fifteen hundred minutes of instruction per week and forty-eight thousand minutes of instruction annually. The pre-k instructional day is inclusive of all required elements of the daily schedule. Programs must operate no fewer than four days per week to meet annual and weekly operational requirements

(SBP 2510; SBP 2525)

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(P) I.4.3. Pledge of Allegiance to the Flag

Every instructional day in the public schools of Pendleton County shall commence with a Pledge of Allegiance to the Flag of the United States of America. Students who do not wish to participate in this exercise shall be excused from making such a pledge. Students choosing not to participate in the pledge of allegiance may not be asked to stand at their desk, nor may they be asked to leave the room. Such requests would be an infringement upon their 1st Amendment rights. Guidelines, as developed by the Attorney General of the State of West Virginia, shall be followed to insure the protection of the rights of those who choose not to participate.

(P) I.4.4. Display of the United States Flag

It shall be the duty of the principal or other person in charge of each school building during the school session to see that the United States Flag is properly displayed from a flagpole on school grounds and in each homeroom.

(P) I.4.5. Conservation of Instructional Time

It shall be the duty of the principal and his/her administrative staff to guide and direct the teaching staff in a manner that assures that instructional time will be used effectively and efficiently. This goal can best be achieved when building administrators carefully schedule the routine activities of the day so as to minimize interruptions to the teaching/learning process. Some suggested ways to minimize these interruptions are:

- ❖ Limiting the use of the intercom to before class time and at the end of the day;
- ❖ Limiting co-curricular activities during the instructional day to those that are essential to the delivery of the program;
- ❖ Limiting fund raising activities to non-instructional portions of the school day;
- ❖ Providing meaningful staff development activities for the instructional staff as a means of increasing their effectiveness in the classroom; and
- ❖ Encourage and support the use of technology as a means of increasing the efficiency and effectiveness of the teaching/learning process.

(SBP 2510)

(P) I.4.6. Homework

The term "homework" refers to an assignment to be prepared outside of class and which requires work to be done in a study hall or home. The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student. Homework assignments should take into consideration individual differences of students such as health, ability, conditions at home, and available educational resources. The following guidelines shall be followed in assigning homework:

- ❖ Work shall not require the use of reference materials not readily available;
- ❖ All work should be such that the student can complete with little or no help;
- ❖ Homework should never be assigned as punishment;
- ❖ All work shall be collected and corrected according to teacher direction, the results recorded and given to the students;
- ❖ Teachers shall recognize that legitimate family responsibilities may prevent students from completing homework on time;
- ❖ It shall not be "busy" work, it should have a definite purpose to support the achievement of the goals, aims, and objectives of the student's educational program; and
- ❖ The information for any homework assignment should be clear and specific so that students can complete the assignment.

Student work that is assigned during school hours, and not completed, may be sent home with the student. This shall not be considered "homework" and should be clearly identified.

Early Childhood - Grades K-4

Homework shall not be a standard practice in the primary grades. Children and parents may want to do some schoolwork at home, and they should be given this opportunity. Thirty minutes per night shall be considered a maximum amount of work that may be given.

Middle Childhood Intermediate - Grades 5-8

A total of one to one and one-half total hours of work shall be considered the maximum for a given night. The principal and teachers of each school shall develop a homework policy that assures that the above maximum will not be exceeded.

Adolescent - Grades 9-12

No definite time element is established; however, the teachers and principal shall establish a school policy to prevent excessive homework assignments. This policy shall take into consideration the additional responsibilities of high school students, extracurricular activities and the size of the course load. **(SBP 2510)**

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(P) I.4.7. Maximum Teacher Pupil Ratios

As per W. Va. Code §18-5-18a, county boards of education shall provide sufficient personnel, equipment, and facilities as well ensure that each classroom does not exceed the following enrollment guidelines in Chart VI.

Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject area and/or grade levels.

Any kindergarten teacher who has more than twenty pupils per session and any classroom teacher of grades four through six who has more than twenty-five pupils shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by twenty for kindergarten teachers or twenty-five for teachers of grades 4-6 for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Chart VI: Maximum Teacher Pupil Ratios		
Grade	Maximum Enrollment	Exceptions
Pre-K One ECCAT is required	20	0 <i>Includes classrooms having two or more grades that includes Pre-K</i>
Kindergarten One ECCAT is required for enrollments of 11 or more	20	3 additional with compensation <i>Includes classrooms having two or more grades that includes Kindergarten</i>
Grades 1-3	25	0 <i>Includes classrooms having two or more grades that includes grades 1-3</i>
Grades 4-6	25	3 additional with compensation

Chart VII: Additional Exemptions to Maximum Teacher Pupil Ratios	
Physical Education Grades 5-6 when in a middle school setting	Maximum Enrollment is at the discretion of the county
Choral and band/orchestral music	Maximum Enrollment is at the discretion of the county

(WVC §18-5-18a and SBP 2510; SBP 2525)

Note: W. Va. Code §18-5-18a states: “the state superintendent is authorized, consistent with sound educational policy, (a) to permit on a statewide basis, in grades four through six, more than twenty-five pupils per teacher for the purposes of instruction in physical education” Accordingly, for 5th and 6th grade physical education classrooms located in a middle school, counties are given the discretion to determine the maximum number of students permitted per class taking into consideration health, safety, and instructional needs of students

The number of split-grade classrooms may not exceed the number in existence as of January 1, 1983.

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Amended/Revised: October 19, 2005; August 26, 2008; August 24, 2010; October 1, 2013;
September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.5. Local School Improvement Councils****Adopted: August 20, 2003****Last Review:****March 2018**

A local school improvement council shall be established at every school. This advisory group shall focus on improving the education program and operation of the school and it shall have the authority to request waivers of local or state rules, policies, and State Superintendent interpretations. It may also assist in the development of the Electronic Strategic School Improvement Plan and it may apply for grants and awards.

In order to promote innovations and improvements in the environment for teaching and learning at the school, a school improvement council shall receive cooperation from the school in implementing policies and programs it may adopt to:

- ❖ Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's educational process and in the school;
- ❖ Encourage businesses to provide time for their employees who are parent(s), guardian(s) or custodian(s) to meet with teachers concerning their child's education;
- ❖ Encourage advice and suggestions from the business community;
- ❖ Encourage school volunteer programs and mentorship programs;
- ❖ Foster utilization of the school facilities and grounds for public community activities;
- ❖ Encourage students to adopt safe and healthy lifestyles; and
- ❖ Communicate to students the common skills and attributes sought by employers in prospective employees.

Local School Improvement Councils shall be considered for the receipt of school of excellence awards and competitive grant awards and may receive and expend such grants for the purposes provided.

Local school improvement councils may propose alternatives to the operation of the school in accordance with §18-5A-3 of this code and may include in the proposal a request for a waiver of rules and policies of the county board and state board, state superintendent interpretations, and state statutes if necessary to implement the proposal.

In any and all matters which may fall within the scope of both the school improvement councils and the school curriculum teams authorized in section five of this article, the school curriculum teams have jurisdiction.

Membership of the LSIC:

A local school improvement council shall be established at every school consisting of the following:

- ❖ The principal, who serves as an ex officio member of the council and is entitled to vote;
- ❖ Three teachers elected by the faculty senate of the school;
- ❖ Two service persons elected by the service personnel employed at the school, one of whom shall be a bus operator who transports students enrolled at the school;
- ❖ Three parent(s), guardian(s) or custodian(s) of students enrolled at the school elected by the parent(s), guardian(s) or custodian(s) members of the school's parent teacher organization. If there is no parent teacher organization, the parent(s), guardian(s) or custodian(s) members shall be elected by the parent(s), guardian(s) or custodian(s) of students enrolled at the school in such manner as may be determined by the principal. Under no circumstances may a parent member of the council be then employed at that school in any capacity; ;
- ❖ Three at-large members appointed by the principal, one of whom resides in the school's attendance area and at least one of whom represents business or industry, neither of whom is eligible for any Local School Improvement Council membership under any of the other elected classes of members;

- ❖ In the case of vocational-technical schools, comprehensive middle schools and comprehensive high schools, the vocational director or principal, as applicable, shall appoint up to four additional members from any one or more of the following categories: Employer; employer sponsored training program; apprenticeship program; and post-secondary education; and
- ❖ In the case of a school with students in grade seven or higher, the student body president or other student in grade seven or higher elected by the student body in those grades.

Election of LSIC Membership:

The principal shall arrange for the election of members to the Local School Improvement Council to be held prior to the fifteenth day of September of each school year to elect a council and shall give notice of the elections at least one week prior to the elections being held. To the extent practicable, all elections to select council members shall be held within the same week.

Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to the council shall serve a two-year term and elections shall be arranged in such a manner that no more than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more than one service person are elected in a given year. All other non-ex officio members shall serve one-year terms.

Council members may only be replaced upon death, resignation, failure to appear at three consecutive meetings of the council for which notice was given, or a change in personal circumstances so that the person is no longer representative of the class of members from which appointed.

In the case of a vacancy in an elected position, the chair of the council shall appoint another qualified person to serve the unexpired term of the person being replaced or, in the case of an appointed member of the council, the principal shall appoint a replacement as soon as practicable.

The council shall elect from its membership a chair and two members to assist the chair in setting the agenda for each council meeting. The chair shall serve a term of one year. If the chair's position becomes vacant for any reason, the principal shall call a meeting of the council to elect another qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying each member of the school improvement council in writing two employment days in advance of any council meeting

Meetings:

As soon as practicable after the election of council members, but no later than the first day of October of each school year, the principal shall convene an organizational meeting of the school improvement council. The principal shall notify each member by written or electronic means at least five (5) employment days in advance of the organizational meeting. At this meeting, the principal shall provide each member with the following:

- ❖ A copy of the current applicable sections of this code;
- ❖ Any state board rule or regulation promulgated pursuant to the operation of these councils; and
- ❖ Any information as may be developed by the department of education on the operation and powers of local school improvement councils and their important role in improving student and school performance and progress.

School improvement councils shall meet at least once every nine weeks or equivalent grading period at the call of the chair or by the petition of three fourths of its members. The principal shall notify each member by written or electronic means at least five-employment days in advance of the organizational meeting.

The LSIC annually shall conduct at least one meeting to engage parents, students, school employees, business partners and other interested parties in a positive and interactive dialogue regarding the school's academic performance and standing as determined by measures adopted by the state board. The dialogue shall include an opportunity for the parents, students, school employees, business partners and other interested parties to make specific suggestions on how to address issues which are seen to affect the school's academic performance which may include, but not limited to, parent and community involvement, the learning environment, student engagement, attendance, supports for at-risk students, curricular offerings, resources and the capacity for school improvement. The council shall announce any such meeting ten (10) employment days in advance.

Organizational and Operational Guidelines of the LSIC:

The foregoing guidelines regarding membership, elections and meetings of the LSIC are defined in WVC §18-5A-2, but the school principal is directed to *SBP2200-Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education* for the very detailed *organizational* and *operational* guidelines which must be met as s/he works with community members to establish the Local School Improvement Council. SBP 2200 shall always be considered the Board's official policy for implementing the requirements of WVC §18-5A-2.

Follow this link to *SBP 2200-Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education*.

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(WVC §18-5A-2; 18-5A-3; SBP 2200; SBP 2510)

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(P) I.5.1. Local School Improvement Council Proposals for Alternatives to School Operations

Per §18-5A-3, Local School Improvement Councils (LSIC) are permitted (and encouraged) to propose alternatives to the operations of their schools. The intent of this legislation is to encourage and facilitate the design and implementation of innovative initiatives by local schools, working through their LSIC, that better meet the school's needs and circumstances.

A LSIC in Pendleton County may submit proposed alternatives to the operation of the school to the Board that it believes will enable the school to better meet or exceed the high quality standards established by the state board, increase administrative efficiency; enhance the delivery of instructional programs; promote student engagement in the learning process; promote business partnerships; promote parent and community involvement at the school; or improve the educational performance of the school generally.

If the Board approves the proposal in accordance with this section, it may designate the school as an innovation school and may provide funding to support implementation of the proposal, if necessary.

Guidelines for Submitting Alternative Proposals

An alternative proposed by a local school improvement council shall set forth:

- ❖ The objective or objectives to be accomplished under the proposal;
- ❖ How the accomplishment of such objective or objectives will meet or exceed the standards established by the state board;
- ❖ The indicators upon which the meeting of such standards should be judged;
- ❖ A projection of any funds to be saved by the proposal and how such funds will be reallocated within the school, or any costs associated with the proposal and proposed funding sources; and
- ❖ Any policies or rules promulgated by the state or county board, any state superintendent interpretations and any state statutes for which a waiver will be required for the proposed alternative to be implemented; and

For an alternative to be proposed, at least two thirds of the members of the LSIC must vote in favor of the proposal. If the alternative to be proposed includes the request for a waiver of policies or rules promulgated by the state or county board, state superintendent interpretations or state statutes affecting employees, then prior to the proposal of the alternative, a majority of the local affected employee group must agree.

A LSIC shall submit its proposed alternative to the Pendleton County Board of Education. The Board shall acknowledge receipt of the proposal and promptly review the proposed alternative. The Board may request additional information and clarifications from the LSIC regarding the proposed alternative. The Board shall approve or disapprove the proposal and return it to the council with a statement of the reasons for the action taken, subject to the following:

1. If an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the county board, approval of the proposal by the county board constitutes a grant of the waiver;
2. If an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the state board and the county board approves the proposal except that a waiver by the state board is required, the county board shall forward the approved proposal to the state board for final determination. The state board shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in its discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state board constitutes a grant of the waiver;
3. If an alternative proposed by the LSIC requires the waiver of a state superintendent's interpretation and the county board approves the proposal except that a waiver by the state superintendent is required, the county board shall forward the approved proposal to the state superintendent for final determination. The state superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and, in his or her discretion, approve implementation of the alternative or reply to the county board and council within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the state superintendent constitutes a grant of the waiver;
4. If an alternative proposed by the LSIC requires the waiver of a state statute and the county board approves the proposal except that a waiver of the statute is required, the county board shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability. The commission shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the county board or their agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative;
5. If an alternative that requires a waiver is proposed by more than one LSIC in the county and the county board approves, the county board may forward a consolidated proposal requesting the waiver to the appropriate bodies as provided in this subsection; and
6. When an alternative to the operation of a school is approved, the county board shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time based on the results and findings of the evaluation.

Notwithstanding any other provisions of the law to the contrary, a LSIC is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites meet the requirements established by the county board for sites that are located off campus.
(WVC §18-5A-3)

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Amended/Revised: August 26, 2008; October 1, 2013; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.6. School Curriculum Teams****Adopted: August 20, 2003****Last Review:****March 2018**

Each school shall establish a school curriculum team composed of the principal, the counselor serving that school, and no fewer than three representatives of the grades taught at the school and chosen by the Faculty Senate.

In instances where the counselor is assigned to an elementary school or a combination elementary and middle school on less than a one-half time basis, a school curriculum team established at that school may meet on days when the counselor is not at the school and the principal shall consult with the counselor on the issues relevant to the meeting agenda.

Purposes of School Curriculum Team:

- ❖ Provide opportunities for school personnel to have a direct voice in the operation of their schools and to create a culture of shared decision-making focused on the ultimate goal of raising student achievement;
- ❖ Encourage the use of different, high-quality models of teaching, scheduling and other aspects of educational delivery that meet a variety of student needs;
- ❖ Increase high-quality educational opportunities for all students that close achievement gaps between high-performing and low-performing groups of public school students; and
- ❖ Provide public schools with increased school-level freedom and flexibility to achieve these purposes when they have achieved exceptional levels of results-driven accountability.

Powers and Duties of the School Curriculum Team:

The general powers and duties of the School Curriculum Team include, but are not limited to the following:

- ❖ Establish the programs and methods to be used at the school to implement a curriculum based on state-approved content standards that meet the needs of students at the school.
 - The curriculum shall focus on reading, composition, mathematics, science and technology.
 - The curriculum thus established shall be submitted to the Board which may approve it for implementation at the school or may return it to the curriculum team for reconsideration.
- ❖ Review the list of other, non-required testing and assessment instruments provided by the state board through the statewide assessment program as provided in WVC §18-2E-5. The curriculum team may select one or more tests or assessment instruments that are applicable to the grade levels at the school for use at the school to improve student learning.
- ❖ Establish for use at the school the assessments, instructional strategies and programs that it determines are best suited to promote student achievement and to achieve content standards for courses required by the state board. The curriculum team shall submit the established assessments, instructional strategies and programs to the county board which shall approve the recommendations for implementation at the school or shall return them to the curriculum team for reconsideration.

Notwithstanding the powers and duties listed above, the school curriculum team at a school that has achieved adequate yearly progress (AYP) or has achieved an accreditation status of distinction or exemplary in accordance with WVC §18-2E-5 may, without the necessity of county board approval, use the assessments and implement the instructional strategies and programs consistent with the approved curriculum that it determines are best suited to promote student achievement at the school. If the school later fails to achieve AYP or if it receives any school approval level other than distinction or exemplary, the curriculum team may not implement its recommended assessments, instructional strategies and programs without Board approval.

- ❖ The school may not be required to assess students using any specific assessment except the state summative assessment known as the WESTEST2 or any successor tests, the Alternative Performance Task Assessment, the Online Writing Assessment, and the National Assessment of Educational Progress (NAEP); and
- ❖ The school may not be required to employ any specific instructional strategy or program to achieve content standards for courses required by the state board, except as approved by the school curriculum team.

Nothing in the code exempts a school from assessments required by statute or state board policy including, but not limited to, the state summative assessment known as the WESTEST2 or any successor tests, the Alternative Performance Task Assessment, the Online Writing Assessment, and the National Assessment of Educational Progress (NAEP).

The school curriculum team may apply for a waiver for instructional resources approved and adopted pursuant to WVC §18-2A if, in the judgment of the team, the instructional resources necessary for the implementation of the instructional strategies and programs best suited to teach the school's curriculum are not available through the normal adoption process.

The school curriculum team may apply for a grant from the state board to develop and/or implement remedial and accelerated programs to meet the needs of the students at the individual school.

Process for Teacher Collaboration:

When a school has achieved adequate yearly progress or has achieved a school accreditation status of distinction or exemplary, the faculty senate, with approval of the principal, may establish a process for teacher collaboration to improve instruction and learning. The school does not have to follow the application and approval process outlined in §18-5C-2. The collaborative process may be established in addition to, or as an alternative to, the school curriculum team.

The mission of the collaboration process is to review student academic performance based on multiple measures, to identify strategies to improve student performance and make recommendations for improvement to be implemented subject to approval of the principal.

The teacher collaborative includes members the faculty senate determines are necessary to address the needed improvements in the academic performance of students at the school. If applicable, the collaborative may consist of multiple subject area subcommittees which may meet independently.

If a collaborative process is established as an alternative to the school curriculum team, the teacher collaborative has all the powers and duties assigned to school curriculum teams.

- ❖ The collaborative process also may incorporate the functions of the Strategic Planning Committee, the Technology Team, and/or the School Support Team.
- ❖ When the functions of any or all of these committees are incorporated into the collaborative process, the school is not required to establish a separate committee for any one whose functions have been assumed by the collaborative.

As appropriate, the School Curriculum Team shall cooperate with and coordinate its efforts with the County Curriculum Team.

(WVC §18-5A-6 and SBP 2510)

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Amended/Revised: August 24, 2010; September 6, 2011

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
I. INSTRUCTION	Last Review:
File: I.7. Basic Instructional Program (Pre-K-Adult)	March 2018

The education program offered in West Virginia schools is defined in broad terms as all of the education activities that take place during the instructional day and the school year. The education program provides education opportunities for students to achieve high levels of learning in programs of study through approved content standards that prepare students to be lifelong learners and successful citizens in a competitive global society. The education program is based upon information provided through research relevant to best practices and promising next practices in teaching and learning. The education program is structured and based on three (3) programmatic levels: Early Learning Programs, Middle School Programs, and High School Programs.

The Pendleton County Board of Education shall provide the necessary resources, including technology, to ensure that students attain high standards of performance. At early levels, students will achieve proficiency in the basic skills of literacy, mathematics, science, social studies, the arts, learning skills and technology tools. Achievement of these skills will provide the foundation for later intellectual challenges in all programs of study. Students will explore their interests and abilities and engage in relevant activities to help them understand the world of work. Technology will be a tool to help achieve these standards in all schools. The WVBE anticipates the provision of sufficient resources and support, including an adequate system of professional development, appropriate instructional materials, and reliable assessment measures, to realize the goal of producing students who are college and career-ready as defined by the West Virginia Board of Education.

The Pendleton County Board of Education adopts as its official policy the current provisions of SBP 2510-*Assuring Quality of Education: Regulations for Education Programs* as the standards to be followed in implementing the Basic Instructional Program Pre-K to Adult. School personnel should follow this link to [*SBP 2510-Assuring Quality of Education: Regulations for Education Programs*](#) (WVC §18-2-6; §18-2-7; §18-2-9; §18-2E-7; §18-2E-8 and SBP 2510)

The following is a list of topics to be found in SBP 2510 which should assist the reader in his/her research of this policy:

Topics in SBP 2510:	Page
§126-42-1 General.....	1
§126-42-2 Purpose	1
§126-42-3 Scope	2
§126-42-4 General Responsibilities.....	2
§126-42-5 Program Definition and Design	5
Early Learning Programs (Grades Pre-K-5)	5
Middle Level Programming (Grades 6-8)	9
High School Programming (Grades 9-12)	12
§126-42-6 Alternative Delivery of Education Programs.....	26
§126-42-7 County Board of Education Responsibilities	30
§126-42-8 School Based Responsibilities	39
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§126-42-10 Program Accountability	41
§126-42-11 Glossary	42
§126-42-12 Severability	48

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(P) I.7.1 Legislative Mandates for Early Childhood Education (Pre-K)

County boards of education shall provide early childhood education programs for all children who have attained the age of four prior to July 1 of the school year in which the children enter the early childhood education program.

The program shall meet the following criteria:

- ❖ It shall be voluntary, except, upon enrollment, the provisions of WVC §18-8-1 apply to an enrolled student; and
- ❖ It shall be open to all children meeting the age requirement set forth in the code;
- ❖ It shall provide no less than fifteen hundred minutes (1,500) of instruction per week, in a full day program with at least forty-eight thousand minutes (48,000) of instruction annually; and
- ❖ It shall permit a parent of an enrolled child to withdraw the child from that program by notifying the district in writing. A child withdrawn under this policy is not subject to the attendance provisions of the code until that child again enrolls in a public school in this state.

The enrollment of students in Head Start or in any other program approved by the State Superintendent of Schools shall be counted toward satisfying the requirement of the law.

For the purposes of implementation financing, all counties are encouraged to make use of funds from existing sources, including:

- ❖ Federal funds provided under the Elementary and Secondary Education Act pursuant to 20 U.S.C. §6301, et seq.;
- ❖ Federal funds provided for Head Start pursuant to 42 U.S.C. §9831, et seq.;
- ❖ Federal funds for temporary assistance to needy families pursuant to 42 U.S.C. §601, et seq.;
- ❖ Funds provided by the School Building Authority pursuant to article nine-d of this chapter;
- ❖ In the case of counties with declining enrollments, funds from the state aid formula above the amount indicated for the number of students actually enrolled in any school year; and
- ❖ Any other public or private funds.

The Board shall submit its plan to the Secretary of the Department of Health and Human Resources. The secretary shall approve the plan if the following conditions are met:

- ❖ The county board has maximized the use of federal and other available funds for early childhood programs; and
- ❖ The county board has provided for the maximum implementation of Head Start programs and other public and private programs approved by the state superintendent pursuant to the terms of this section.
(WVC §18-5-44)

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(P) I.7.2. SBP 2525 Requirements for Early Education (Pre-K)

SBP 2525-- West Virginia's Universal Access to a Quality Early Education System is an important document published by the State Board of Education to assist county school systems in the development of Pre-K programs for four and three-year-old children. It is essential reading for all administrators and Pre-K teachers; therefore the Pendleton County Board of Education adopts as its official policy the current provisions of *SBP 2525-- West Virginia's Universal Access to a Quality Early Education System* as the standards to be followed in implementing the Pendleton County Pre-K program.

Follow this link to [SBP 2525-West Virginia's Universal Access to Early Education System](#). The following is a list of topics to be found in SBP 2525:

<u>Topics in SBP 2525</u>	<u>Page</u>
§126-28-1 General	1
§126-28-2 Guidelines	1
§126-28-3 School Readiness	2
§126-28-4 County Collaborative Early Childhood Team	2
§126-28-5 Eligibility and Enrollment	5
§126-28-6 Attendance	6
§126-28-7 Transportation	7
§126-28-8 Inclusive Settings	7
§126-28-9 Family Engagement	8
§126-28-10 Transitions	8

§126-28-11	Meals.....	9
§126-28-12	Health and Safety.....	9
§126-28-13	Environmental Design.....	11
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§126-28-15	Curriculum and Assessment	14
§126-28-16	Personnel	18
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§126-28-18	Program Assessment and Continuous Quality Improvement.....	21
§126-28-19	Finance	22
§126-28-20	Program Oversight	22
§126-28-21	Glossary	23
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(SBP 2525)		

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(P) I.7.3. High School Credit Recovery Options

State Board Policy 2510 requires county boards of education to adopt procedures and programs that allow students to recover credit for failed high schools courses. This requirement places the onus on instructional personnel to develop valid alternatives to the repeating of failed classes. The requirement does not rule out the possibility that a student may be required to repeat an entire course. However, it does require that students, who fall short on one or more of the content standards for a course, but not all of them, be offered the opportunity to demonstrate mastery of those content standards rather than repeat an entire course.

The circumstances under which Pendleton County high school students may seek to recover credit for failed course work shall be reviewed on a case-by-case basis. The options that are available to students for credit recovery include, but are not limited to, the following:

- ❖ Option 1 – Retake the course. This option is most appropriate for those students who have failed to master a majority of the contents standards for the course.
- ❖ Option 2 – Work out an agreement with the classroom instructor to perform additional work which, if successfully completed, will demonstrate mastery of the content standards previously failed. This option is available only to those students who failed to master a small number of content standards. The teacher in consultation with the principal will determine a list of content standards to be mastered in this fashion.

This work may be completed before school, after school, during summer school or as an independent study at the discretion of the instructor.

- ❖ Option 3 – Test out. Pendleton County Schools offer students eligible for high school credit the opportunity to obtain such credit through tested mastery of the content standards. Students seeking the option to test out must comply with the applicable guidelines contained in (P) I.18.5. *Testing Out Program for Students.*

The parents and/or the student may petition the principal to review the student's record to determine which of the above options would be the most appropriate avenue to recover credit for failed course work. The review will include input from the classroom instructor. The parents and the student shall have the added responsibility to prepare a statement of reasons why they believe the course of action they seek is justified. Students 18 years of age or older may petition the principal on their own behalf.

In the absence of a petition by the parents and/or student to consider other options, the student shall be automatically assigned to a class to retake any required courses or required elective courses necessary for graduation. In the event that Option 2 or Option 3 is granted, the parents and/or the student must sign an agreement pledging full cooperation with the school faculty and administration.

(P) I.7.4. Career/Technical Education

Career/technical education offerings are available for Pendleton County senior high students at Pendleton County High School and the South Branch Career and Technical Center. To assure that career/technical offerings reflect the current needs and desires of students, the Board directs the high school principal to conduct periodic surveys of the community and students to collect enrollment data and to determine their needs and desires.

(SBP 2510)

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(P) I.7.5. Dual Credit Courses

Dual credit courses are those that provide students with both high school and college credit. Such courses shall meet both the specific course content standards and objectives for secondary offerings and the college course requirements. Pendleton County School officials shall consult with the West Virginia Higher Education Policy Commission (WVHEPC) to ensure compliance with HEPC requirements.

All dual credit courses shall be delivered on the Pendleton County High School campus by Pendleton County High School teachers who have been approved by the cooperating college and who have met all West Virginia Board of Education requirements. These courses shall be taught during the 180 day school term as defined by the Pendleton County Board of Education.

The Pendleton County Board of Education shall issue weighted grades for dual credit courses for which high school credit is awarded in accordance with SBP 2515.

Average	Grade	Quality Points
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	0

Should the student's high school grade be insufficient to qualify for college credit, s/he shall be awarded high school credit only providing s/he has earned a passing grade per school standards.

The course syllabus shall provide detailed information that shall include the nature of the course, expectations and requirements. Course requirement information must include course prerequisites, admission requirements, course content, grading policy, attendance requirements, course completion requirements, information on adding and dropping courses, tuition and other costs associated with the dual credit course, and other relevant course information. The syllabus must also assure the provision of 180 days of instruction and must clarify student assignments on dates when college may not be in session, how missed days of instruction at the secondary level will be handled when the college is in session, etc.

Dual credit courses must list the appropriate WVEIS 4 digit course code for which high school credit is being given. Dual credit courses must also use an "X" in the sixth digit of the course code. Other college courses without an equivalent high school course code or not being used for graduation credit should use course codes 7676 through 7690 as assigned in the WVEIS Course Code manual. If the college course is a dual credit course being used for elective credit, those courses must also use an "X" in the sixth digit of the course code (e.g. College Psychology, sociology, communications)

It must be noted for students and parents that postsecondary institutions other than those who have agreed to award the dual credit may not recognize dual credit earned at Pendleton County High School.

Tuition, college textbooks and other college fees shall be the responsibility of the parents and/or the student.

A copy of this policy shall be submitted to the WVDE for review and approval by the WVBE.

(SBP 2510)

For Department Use Only
Received
Reviewed by/on
Approved by WVBE

**West Virginia Board of Education
Approval of County Dual Credit Policy**

This form is to request approval of the West Virginia Board of Education (WVBE) for _____ County's Dual Credit Policy per WVBE Policy 2510, 5.4.f.1.C. (Please see page 25 of Adolescent Guidance Document for suggested guidelines for policy development).

All local policies must be submitted to the West Virginia Department of Education (WVDE) on or before June 1, 2014. Upon approval by the WVBE, the policy will not need to be resubmitted unless additional courses are identified for dual credit or the local policy undergoes significant revision.

County Contact Person _____ Business Phone() _____ E-mail _____

County Office Mailing Address _____

The policy was placed on a public comment period from _____ to _____

This policy was approved by the _____ County Board of Education on _____

- Please attach electronic copy of official board agenda and minutes
- Please attach electronic copy of dual credit policy
- Please attach course syllabus

Name and Signature of Person Submitting Policy _____ Date _____

Submit this form and required attachments to: Betty Jo Jordan, Executive Assistant to the State Superintendent at bjjordan@access.k12.wv.us

04-16-2104

(P) I.7.6. Pendleton County Comprehensive School Counseling Program

Comprehensive School Counseling Program (CSCP) is an integral part of the total school program and is aligned with the school's mission. The CSCP is a proactive, systemic approach to assist students with the acquisition of attitudes, knowledge, skills and behaviors necessary to maximize student success and preparation for a variety of postsecondary options.

Per WVC §18-5-18b, school counselors shall be full-time professional personnel, shall spend at least eighty (80%) percent of work time in a direct counseling relationship with pupils, and shall devote no more than twenty percent (20%) of the work day to administrative activities: *Provided*, That such activities are counselor related.

The Pendleton County Board of Education adopts as its official policy the current provisions of *SBP 2315 – Comprehensive School Counseling Program* in fulfilling its responsibility to develop an Annual CSCP Plan in each school in order to coordinate and implement a CSCP designed to address student needs.

Central Office Supervisors, principals, and teachers are directed to the State Board website by following this link to [SBP 2315 - Comprehensive School Counseling Program](#).

The following is a list of topics to be found in SBP 2315 which should assist the reader in his/her research of this policy:

<u>Topics in SBP 2315</u>	<u>Page</u>
§126-67-1 General	1
§126-67-2 Purpose	1
§126-67-3 Comprehensive School Counseling Program Description.....	1
§126-67-4. County Board Responsibilities	1
§126-67-5. Delivery Components of Comprehensive School Counseling Programs ...	2
§126-67-6. Counselor Qualifications, Use of Time and Program Monitoring.....	4
§126-67-7. Responsibility	4
§126-67-8. Incorporation by Reference.....	4
§126-67-9. Summary of West Virginia Student Success Standards.....	5
§126-67-10. Glossary	5
§126-67-11. Severability.....	7

(WVC §18-5-18b; SBP 2315 - Comprehensive School Counseling Program)

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Amended/Revised: February 2, 2004; October 4, 2004; October 19, 2005 ; August 26, 2008;
January 12, 2010; October 18, 2011; October 2, 2012: October 1, 2013:
October 9, 2014; September 6, 2016; September 5, 2017; September 4, 2018;
September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
I. INSTRUCTION	Last Review:
File: I.8. Educational Services for Students with Exceptionalities	March 2018

Recognizing its responsibility to provide educational services for all student populations, the Pendleton County Board of Education reaffirms the goal of providing full educational opportunities for all students with exceptionalities, aged birth through 21. The Current West Virginia SBP-2419 Regulations for the Education of Students with Exceptionalities shall be placed on the agenda for the second meeting of the Pendleton County Board of Education each August and formally adopted by the Board and it shall be the guiding framework for providing educational services to all eligible students with exceptionalities.

These policies and procedures apply to preschool, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services. These apply to three year olds, as of their third birth date, through five year olds with disabilities, students with exceptionalities ages five through twenty-one, all exceptional gifted students in grades nine through twelve and to all gifted students in grades one through eight as specified. Rights under these regulations cease to apply at the end of the school year in which the student turns twenty-one years of age, that is, the year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma.

Pursuant to federal and state regulations and statutes, Pendleton County school officials shall, in collaboration with other agencies, carry out an aggressive search for disabled clients residing in the county. The target groups for this search shall be:

- ❖ Individuals with exceptionalities ages birth through twenty-one;
- ❖ Gifted individuals from first through eighth grades; and
- ❖ Exceptional gifted in grades nine through twelve.

The search shall include students with exceptionalities who are homeless or are wards of the state and students with exceptionalities attending private schools, regardless of the severity of their exceptionality, who are in need of special education and related services. Mandated child find activities include identification of students residing in other states who are attending private schools in West Virginia.

Education is a right extended to all exceptional individuals and not a privilege; therefore individuals between the ages of three and 21 who are identified as exceptional shall be granted the instructional and related services required to assure that they will receive a free appropriate education in the Pendleton County Schools. Instruction may take place in the classroom, in the home, in hospitals and institutions and other settings deemed to be appropriate.

Gifted students in grades one through eight and all exceptional gifted students in grades nine through 12 will also receive appropriate services. This fundamental right to an education must also be extended to students with disabilities who have been suspended or expelled from school. They must be provided special education and related services to meet their unique educational needs.

The Board views the Individualized Educational Program (IEP) as a communication vehicle between parents and school personnel and enables them, as equal participants, to jointly identify the student's educational needs, what services will be provided to meet those needs, and what the anticipated outcomes may be. The IEP process provides an opportunity for resolving any differences between the parents and the public agency concerning the special education needs of an exceptional student; first, through the IEP meeting; and second, through the procedural protections that are available to the student and the student's parents. All qualified special needs students must have a completed IEP prior to the implementation of any modifications of their educational program.

If a student with exceptional needs is enrolled in a teacher's class, and if the teacher did not participate in the meeting to develop the student's individualized education program, s/he must acknowledge reading and understanding the student's IEP by signing a copy. The teacher must also help the student succeed in class by making any needed or identified accommodations and modifications. These requirements apply to all teachers, including, but not limited to, teachers of music, musical education, and driver education.

Every teacher of a student for whom the board of education prepares a plan of accommodation pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, shall receive specific instruction from the school regarding the contents and requirements of 2015R2429 the plan and, if the plan is prepared in writing, the teacher shall receive a copy of the written plan and every update thereto and the teacher shall sign an acknowledgment of receipt of each plan and update. No professional educator may be required to prepare or implement an IEP which exceeds the requirements of federal and state laws, policies, rules or regulations.

Details of specific programs and the State Standards may be procured from the Director of Special Education at the County Office.

Providing Services of a Sign Support Specialist or an Educational Sign Language Interpreter I or II

The following guidelines shall be followed when a student's individualized education plan (IEP) or education plan established pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, requires the services of a sign support specialist or an educational sign language interpreter I or II:

- ❖ Any educational sign language interpreter I or II assigned to assist that student is a related service provider member of the education team who participates in IEP meetings and works with the team to implement the IEP;
- ❖ A sign support specialist may be assigned to a student with an exceptionality other than deaf or hard of hearing if it is determined that the student needs signs to support his or her expressive communication; and
- ❖ A sign support specialist may be assigned to a student who is deaf or hard of hearing in lieu of an interpreter only if an educational sign language interpreter I or II is unavailable, and the sign support specialist is executing a professional development plan while actively seeking certification as an educational sign language interpreter I or II. After two years the sign support specialist may remain in the assignment only if an educational sign language interpreter I or II remains unavailable, and with an approved waiver by the West Virginia Department of Education. An employee in this situation is entitled to full payment of the costs of certification acquisition or renewal pursuant to the certification renewal provisions of WVC §18A-2-4.

(PL 93-380 and 94-142; WVC §18-20-1 et seq; SBP 2419 P.L. 94-142 and 105-17 (1997 amendments to IDEA), Rehabilitation Act of 1973 (504), Americans with Disabilities Act of 1990)

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(P) I.8.1. Integration

The West Virginia Code, although it is not required by the Individual with Disabilities Education Act, requires integration. Specifically, each faculty senate must develop a strategic plan to manage the integration of exceptional needs students into the regular classroom at their respective schools and submit it to the Superintendent periodically pursuant to guidelines developed by the state department of education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in developing the strategic plan for each school. Each strategic plan developed by the faculty senate shall include at least:

- ❖ A mission statement;
- ❖ Goals;
- ❖ Needs;
- ❖ Objectives and activities to implement plans relating to each goal;
- ❖ Work in progress to implement the strategic plan;
- ❖ Guidelines for placing additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms;
- ❖ Guidelines for implementation of collaborative planning and instruction; and
- ❖ Training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.

When the least restrictive environment for an exceptional needs student has been determined to be in a regular classroom (Integration) that requires in adjustment of either the curriculum or the services to be provided by the regular classroom teacher, that teacher is entitled to the following:

- ❖ Training to prepare the teacher to meet the exceptional needs of the student. Ideally this training will occur prior to the placement, but in any case it must be provided within 10 days of the placement.
 - ❖ A signed copy of the IEP and both the referring and receiving teacher shall participate in the development of the IEP. A teacher who disagrees with the IEP committee's recommendation may file a written disagreement or recommendation.
 - ❖ The opportunity to reconvene the IEP committee as appropriate. Such meeting shall be held within 21 days of the request.
 - ❖ Assistance from persons trained or certified to deal with the student's exceptional needs whenever such assistance is part of the IEP.
- (WVC §18-5A-5 and §18-20-1c)

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(P) I.8.2. Home/Hospital Instruction

Educational services shall be provided to students who are confined to the home/hospital setting owing to injury or illness, as certified in writing by a licensed physician who specializes in the health condition. The student's confinement must have lasted or will last for a period of more than three consecutive weeks. The written statement must include:

- ❖ The specific reason the student must remain at home or in the hospital; and
- ❖ The criteria or conditions under which the student can return to school and the expected date of such return.

A written statement by a licensed physician who specializes in the health condition must be resubmitted every three (3) months if a student's temporary home/hospital instruction is prolonged.

The board of education may require that the parent and/or guardian obtain an opinion from a second licensed physician who specializes in the health condition at the expense of the board of education.

Home/hospital services may also be provided temporarily at the direction of the Superintendent for students who have not met the immunization requirements of WVC §16-3-4.

All such services must be provided through the Pendleton County Schools, Department of Special Education.

The Pendleton County Director of Student Services and Personnel shall verify all requests for home/hospital instruction and work with appropriate personnel to ensure the delivery of services. Home/hospital instruction is an individualized program. The hourly rate of pay shall be reviewed periodically by the Pendleton County Board of Education. Mileage to and from the student's home shall be paid at the current rate established by the Board.

(WVC §16-3-4; §18-20-1; SBP 2419 and SBP 2510)

Instruction

- ❖ Home/hospital services must be designed to provide the student adequate opportunity to continue learning toward mastery of grade level content standards while he or she is temporarily confined to home or hospital. These services may not replace full time instruction on an ongoing basis. The expectation is that the student will return to the regular classroom.
- ❖ Home/hospital instruction provided for an exceptional student who is unable to attend school temporarily because of an injury, illness, or health condition, requires a change in the student's placement to Out-of-School Environment (OSE) as defined by SBP 2419. The change of placement to OSE must be addressed by the student's IEP team and implemented in accordance with the requirements of SBP 2419.
- ❖ Since home/hospital services are temporary in nature, the home/hospital teachers are responsible for facilitating instruction only for approved content standards and objectives for core courses (i.e., English language arts, mathematics, science and social studies). The

home/hospital services are guided by the student's classroom teacher(s); consequently, the home/hospital teacher must be in regular contact with the classroom teacher(s) to;

- Secure and understand units/lessons, instructional plans and instructional resources (including approved online and virtual options), and
- Establish procedures for the collection and return of student work to the classroom teacher(s) for feedback and assessment.

Schedule

- ❖ Home/hospital instruction may be provided at any time. Instruction is to start as soon as possible following determination of the student's eligibility for instruction.
- ❖ The instructional schedule per week must include adequate instructional time and must be based upon the student's physical ability to participate as specified by the physician who confirmed/diagnosed the injury or health condition.
- ❖ The teacher and the parent should establish the time that instruction will be provided in the home and when appropriate, the Director of Student Services and Personnel shall be involved.
- ❖ Home instruction is provided at a time when a responsible adult is in the home.
- ❖ The student's school shall provide the home instruction teacher the opportunity to meet with the student's teacher and shall provide the county adopted instructional materials, teacher's editions, materials, equipment and supplies the student requires to complete the student's programs of study.
- ❖ The student's teacher shall provide the home instruction teacher with copies of daily lesson plans, including homework assignments, when requested.

(P) I.8.3. Student Assistance Team

Each Pendleton County school shall establish a student assistance team consisting of at least three persons, including a school administrator or designee, who shall serve as the chairperson, current teachers and other appropriate professional staff. The role of the SAT shall include but not limited to the following:

- ❖ Review individual student needs that have persisted despite being addressed through instruction programs and intervention teams, or that have persisted in spite of other appropriate alternative actions;
- ❖ Considers referrals for multi-disciplinary evaluation;
- ❖ Invite parents to review recommendations made by the team in regard to the child's program and to provide feedback to the team about those recommendations;
- ❖ Become trained in referral procedures for multidisciplinary evaluations, Alternative Education placements, disciplinary procedures, and other school processes as appropriate for ensuring student progress and maintenance of a safe school environment; and
- ❖ Collect and maintain data on the activities of the team, including the dates of meetings, the members in attendance, and the recommendations of the team, the dates of review meetings, and the results of its recommendations.

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(P) I.8.4. Parental Request for an Independent Educational Evaluation (IEE)

Federal regulations, Individual with Disabilities Act (IDEA) and state guidelines, SBP 2419 Regulations for the Education of Students with Exceptionalities grant the parents/guardians of a student with exceptionalities the right to challenge and disagree with the assessment and evaluation results for their child.

Federal guidelines grant parents/guardians who file a disagreement with the school system two options:

- ❖ They can ask for an **Independent Educational Evaluation (IEE)**. Parents usually pay for an IEE or private testing. But the school system may agree to pay for an IEE in those cases where an outside, independent evaluation is clearly needed including:
 - When the school system doesn't have the staff needed to do the testing that your child needs; or

- When the school system's evaluation team thinks outside testing is needed.
- ❖ The parents' second option is to ask for what is called an **IEE at Public Expense**. If a parent/guardian asks for an **IEE at Public Expense**, according to federal guidelines, the school system has two options: **Fund** or **File**:
 The school system must either pay for the independent evaluation (**Fund**) or file for a Due Process hearing (**File**), claiming that the district's assessment is "appropriate." The school system may ask for specific areas of disagreement.
 If the school system prevails at hearing, it does not have to pay for additional assessment requested by the parent. If it loses, it will have to pay for the requested evaluation...

Limitations on the Cost of an Independent Educational Evaluation (IEE)

In the event the Pendleton County Board of Education agrees to fund an Independent **Educational Evaluation (IEE)**, it shall limit the costs to a sum which would be equal to what it usually pays for similar evaluations performed by evaluation professionals who are employed or contracted by the Board.

Limitations on the Selection of Evaluators for an Independent Educational Evaluation (IEE)

Federal regulations state that the school system must set criteria under which an **IEE** can be obtained at public expense, including the location of the evaluation and the qualifications of the examiner, which must be the same as the criteria the school system uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. . Other than establishing these criteria, a school system may not impose conditions or timelines related to a parent obtaining an **IEE** at public expense.

When enforcing **IEE** criteria, the school system must allow parents the opportunity to select a qualified evaluator that meets its criteria even if that evaluator is not on the list of potential evaluators established by the school system.

See 34 CFR §300.502(e)(1) and §300.502(e)(2).

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(P) 1.8.5. Video cameras required in certain special education classrooms

Upon appropriation of funds by the Legislature, the Pendleton County Board of Education shall ensure placement of video cameras in self-contained classrooms as defined in state board policy.

As used in this policy:

- ❖ "Incident" means a raised suspicion by a teacher, aide, parent, or guardian of a child, of bullying, abuse, or neglect of a child or of harm to an employee of a public school by:
 - An employee of a public school or school district; or
 - Another student;
- ❖ "Self-contained classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education instruction and as further defined in state board policy; and
- ❖ "Special education" means the same as defined in §18-20-1 et seq. of this code.

The Board will provide a video camera in all self-contained classroom and the principal of the school shall be the custodian of the video camera, all recordings generated by the video camera, and access to those recordings pursuant to this policy.

A video camera placed in a self-contained classroom shall be capable of:

- ❖ Monitoring all areas of the self-contained classroom, including, without limitation, a room attached to the self-contained classroom and used for other purposes; and
- ❖ Recording audio from all areas of the self-contained classroom, including, without limitation, a room attached to the self-contained classroom and used for other purposes.

Prior to the placement of a video camera in a self-contained classroom, written notice shall be given to:

1. The parent or legal guardian of a student who is assigned to the self-contained classroom;

2. The county board; and
3. The school employee(s) who is assigned to work with one or more students in the self-contained classroom.

General Guidelines regarding Video Cameras in Self-contained Classrooms:

1. A video camera placed in a self-contained classroom shall not monitor a restroom or any other area in the self-contained classroom where a student changes his or her clothes except for incidental monitoring of a minor portion of a restroom or other area where a student changes his or her clothes because of the layout of the self-contained classroom.
2. A video camera placed in a self-contained classroom is not required to be in operation during the time in which students are not present in the self-contained classroom.
3. Video recordings shall be retained for at least three months after the date the video was recorded after which the recording shall be deleted or otherwise made irretrievable.
4. Except as provided under the provisions of this policy, a video recording of a student made under this section is confidential and shall not be released or viewed.
5. It is not a violation of this policy if a contractor or other employee of a public school or school district incidentally views a video recording under this policy if the contractor or employee of a public school or school district is performing job duties related to the:
 - Installation, operation, or maintenance of video equipment; or
 - Retention of video recordings.
6. This policy does not limit the access of a student's parent or legal guardian to a video recording regarding the student under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or any other law.
7. The Pendleton County Schools shall:
 - Take necessary precautions to conceal the identity of a student who appears in a video recording but is not involved in the alleged incident documented by the video recording for which the public school allows viewing, including, without limitation, blurring the face of the uninvolved student; and
 - Provide procedures to protect the confidentiality of student records contained in a video recording in accordance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, or any other law
8. The Pendleton County Schools shall not:
 - Allow regular, continuous, or continual monitoring of video recorded under this section; or
 - Use video recorded under this section for:
 - Teacher evaluations; or
 - Any purpose other than the promotion of the health, well-being, and safety of students receiving special education and related services in a self-contained classroom.
9. If there is an interruption in the operation of the video camera for any reason, a written explanation should be submitted to the school principal and the county board explaining the reason and length for which there was no recording. The explanation shall be maintained at the county board office for at least one year.

Guidelines for viewing Video Recordings:

1. If a person requests to view a recording, the school system shall retain the recording from the date of the request until:
 - Except as provided in §18-20-11(g)(2)(A)(ii) of this code, the person views the recording;
 - A person who requests to view a recording shall make himself or herself available for viewing the recording within 30 days after being notified by the public school that the person's request has been granted; and
 - Any investigation and any administrative or legal proceedings that result from the recording have been completed, including, without limitation, the exhaustion of all appeals.
2. Within seven days of receiving a request, the school system shall allow viewing of a video recording by:
 - A school or school district employee who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district;
 - A parent or legal guardian of a student who is involved in an alleged incident that is documented

- by the video recording and has been reported to the school or school district;
- An employee of a school or school district as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district;
 - A law-enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law-enforcement agency; or
 - The Department of Health and Human Resources as part of a child abuse and neglect investigation: Provided, That any access provided to the Department of Health and Human Resources pursuant to this subdivision shall comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.
3. When a video is under review as part of the investigation of an alleged incident, and the video reveals a student violating a disciplinary code or rule of the school, which violation is not related to the alleged incident for which the review is occurring, and which violation is not already the subject of a disciplinary action against the student, the student is not subject to disciplinary action by the school for such unrelated violation unless it reveals a separate incident as described in §18-20-11(b)(1) of this code.

School District and Employee Immunity:

This policy does not:

1. Waive any immunity from liability of a public school district or employee of a public school district; or
2. Create any liability for a cause of action against a public school or school district or employee of a public school or school district.

Appeal by an Aggrieved Person:

Any aggrieved person may appeal to the State Board of Education an action by a public school or school district that the person believes to be in violation of this section. The state board shall grant a hearing on an appeal under this subsection within 45 days of receiving the appeal.

(WVC §18-20-11)

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Amended/Revised: October 4, 2004; October 19, 2005; August 26, 2008; October 9, 2014;
September 1, 2015; December 5, 2017; September 4, 2018;
September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.9. Special Instructional Programs/Concerns	Adopted: August 20, 2003 Last Review: March 2018

Preparing students for life in the 21st century requires that school systems provide programs that address a diverse spectrum of issues and concerns. To that end, the Pendleton County Schools are directed to provide instruction in the following areas as appropriate.

(P) I.9.1. Health Education

WVC §18-2-9 directs the State Board of Education to require all of the public schools to teach the subject of health education, including instruction in any of the grades six through twelve as considered appropriate by the county board, on:

- ❖ The prevention, transmission and spread of acquired immune deficiency syndrome and other sexually transmitted diseases;
- ❖ substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general;
- ❖ the importance of healthy eating and physical activity to maintaining healthy weight; and
- ❖ education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose.

The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health and Human Resources. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(WVC §18-2-9)

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(P) I.9.1.1. AIDS/HIV Education

The goal of this policy is to assist in the protection of students by providing them with the knowledge and skills necessary to avoid behavior that will put them at risk of infection with the human immunodeficiency virus (HIV) and other sexually transmitted diseases. The instructional program shall include but is not limited to the following components.

(WVC 18-2-7; 18-2-9; 18-5-15d; SBP 2520.5)

- ❖ **Instructional program**
 - AIDS and other sexually transmitted diseases prevention education shall be integrated into current programs of study such as health, science, developmental guidance, and social studies at all appropriate grade levels.
 - The program shall be comprehensive to provide not only knowledge about the disease AIDS and other sexually transmitted diseases, but also have a focus on the behaviors and skills necessary to prevent exposure to the virus.
- ❖ **Staff development**
 - Provisions shall be made for all school staff to receive in-service training about the nature of the AIDS and other sexually transmitted diseases and means of controlling their spread and the role of the school in providing education to prevent transmission.
 - Educational personnel responsible for classroom instruction shall receive staff development that will enable them to implement effective AIDS and other sexually transmitted diseases educational programs.
 - Educational personnel responsible for delivering instruction shall periodically participate in staff development activities that will provide current information related to AIDS and other sexually transmitted diseases education.

❖ **Parent involvement**

- An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in such instruction.
- Parents may provide written notice to the school principal to exempt their children from AIDS and other sexually transmitted diseases instruction.

❖ **Curriculum development**

- Pendleton County professional personnel shall utilize the Health Content Standards set forth in SBP 2520.5 to design curricula, allocate instructional resources, provide a basis for assessing student achievement and progress, and promote a rigorous and challenging health education curriculum including instruction about AIDS and other sexually transmitted diseases.
- As appropriate, the development of the curricula for these programs shall include the participation of professional personnel, parents and community representatives.
(WVC §18-2-9 and §18-5-15d)

(P) I.9.2. Cardiopulmonary Resuscitation Instruction (CPR) and First Aid Training

Consistent with SBP 2520.5- Next Generation Health Education 5-12 Content Standards and Objectives and WVC §18-2-9 the Pendleton County Board of Education has directed that all students enrolled in the high schools shall receive at least thirty minutes of instruction prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as “psychomotor skills”.

The CPR instruction must be based on an instructional program established by the American Heart Association or the American Red Cross or another program which is nationally recognized and uses the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development into the instruction.

A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses and representatives of the American Heart Association or the American Red Cross.

A local school district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): Provided, That any instruction that results in a certification being earned must be taught by an authorized CPR/AED instructor.

SBP 2520.5 also requires that all students receive instruction in basic First Aid skills and procedures such as controlling bleeding, airway obstructions, fractures, wound treatment, etc.

(WVC §18-2-9; SBP2520.5)

Click on the above link for details of SBP 2520.5.

(P) I.9.3. Character Education

Pendleton County’s approach to character education shall be an integrated and comprehensive approach to promote an understanding and inspire development of general character traits such as respect, responsibility, caring, citizenship, justice and fairness, and trustworthiness. Character Education utilizes existing curricula, the school culture, school functions, along with new and existing projects, programs and activities such as: Responsible Student Program, Life Skills Training, Peer Mediation, and Conflict Resolution.

(WVC §18-2-13)

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(P) I.9.4. Controversial Issues Instruction

Factual materials relating to both sides of controversial issues of local, state, national, and international importance should be presented within the proper relationship of the subject matter. Administrators and teachers shall be required to exert their most conscientious efforts to see that controversial issues and facts are presented objectively and impartially. The Superintendent and the Pendleton County Board of Education can only support or defend this instruction when it is evident that the above policy has been complied with in all respects.

(P) I.9.5. Drugs, Alcohol and Tobacco Education

WVC §18-27b states that no later than the start of the 2018-2019 school year, county boards of education shall implement comprehensive drug awareness and prevention programs for students in grades K through 12 to receive instruction regarding the dangers of substance abuse. The purpose of the drug awareness and prevention program is to:

1. Keep students from illegally using alcohol, tobacco or other drugs;
2. Reduce or eliminate the incidence and prevalence of student's alcohol, tobacco and other drug abuse;
3. Reduce the factors that place students at risk of abusing alcohol, tobacco or other drugs through school and a community based planning processes;
4. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and drug-free;
5. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and drug use, and of blood borne pathogens;
6. Actively involve staff, students, parents and community members in the development and implementation of the drug awareness and prevention program plans;
7. Facilitate an understanding and appreciation of the risks to, duties of, and likely actions by law-enforcement officers when conducting investigations; and
8. Instruct how to respond to an officer during a vehicular or other stop or police interaction, including problematic or dangerous action and behaviors that could result in a person being detained or arrested.

The county board shall coordinate the delivery of instruction to meet the purposes stated above with educators, drug rehabilitation specialists and law-enforcement agencies to periodically provide age appropriate student education on their experiences with the impacts of illegal alcohol and drug use.

Beginning with the 2018-2019 school year, instruction required pursuant to section nine of this article in the subject of health education in any of the grades six through twelve as considered appropriate by the county board shall include at least sixty (60) minutes of instruction for each student on the dangers of opioid use, the additive characteristics of opioids, and safer alternatives to treat pain.

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(P) I.9.6. Physical Education

The West Virginia State Board of Education has determined that physical education shall be taught in all the public elementary and secondary schools in the State. At the secondary level a total of one unit of physical education and health shall be counted in the 22 units for graduation. It is further recommended that physical education-health and/or a planned program of intramural sports and activities be made available to all students in all four years of the high school curricula. Physical education programs are to be available equally to both sexes.

The 2005 Legislature passed legislation requiring the public schools to become more active in the battle against obesity which it described as a problem of epidemic proportions in the state. The Legislature believes that the promotion of physical activity during the school day for school children is a crucial step in combating this growing epidemic and in changing the attitudes and behavior of the residents of this state toward health promoting physical activity. As a result of these findings, the Pendleton County Schools will follow the new guidelines set forth in the legislation. Each child enrolled in the public schools of

Pendleton County shall actively participate in physical education classes during the school year to the level of his or her ability as follows:

- ❖ **Early learning grades (K-5)** –In grades K-5, not less than 30 minutes of physical education, including physical exercise and age appropriate physical activities, for not less than three days a week shall be provided as per W. Va. Code §18-2-7a. At least 50 percent of class time for physical education will be spent in moderate to vigorous-intensity physical activity. Schools that do not currently have the number of certified physical education teachers or required physical setting may develop alternate programs to enable current staff and physical settings to be used to meet this requirement. Alternate programs shall be submitted to the WVDE for approval
- ❖ **Middle school grades (6-8)** – In grades 6-8, not less than one full period of physical education, including physical exercise and age appropriate physical activities, each school day of one semester of the school year shall be provided as per W. Va. Code §18-2-7a. At least 50 percent of class time for physical education will be spent in moderate to vigorous-intensity physical activity. Schools not having the number of certified physical education teachers or required physical setting may develop alternate programs that will enable current staff and physical settings to be used to meet the physical education requirements. Alternate programs shall be submitted to the WVDE for approval
- ❖ **High school grades (9-12)** – Students in this age group shall be required to complete at least one full course credit of physical education. At least 50 percent of class time for physical education should be spent in moderate- to vigorous-intensity physical activity.

Enrollment in physical education classes and activities required by the provisions of this new law shall not exceed, and shall be consistent with, state guidelines for enrollment in all other subjects and classes: *Provided*, That any Pendleton County school which does not currently have the number of certified physical education teachers or does not currently have the required physical setting or would have to significantly alter academic offerings to meet the physical education requirements may develop alternate programs that will enable current staff and physical settings to be used to meet the physical education requirements established herein. These alternate programs shall be submitted to the Director of Student Services and Personnel for approval. If approval is granted, the Director will submit the request to the State Department of Education and the Healthy Lifestyle Council for approval.

The state board shall prescribe a program within the existing health and physical education program which incorporates fitness testing, reporting, recognition, fitness events and incentive programs which requires the participation in grades four through eight and the required high school course. The program shall be selected from nationally accepted fitness testing programs designed for school-aged children that test cardiovascular fitness, muscular strength and endurance, flexibility and body composition: *Provided*, That nothing in this subsection shall be construed to prohibit the use of programs designed under the auspices of the President's Council on Physical Fitness and Sports. The program shall include modified tests for exceptional students. Each school in the state shall participate in National Physical Fitness and Sports Month in May of each year and shall make every effort to involve the community it serves in the related events.

The Pendleton County Schools shall also follow the state guidelines for collecting and reporting data regarding students' body mass. WVC §18-2-7a requires that the data collection and reporting process shall include the following:

- ❖ The data shall be collected using the appropriate methodology for assessing the body mass index from student height and weight data;
- ❖ The data shall be collected on a scientifically drawn sample of students;
- ❖ The data shall be collected and reported in a manner that protects student confidentiality;
- ❖ The data shall be reported to the Department of Education; and
- ❖ All body mass index data shall be reported in aggregate to the Governor, the State Board of Education, the Healthy Lifestyles Coalition and the Legislative Oversight Commission on Health and Human Resources Accountability for use as an indicator of progress toward promoting healthy lifestyles among school-aged children.

[WVC §18-2-7a (b)(c)(d)(e)]

(P) I.9.7. Religious Instruction in the Schools

Consistent with the First Amendment to the United States Constitution, recent court cases and guidelines from the U. S. Department of Education, school sponsored religious services, prayers, or sectarian instruction of any kind is prohibited in all Pendleton County Schools. It shall be the responsibility of the principal to enforce compliance with these regulations and procedures.

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(P) I.9.7.1. Permissible Student Religious Expression

Prayer in School:

- ❖ School sponsored prayer and other religious activities are prohibited. This prohibition includes prayer in locker rooms and arenas of athletic competition prior to a contest or any other school sponsored activity
- ❖ Students may engage in individual or in group prayer and religious discussions during non-instructional time during the school day as they engage in other comparable activities so long as those activities are non-disruptive to the educational mission of the school. (i.e., before and after school, lunch time, club periods)
- ❖ Moments of silence may be observed where individuals have a free choice to pray or not to pray silently. Teachers and other school personnel may not encourage or discourage students from praying.

Distribution and Reading of Religious Material:

- ❖ Students may distribute religious literature to their classmates on the same terms they would be permitted to distribute other literature that is unrelated to the school curriculum or activities.
- ❖ Students may read the Bible and other religious literature when not engaged in school activities the same as they would be permitted to read secular literature.

Religion in the Form of School Work:

Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their work. Student work must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school.

Religion in the Curriculum:

- ❖ The schools may not provide religious instruction, but they may teach *about* religion so long as the instruction is approached from a historical or literature viewpoint. The Bible may be used as a text in such instances.
- ❖ The schools may teach about religious holidays, including their religious aspects, and they may celebrate the secular aspects of holiday; however, they may not observe holidays as religious events or promote such observance by students.
- ❖ Students do not have a constitutional right to be excused from lessons that may be inconsistent with their religious beliefs or practices (i.e. evolution in biology). Schools may make accommodations for students that will allow them to meet state curriculum requirements (i.e., alternative dress for physical education).

Neutrality of School Personnel:

- ❖ Teachers and school administrators, when acting in those capacities, are agents of the state and may not encourage or discourage religious activities and may not participate in such activities with the students. School personnel are considered to be agents of the state during the designated workday.
- ❖ All school personnel must remain neutral in the implementation of these guidelines. They can neither encourage nor discourage an activity because of its religious content. Personnel may act as monitors to assure student safety, but they may not be active participants or act in any way that would be viewed as fostering a particular belief.

Student Meetings and Student Dress Codes:

- ❖ Student religious groups must be given the same access to school facilities as nonreligious groups that are not related to the school curriculum.
- ❖ Religious groups must have the same access to bulletin boards as nonreligious groups.
- ❖ Students engaged in non-disruptive religious activities must abide by the same rules that are established for other student activities on campus.
- ❖ Dress codes must be religiously neutral.

(Religious Expression in Public Schools: A Statement of Principles, U.S. Department of Education, 1998; U.S. Constitution, Court Cases in End Notes)

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(P) I.9.7.2. Baccalaureate Services and Graduation Prayer

The Establishment Clause of the First Amendment of the U.S. Constitution prevents the board of education from mandating, organizing or encouraging any type of religious services on school property. However, because the school generally opens its facilities to private groups, it must under the Equal Access Act, make those facilities available on the same terms to organizers of privately sponsored religious baccalaureate services.

School officials may not mandate or organize prayer at graduation or select speakers for such events in a manner that favors religious speech such as prayer. However, the school system shall maintain a neutral position in the event students initiate and organize a student led prayer to be delivered during the graduation ceremony.

In all cases, the Pendleton County Board of Education disclaims any official endorsement of any religious ceremonies conducted by private citizens or students within or on school facilities.

(Lee v. Weisman, 112 S. Ct., 2649, 1992 and Jones v. Clear Creek 977 F.2d 963)

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(P) I.9.8. Hunter Safety Program

The Superintendent of Schools, based upon his/her sole judgment, may offer a hunter safety orientation program to students in any of the grade levels sixth through twelfth grades over a two-week period during the school year as part of physical education classes, or as part of the general curriculum offered to students in any of these grade levels, or at the end of the school day. The Superintendent's decision shall be based upon the level of student interest and the availability of an appropriately trained instructor.

The program, if offered, shall be voluntary and in the event it is taught during a physical education class or any other class included in the school curriculum, those students who choose not to participate in the activity must participate in another educational activity. The program shall include instruction relating to:

- ❖ The protection of lives and property against loss or damage as a result of the improper use of firearms; and
- ❖ The proper use of firearms in hunting, sport competition and the care and safety of firearms in the home.

The hunter safety orientation program shall be conducted by an instructor certified by the Division of Natural Resources or who has other training necessary to conduct the program as determined by the state board. The instructor may use materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms.

Students who complete the program shall receive a certificate of training from the Department of Natural Resources.

(WVC §18-2-8a)

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(P) 1.9.9. Alternative Education Program

The provisions of this policy govern only alternative education programs for disruptive students and/or certain students who have been expelled.

The Pendleton County alternative education program is a temporary departure from the regular school program and it is designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. It shall also be the placement for students who have been expelled from school according to State School Board policies and/or state laws (WVC §18A-5-1a).

A thorough and efficient education must be available to all students, whether they are placed in regular or alternative programs.

Purposes:

Pendleton County Alternative Learning Programs are designed to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of Pendleton County and (2) meet the educational needs of disruptive students (and others) through the development of this alternative education program.

Program Description:

The Pendleton County Alternative Education program shall be a six-hour block of instructional time, which shall be scheduled at the South Branch Career and Technical Center on a daily basis. The goal of this program is to more appropriately meet the academic needs of these students by concentrating on a program that will reinforce basic learning skills and life skills.

The Director of Curriculum and Instruction, in cooperation with other appropriate professional personnel, shall develop a curriculum that meets state approved instructional goals and objectives. The program shall include a component for teaching and learning responsible behavior. These students will also have access to vocational and career related programs as appropriate on a case-by-case basis.

Counseling services will be available through the established program in the Pendleton County schools. Students shall also receive services such as social work or psychological services which shall be provided as indicated in his/her written plan. Students who have special needs that have been identified and addressed in an IEP shall continue to receive the required services.

The Pendleton County Board of Education shall include in its alternative education program a plan to improve student retention and increase the graduation rate in the county. The plan is subject to approval of the state board, and shall include strategies the Board will implement to achieve the following goals:

- ❖ Increasing the graduation rate for the county;
- ❖ Identifying at the earliest age possible those students who are at risk of dropping out of school prior to graduation; and
- ❖ Providing additional options for delivering to at-risk student's academic credentials and career-technical training if appropriate or desired by the student.

The options may include such programs as Techademics, Earn a Degree-Graduate Early (EDGE), Health Sciences and Technology Academy (HSTA), Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), truancy diversion, early intervention, dropout prevention, prevention resource officers, GED option, credit recovery, alternative learning environments, or any other program or strategy approved by the state board.

Career and technical education programs that allow only students in certain upper high school grade levels to enroll may make exceptions for at risk students and enroll at risk students who are in grades nine and above.

Students in the alternative program shall participate in the State Assessment Program in accordance with SBP 2340. The test scores for these students shall be counted in the results of the school of referral.

Home-based programs may also be deemed as appropriate for disruptive students who meet eligibility criteria or for students who have been expelled under the Productive and Safe Schools Act.

Eligibility Criteria:

Students may be placed in the Alternative Education Program for a variety of reasons, which shall include but are not limited to:

- ❖ Violations of the Productive and Safe School Act (§18A-5-1a);
- ❖ Repeated violations of the discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school;
- ❖ Continuation of educational services during periods of suspension or expulsion.

Students who have been expelled shall be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code §18A-5-1a.

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a “dangerous student” under the procedures set forth in West Virginia Code §18A-5-1a.

Placement Process:

The referring school’s Student Assistance Team shall make placement decisions, excluding short-term in-school suspensions. The SAT shall develop a written plan for the student. The placement team for all students with disabilities shall be the IEP team and the written plan shall be the IEP. The placement plan shall contain provisions for periodic review of the student’s progress at the end of each nine-week grading period.

The student’s parents shall be included in the placement process and shall be given ample opportunity for input into the process.

The SAT, as appropriate, may seek input and information from the Department of Health and Human Resources, the Juvenile Justice System or other community based resources.

Instruction:

Pendleton County will deliver instruction according to the following standards:

- ❖ activities will be consistent with the written curriculum and appropriate for the student’s developmental levels;
- ❖ instructional materials will be age appropriate, functionally appropriate and of high interest level for students;
- ❖ the Pendleton County Alternative Education Program will provide for individualized instruction and will accommodate the entry and exit of students;
- ❖ all curricular and instructional practices will reflect high expectations for students;
- ❖ the Pendleton County Alternative Education Program will be delivered in a climate conducive to learning; and
- ❖ will have sufficient instructional materials, supplies, and equipment to deliver a high quality instructional program.

Personnel:

Pendleton County Schools will hire only the most qualified applicant(s) to implement its alternative education program. Classroom teachers shall be selected on the basis of their demonstration of competence in meeting the following standards:

- ❖ any West Virginia professional teaching certificate;
- ❖ ability to effect positive behavior in disruptive students;
- ❖ effective leadership and/or mentoring skills in working with youth;
- ❖ successful experience in providing education to troubled or disruptive youth;
- ❖ specialized training or experience in non-traditional programs; and
- ❖ specialized training in behavior management skills.

Licensure:

A teacher assigned to deliver the academic subjects within the Pendleton County Education program must possess a valid West Virginia professional teaching certificate in any area or a Temporary Authorization valid for one year will be granted to a successful candidate for an Alternative Education

Program position. The Superintendent shall verify that the applicant possesses the required competencies. A Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

Units of Credit:

Pendleton County Schools will grant units of credit for work satisfactorily completed in its Alternative Education Program. Units of credit may be based upon mastery of performance criteria but generally are the standard units of credit.

Program Completion:

Pendleton County students may complete their alternative education program in one of the following ways:

- ❖ fulfillment of the criteria for re-entry to the regular school program;
- ❖ completion of high school graduation requirements that leads to awarding of a high school diploma from Pendleton County Middle/ High School;
- ❖ completion of identified performance criteria leading to a high school diploma; and
- ❖ completion of a G.E.D. in accordance with WV State Board of Education Policy 2444.4.

Accountability for Results:

Pendleton County Schools will conduct an annual evaluation of the effectiveness of the Alternative Education programs. The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as:

- ❖ academic gains;
- ❖ reduction in dropout rates;
- ❖ reduction in the incidences requiring disciplinary action;
- ❖ improvement in attendance rates;
- ❖ rates of successful program completion and subsequent return to regular school programs; and
- ❖ rates of successful completion of high school graduation requirements (or) attainment of G.E.D. (WVC § 18-2-6; §18-8-6; §18-9A-21; SBP 2510)

(P) I.9.9.1. Continued Enrollment of At Risk Student in Public School while Enrolled in An Alternative Program

The Legislature defines an “at-risk student” as any child who is unlikely to graduate on schedule with the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs and personal relationships. Public schools should not be deterred from seeking and assisting with the enrollment of students in an alternative program that helps remedy discouragement, lessens skill deficits, and facilitates a successful return to the public schools.

Therefore county boards of education are authorized, subject to approval of the County Superintendent; to permit a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

- ❖ The alternative program is approved by the state board;
- ❖ The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;
- ❖ The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;
- ❖ The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;
- ❖ The alternative program includes an on-site boarding option for students;
- ❖ The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and
- ❖ The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

(P) I.9.9. 2. Payment of Student Tuition to Mountaineer Challenge Academy

The Mountaineer Challenge Academy (MCA), an alternate education setting, has been approved by the WV State Department to implement the Option Pathway. The guidelines governing this agreement can be found in *SBP 2444.4 Issuance of the State of West Virginia High School Equivalency Diploma*, §126-32-8. Testing of Option Pathway Students Enrolled in Mountaineer Challenge Academy.

The 2016 Legislature authorized the State Board of Education to promulgate a rule (SBP 2446) requiring local school boards to pay tuition to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma and who resides in local county board's school district.

For purposes of this policy, "tuition" means an amount equal to seventy-five percent (75%) of the statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes. The LEA shall pay tuition to the Mountaineer Challenge Academy (MCA) only for those students earning a high school diploma while at the MCA and for whom the county receives state aid funding during the school year the student attends MCA (based on the enrollment status as of the preceding year second month enrollment) or for whom the county will receive state aid funding in the subsequent school year (based on the enrollment status as of the second month enrollment in the year of attendance at MCA)

Additional details concerning MCA partnership with WVBE may be found in *SBP 2446 – Public School Support for the Mountaineer Challenge Academy.*

(WVC §18-2-6; SBP 2446)

(WVC §18-2-6; SBP 2446)

Topics in SBP 2446

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§126-38-1.	General	1
§126-38-2.	Enrollment Status of Students	1
§126-38-3.	Tuition	1
§126-38-4.	Option Pathway and High School Diploma.....	2
§126-38-5.	Participation Adult Education Program	2
§126-38-6.	Participation in Child Nutrition Program	3
§126-38-7.	Severability.....	4

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(P) I.9.10. Voter Registration Program

The Pendleton County High School staff working in cooperation with the Pendleton County Clerk's office shall annually provide eligible students the opportunity to register to vote.

(WVC §18-2-9; SBP 2324)

(P) I.9.11. Driver Education

West Virginia Code §18-6-2 requires all public secondary schools within the state, to offer without charge to students, an approved, comprehensive course in driver education. The course may be offered in summer school in addition to the regular instructional term.

Before any student graduates from a secondary school, s/he shall first be provided an opportunity and encouraged to successfully complete a driver education course approved by the state board in a public, private or parochial secondary school within the state. If a student has successfully completed a similar course in a secondary school of another state or in a commercial driving school or class and the course is accepted by the state board as adequately meeting and complying with the course standards established by the state board, then the aforementioned requirement shall be deemed fulfilled regarding that student.

The Pendleton County Board of Education adopts as its official policy the current provisions of *SBP 2422.2-Driver Education Regulations*, in fulfilling its responsibility to provide this state mandated program for students. Central Office Supervisors, principals, and teachers are directed to the State Board website by following this link to *SBP 2422.2 - Driver Education Regulations*

Topics in SBP 2422.2**Page**

§126-22-1	General	1
§126-22-2	Applicability	1
§126-22-3	Standards for an Approved Course	1
§126-22-4	Standards for an Approved Teacher.....	3
§126-22-5	Driver Education Temporary Permit.....	4
§126-22-6	Standards for Summer Driver Education Programs	5
§126-22-7	Duty to Report	5
§126-22-8	Accidents.....	5
§126-22-9	Insurance	5
§126-22-10	Student Transfer Prior to Course Completion.....	5
§126-22-11	Commercial Driving Schools and Courses from other States	6
§126-22-12	Students with Disabilities	6
§126-22-13	Program Reports.....	6
§126-22-14	Driver Education Certificates	6
§126-22-15	Use of Driver Education Vehicles	6
§126-22-16	Specifications for Identification of Driver Education Cars .	7
§126-22-17	Severability.....	7

(WVC §18-2-5 and §18-6-1, et seq.; SBP 2422.2 Driver Education Regulations)

(P) I.9.12. Playing Taps at Veterans Funerals

The Pendleton County Board of Education supports the State Legislature in its belief that we should honor our veterans at the time of their death for the service they have given to the nation and its citizens. Therefore, the Board establishes the following guidelines for identifying students within the schools system who have an interest in performing the community service of playing taps for local veterans groups who are conducting military funerals:

- ❖ The Director of Student Services and Personnel shall receive information from the State Department of Education regarding the establishment of a registry of candidates capable of sounding Taps. This information shall be distributed to music and band teachers for their use in notifying capable students and obtaining the consent of their parents or guardians for voluntary registry as a candidate able to sound Taps during military honors funerals held within a reasonable distance from their residence;
- ❖ Students may receive credit toward community service or work based learning requirements of the county or other recognition that will be awarded to a student for the registry and sounding of Taps during military honors funerals;
- ❖ Students shall be limited to three excused absences per semester to perform these services;
- ❖ The Pendleton County Board of Education is not responsible for any costs associated with the program and may not be required to provide or pay for student transportation to funerals; and
- ❖ The Board is not liable for student supervision while absent to participate in funerals.

(WVC §18-2E-8e)

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(P) I.9.13. Programs of Study for English Learners

The diversity of American culture and society is a well-known and accepted fact; therefore, it shall be the policy of the Pendleton County Board of Education to strive to serve all of its constituents in an efficient and effective manner. To meet this commitment, the Pendleton County Board of Education adopts as its official policy regarding limited proficient English students the current provisions of SBP 2417 – Programs of Study for English Learners

The following is a list of topics to be found in SBP2340 which should assist the reader in his/her research of this policy:

Topics in SBP 2417**Page**

§126-15-1	General.....	1
§126-15-2	Definitions	1

§126-15-3 Regulations.....	2
§126-15-4 Incorporation by Reference	3
§126-15-5 Summary of the Standards.....	3
§126-15-6 Severability	3
Introduction to Policy.....	4
Overview of Policy 2417.....	7
Standards by Grade Level	10

(§18-9A-22; SBP 2417 – Programs of Study for Limited English Proficient Students and Public Law 107-110, No Child Left Behind Act of 2001)

(P) I.9.14. Disability History Week

The third week of October annually shall be designated as “Disability History Week” in order to increase the awareness and understanding of the history and contributions of people with disabilities to the state, nation, and world. During this week, each Pendleton County school must provide instruction on disability history, people with disabilities, and the disability rights movement and said instruction shall be integrated into the existing school curriculum. The instruction may be delivered by school personnel or guests and it may supplement existing lesson plans, occur in school assemblies, or be provided through other school activities.

(WVC §18-100-5)

(P) I.9.15. West Virginia College and Career Readiness Standards for Technology and Computer Science

West Virginia’s College- and Career-Readiness Standards for Technology and Computer Science promote proficiency in foundational technology skills, digital literacy, digital citizenship, and computer science. College- and career-readiness is supported in Technology and Computer Science as students acquire and develop their abilities to engage and thrive in a connected, digital world. The standards are designed in grade bands (e.g. K-2, 3-5, 6-8, and 9-12), with a goal of cultivating these skills throughout a student’s academic career and challenge them to enhance learning with technology and challenge them to be agents of their own learning.

The overarching goal is to build a rigorous, relevant, challenging, and developmentally appropriate technology and computer science curriculum that prepares students for college- and career-readiness

Complete details regarding these standards may be found by reading *West Virginia’s College- and Career-Readiness Standards for Technology and Computer Science*

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(P) I.9.16. Transformative Systems of Support for Early Literacy

The purpose of this program is to provide rules that encourage and assist county boards in establishing a transformative system of support for students to meet grade-level proficiency in reading by the end of third grade, targeting a comprehensive system of support for early literacy in grades kindergarten through third grade.

Programs at the local school level shall focus on support systems during the early learning years which include district schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children. The overarching goals of this program are to: 1) target school readiness; 2) close the reading achievement gap third grade; 3) close the attendance gap; and 4) mitigate summer learning loss.

The implementation of this program is dependent upon the availability of funds; therefore, if school districts determine that adequate funds are not available for full implementation of a transformative system of support for early literacy in the district, the district board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the district board determines that adequate funds are available.

Topics in SBP 2512

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§126-30-1. General	1
§126-30-2. Purpose.	1
§126-30-3. General Responsibilities.	1
3.1. The WVBE has the responsibility.....	1
3.2 West Virginia Department of Education	2
3.4 county boards of education	3
§126-30-4. Severability	5

Complete details regarding these standards may be found by reading *SBP 2512 Transformative Systems of Support for Early Literacy*.

(P) I.9.17. Celebrate Freedom Week

A full week of classes during the week selected by Pendleton County Board of Education shall be recognized as “Celebrate Freedom Week.” The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.

Celebrate Freedom Week must include appropriate instruction in each social studies class which:

- ❖ Includes an in-depth study of the intent, meaning and importance of the Declaration of Independence, the Emancipation Proclamation and the Constitution of the United States with an emphasis on the Bill of Rights;
- ❖ Uses the historical, political and social environments surrounding each document at the time of its initial passage or ratification; and
- ❖ Includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our Constitutional republic.

The requirements of this subsection are applicable to all public, private, parochial and denominational schools located within this state. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

Beginning with the 2018-2019 school year, students in the public schools shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and twelfth grade years as an indicator of student achievement in the

Area of civics education. The test results may be reported in the aggregate to the county board for evaluation by the board's curriculum director and reported to the board members. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

The instruction may be delivered by school personnel or guests and it may supplement existing lesson plans, occur in school assemblies, or be provided through other school activities.

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(P) I.9.18. Classroom use of Videos, DVDs and Movies

The Board recognizes that movies, videos, DVDs, and other audiovisual materials are important tools in the educational process. However, the use of such materials should be limited so that they are legally, appropriately, and effectively used in achieving legitimate educational objectives that supplement approved course curriculum. The Board, therefore, promotes the appropriate educational use of videos, movies, DVDs, and encourages parental participation, and fosters community values.

Educational Relevance

- ❖ The showing of videos, DVDs, movies, and other audiovisual materials must be limited to a specific educational purpose.

- ❖ Video, DVD, or movie clip used in the classroom shall not include inappropriate language, depictions of violence, or inappropriate behavior.
- ❖ Commercial movies (i.e., movies made for entertainment and shown in theaters) shown in their entirety are **strongly** discouraged and shall be approved in only a very few circumstances. These types of movies should only be shown:
 - If there is no other audiovisual material that addresses the concept being taught and is accurate in its content.
 - The value of the movie is so great that it warrants being shown in its entirety.

Age Appropriateness

If commercial movies are shown in a classroom, the following rating guide will be followed: (Rating is determined by the industry accepted rating system of the Motion Picture Association of America)

- ❖ “G” and “PG” films may be shown in grades Pre-K - 8
- ❖ “G”, “PG”, and “PG-13” films may be shown in grades 9-12
- ❖ No films or parts of films with the rating of “R”, “NC-17”, or “X” are to be shown

Teacher Preview and Administrative Approval

All videos, DVDs, movies, or other audiovisual material must be previewed by the teacher before use in the classroom.

Prior to showing any video, DVD, movie (including commercial movies produced for entertainment purposes), other audiovisual material, or material downloaded from Internet sources to students, the planned video use must be submitted to the building principal.

- ❖ Intended instructional objectives with the planned course must be written and filed with the principal.
- ❖ Teacher created PowerPoint presentations are not subject to administrative approval provided there is no video imbedded in the presentation. If a video is imbedded in a PowerPoint presentation, then it will be subject to the guidelines listed above.

Copyright

Any use of videos, DVDs, movies, or other audiovisual materials must adhere to all federal copyright laws, as well as publisher licensing agreements.

Opt-Out Opportunity

- ❖ Parents and students must be provided an “opt-out” opportunity for PG and PG-13 movies.
- ❖ Teachers must notify parents of films that will be shown in the classroom. Parents shall have the opportunity to opt their child out of any movie.
- ❖ Teachers should provide a lesson alternative for children who have opted out.
- ❖ Opt-out children should be treated discreetly and with respect.

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Amended/Revised: October 19, 2005; September 20, 2006; August 26, 2008; January 12, 2010;
 August 24, 2010; August 21, 2012; October 1, 2013; October 9, 2014;
 September 1, 2015; September 6, 2016; September 5, 2017; September 4, 2018;
 September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.10. Instructional Settings and Arrangements	Adopted: August 20, 2003 Last Review: March 2018

The principals of all Pendleton County Schools shall be responsible for establishing the necessary instructional arrangements to carry out their school's overall instructional programs. It is the individual teacher's prerogative to establish the learning environment in the classroom including the seating of students in the manner deemed most effective for his/her particular class, homeroom, or study hall. Students are expected to abide by such assignments. Working within the parameters established by the Board, principals and teachers shall also be responsible for the selection of equipment and materials to be used in the classroom, the integration of technology in the classroom, the planning and implementation of field trips, and the introduction of other instructional activities deemed appropriate for the student population. Teachers and principals shall consult (P) T.1.1. *Guidelines for Curricular and Extra-Curricular Trips* for complete information regarding field trips.

School Libraries/Media Centers:

School libraries/media centers shall be organized as resource centers of instructional materials for the entire educational program. The role of the library/media specialist shall be to provide printed materials and virtual resources that will support the curriculum taking into consideration the individual needs, the varied interests, abilities, socio-economic backgrounds, and maturity levels of the students served. The number and kind of library and reference books, newspapers, periodicals, pamphlets, information files, audio-visual materials, computer discs, and other learning aids shall be adequate to meet the needs of the student body and the staff. The selection of these library/media resources should be guided by reliable selection aids, recommendations from the administrative staff, teachers, and students of each school.

(SBP 2510)

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Amended/Revised: October 19, 2005; March 25, 2008

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.11. Instructional Resources and Learning Technologies Adoptions	Adopted: August 20, 2003 Last Review: March 2018

Effective July 1, 2019, all primary instructional resources used in Pendleton County Schools shall be uniform county-wide, shall be recommended by the Superintendent and shall be adopted by the Board in accordance with regulations of the State Board of Education and legislative requirements.

The Pendleton County Board of Education shall furnish, free of charge, the necessary instructional resources to students attending the Pendleton County Schools. In the event the Board chooses to furnish electronic instructional resources to its students and teachers, it will provide reasonable access to these resources and the necessary computer equipment to students for completing assignments that require using the resources and equipment. All instructional resources furnished as in accordance with SBP 2445.40 be the property of the county board and loaned to students and teachers on terms as each prescribed by the Board.

Instructional resources are defined as: Print materials, electronic resources and systems, kit-based instructional materials, or combinations of such instructional resources which convey information to a student that covers no less than 80% of the required content and skills approved by the WVBE for subjects taught in the public schools of the state.

The Superintendent's designee, who shall report directly to the Superintendent, will guide and direct the process required to review, select and recommend the adoption of Instructional Resources for all grade levels in the Pendleton County Schools.

Instructional Resources Review Committee

The Superintendent's designee/designees shall select an Instructional Resources Review Committee from a list of teacher nominations submitted by each school scheduled to use the new instructional materials. Committee members shall be chosen for their expertise and experience in the subject area being considered by the committee

As appropriate, parents, LSIC members, school specialist and other persons may be appointed to the committee.

The duties of the Instructional Resources Review Committee include, but are not limited to:

- ❖ Solicit input from all school curriculum teams regarding their curriculum and instructional resources needs for the subject area under consideration by the committee;
- ❖ Review the state approved List of Registered Vendors of Instructional Materials and determine which vendors will be invited to submit sample materials;
- ❖ The Superintendent's designee/designees shall submit formal requests for samples to the selected vendors. All necessary contracts with vendors will be processed through the Superintendent's office;
- ❖ Sample materials will be sent to the school mailing address of the individual committee members;
- ❖ The committee shall limit its review of samples to those that meet the non-negotiable requirements established by the WVBE and cover no less than 80% of the required content and skills for a subject as approved by the WVBE. The committee may rely on an instructional material review completed by the West Virginia Department of Education (WVDE) to fulfill this requirement
- ❖ Establish a calendar with specific time lines for completion of the review process. The review shall begin in January and must be completed by May1 of the year of adoption;
- ❖ Submit a recommendation to the Superintendent by May 15. The Superintendent will then submit report of instructional resources adopted to the WVBE by June 1;

The Superintendent's designee/designees and the Instructional Resources Review Committee should read SBP 2445.40 in its entirety prior to beginning their task of selecting instructional resources for the county.

Flowchart of Instructional Resources Events

Flowchart of Instructional Resources Events	
August	WVBE releases criteria for current adoption cycle.
September 1 – January 1	State Superintendent establishes vendor registration period for the <i>West Virginia List of Registered Vendors of Instructional Resources</i> .
September 1 – December 1	Vendors may submit materials to WVDE Instructional Resource Review Committee (IRRC) for review (optional).
December – January	IRRC completes review of resources per vendor request. WVBE annually provides to all county boards a list of vendors that have met requirements of W. Va. Code §18-2A-10.
January 1 - May	County boards review registered resources.
March	WVDE releases IRRC Resource Review results.
June 1	County boards submit an annual report of adopted and purchased instructional resources that have been approved by their local boards to WVBE. County alignment and review documentation shall also be submitted.
Summer	WVBE sets criteria for next adoption cycle.
August	WVBE releases criteria for upcoming adoption cycle.
Fall	Newly adopted instructional resources are in classrooms.

Grouping of Instructional Resources

Adoption Groups I-VI.

Adoption Group	Content Areas
I	WV Pre-K Social Studies
II	The Arts Wellness Education Drivers Education
III	English Language Arts
IV	Science
V	World Languages Student Success Technology and Computer Science
VI	Mathematics

The adoption period is based on the fiscal year (July 1 to June 30) and, unless otherwise noted, is established for six years.

Public Review of Selected Instructional Resources

The Superintendent's designee/designees shall place the recommended Instructional Resources in the Central Office Board Room or other appropriate venue at the Central Office for public review prior to submitting the committee's recommendation to the Superintendent.

After the public review, the Superintendent shall submit the recommended selections to the Board for approval.

Parents/guardians Responsibility

Parents/guardians are required to complete and sign the instructional resources receipt form at the time resources are distributed. The parents/guardians of a student who loses or destroys an instructional resource belonging to the Pendleton County Board of Education shall be liable for the value of the replacement resource.

Disposition of Samples

Sample items submitted to the Board remain the property of the vendor submitting them if claimed within 30 days after the instructional materials have been formally adopted. Unclaimed items may be distributed, free of charge, by the Superintendent or his/her designee to any school, library, or individual who may have need for the sample items.

Vendors who wish to claim their samples after the adoption process is completed shall notify the Board at the time samples are submitted for study of their intent to recall the samples. All costs shall be borne by the vendors.

Teacher Editions

Vendors are required to provide teacher's editions/manuals which contain the teacher's edition/manual/curriculum, etc., for counties adopting and purchasing instructional resources at the ratio of one per classroom at the early and middle childhood levels and one per teacher for every 25 student editions purchased at the adolescent level. Counties, schools, and teachers requesting teacher editions in excess of this requirement should expect to pay the current registration price. Electronic teacher editions may be supplied in lieu of print versions when digital or online versions of learning technologies or other digital or online instructional resources are adopted.

Gifts and Bribes to Influence Adoption of Instructional Resources

Per W. Va. Code §18-2A-9, "Any member of the state board, any county superintendent, any member of a county board or any other person who shall receive, solicit, or accept any gift, present, or thing of value to influence that individual in the vote for the adoption of instructional resources, print or electronic, or any combination thereof, or any person who shall either directly or indirectly give or offer to give any such gift or thing of value to any person to influence that individual in voting for the adoption of instructional resources, printer or electronic, or any combination thereof, shall be guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one year and nor more than three years."

Supplementary Instructional Resources

This policy does not apply to the purchase of supplementary instructional resources, including, but not limited to, reading books, library books, reference books, or other supplementary instructional resources. These supplementary instructional resources shall be ordered, received, examined, and paid for in the same manner and by the same persons as other supplies and equipment.

(WVC §18-2A-1 through §18-2A-9 and SBP 2510; SBP 2445.40)

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Amended/Revised: August 26, 2008; August 24, 2010; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.12. Purchase, Maintenance and Control of Instructional Materials and Equipment	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education shall annually set aside funds for the purchase and maintenance of instructional materials and equipment. The amount of funds available for distribution will be reviewed each year during the budget preparation process.

All instructional materials and equipment of the school system must be classified, catalogued, maintained and repaired according to approved procedures.

(State Superintendent's Interpretation August 13, 2007)

(P) I.12.1. Constitutional Requirement to Provide Instructional Materials and Supplies

In 1995, the West Virginia Supreme Court of Appeals issued an opinion in the case of Randolph Bd. of Educ. v. Adams, 196 W.Va. 9, 467 S.E.2d 150 (1995). The case involved a challenge to the Randolph County Board of Education's imposition of a textbook user fee for non-needy school children. The Court concluded as follows:

"Whatever items are deemed necessary to accomplish the goals of a school system and are in fact an integral fundamental part of the elementary and secondary education must be provided free of charge to all students in order to comply with the constitutional mandate of a free school system pursuant to Section 1 of Article XII of the West Virginia Constitution."

What Items are necessary and Integral?

Aside from instructional resources, those items integral and fundamental to public education will include basic paper, basic writing utensils, and other basic items that a student must have in order to participate in a curricular offering. This list necessarily will vary from grade level to grade level and class to class and will ultimately have to be determined at the local level.

The Issue of School Supply Lists:

As to the issue of supply lists, it is acceptable for teachers to provide parents with lists of items that they may wish to purchase for their own children. Lists of this nature will inform parents/guardians as to the developmentally correct supplies to buy (e.g., wide ruled paper as opposed to college ruled). However, parents/guardians are not obligated to purchase the items on such supply lists, and no child shall be denied participation in school (or otherwise disciplined) if his or her parents/guardians choose not to purchase the items on these lists.

Performance-Based Classes:

Owing to the unique nature of performance-based classes such as band, orchestra, dance, theatre, and choir, it is acceptable for teachers to request that students purchase their own equipment (such as instruments and costumes) and assume the costs of attending camps and festivals. However, no child shall be denied participation in a class because his or her parents/guardians cannot afford to do so. Counties and schools must develop contingency plans to accommodate students and families who do not have the financial means to make these purchases. For ease of communication, it is recommended that these plans be placed in writing and distributed to parents/guardians.

(Bd. of Educ. v. Adams, 196 W.Va. 9, 467 S.E.2d 150 (1995; Superintendent's Interpretation August 13, 2007)

(P) I.12.2. Allocations for School Instructional/Administrative Needs

School instructional allocations are made on the following basis:

- ❖ An equal base amount shall be allocated to each school determined each year based upon available Step 7 and board funds with the remaining funds based upon a per student allocation;
- ❖ For purposes of this allocation, the middle and high school shall be treated as two separate entities;
- ❖ All paper will be provided by the Board of Education; and
- ❖ The Board will provide all non-color printer/toner cartridges. Federal programs will pay for such supplies from federal funding.

The Board will assist schools with the purchase of copiers if funding is available. Copiers shall be maintained through maintenance contracts provided by the Board. The amount of funds available for assistance with the purchase of copiers will be reviewed each year during the budget preparation process. Such equipment must be purchased from county approved vendors.

Computers, printers and peripherals are purchased for elementary schools and Pendleton County Middle School through state allocations. Additional Step 7, grant or Board funding will be provided as needs arise. The amount of funds available for the purchase of computers will be reviewed during the budget preparation process. Any other needs not identified above will be reviewed annually during the budget preparation process.

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(P) I.12.3. Procedures for Cataloging and Maintaining Instructional Materials and Equipment

Per the regulations contained in *File: (P) F.5.1. Pendleton County Board of Education Purchasing Guidelines and Regulations*, Section 30.1.2 Inventory Control, all federal program directors, all other directors or managers and all school principals are responsible for the control and security of the assets assigned to the location or administrative unit for which they are responsible. Assets include, but are not limited to instructional resources, copiers, music instruments, sensitive items and other instructional equipment. These items are to be inventoried and maintained regardless of their initial costs. Sensitive items for general school inventory purposes include, but are not limited to, computers, printers, television sets, data projectors, digital and video cameras and mobile telephones. Sensitive items are not part of the inventory of capital assets on WVEIS.

An annual report of the inventory of capital assets and sensitive items shall be turned in to the Board of Education Office.

The inventory control should also include items that have been purchased through school activity funds or donated by school support organizations or other benefactors.

Instructional Resources: Principals shall maintain an accurate inventory of instructional resources assigned to teachers, and for conducting an inventory of all books at the end of the school year. Teachers will keep an accurate inventory of instructional resources issued to students. When an instructional resource is damaged or lost, the student responsible will be required to pay for the damaged or lost material.

Audio-Visual: Each school and/or department shall maintain an accurate and updated inventory of equipment. Routine maintenance and general repair shall be the responsibility of the Pendleton County Board of Education. Federally funded program equipment shall be maintained through funds allocated to the respective programs. Each school shall designate an audio-visual contact person. This contact person will complete the RESA VIII audio-visual repair ticket and will forward the ticket, along with the equipment to be repaired, the business manager.

Music Instruments: Instrumental music and/or band instructors shall assume responsibility for instruments provided by the Pendleton County Board of Education. This shall include accurate and updated inventories, assignment of instruments, and minor care and maintenance. The music teacher and/or band instructors shall provide for maintenance of all equipment through their respective programs.

Copiers: Each school and/or department shall maintain an accurate and updated inventory of equipment. Routine maintenance and general repair of copiers shall be paid by the Pendleton County Board of Education if such equipment is purchased from county approved vendors. Federally funded program equipment shall be maintained through funds allocated to the respective programs.

Other Instructional Equipment: Each school and/or department shall maintain an accurate and updated inventory of equipment. Federally funded program equipment shall be maintained through funding provided to their respective programs.

Printers/Computers: Each school and/or department shall maintain an accurate updated inventory of computers, printers and related items. Repair of such equipment shall be the responsibility of the Pendleton County Board of Education. Federally funded program equipment shall be maintained through funds allocated to the respective programs. In cases of repair of such equipment, the following procedures shall be followed:

- ❖ If the technician needs to be contacted, e-mail him/her with a description of the problem;
- ❖ If the problem is an emergency (i.e., entire school is down or the computer lab is not functioning), the technician should be contacted via cell phone or through central office staff;
- ❖ If the technician cannot be reached, and an emergency exists, contact the business manager;
- ❖ If you are working with student records and you have a problem with WVEIS, contact the county WVEIS coordinator.

(P) I.12.4. Regulations for Utilizing Copying Equipment and Materials

No material, other than routine records or educational materials to be used directly in the classrooms, or other material directly related to school activities, shall be printed, reproduced, or otherwise published or copied on equipment, including computers, in the offices of the Board of Education or any school without prior consent of the Board or an appropriate agent of the Board.

This prohibition includes material that may be stored on computer disks as well as hard copy-printed material. Personal use or non-school related use of such equipment is prohibited.

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Amended/Revised: September 25, 2007

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet	Adopted: October 2, 2012 Last Review: March 2018

Policy 2460 sets forth regulations that apply to districts, schools, students, educators, other school personnel, parents, guardians, WVDE and other users having direct contact with students. The Pendleton County Board of Education agrees with the general goals and regulations articulated in SBP 2460 Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet and adopts them as its official policy. This policy shall apply equally to students and school personnel

This policy will assist the school system as it strives to meet local, state and federal statutes and regulations pertaining to safe and acceptable use of the Internet, various digital resources and technologies, compliance with E-rate guidelines, and reinforcement of copyright compliance.

Educational Purposes

The educational purposes set forth within the framework of this policy include but are not limited to:

- ❖ An effective public education system develops students who are globally aware, engaged with their communities, and capable of managing their lives and careers to succeed in a digital world.
- ❖ Students of all ages and educators as lifelong learners require the necessary skills and access to technology tools to take responsibility for their own learning, to be actively involved in critical thinking and problem solving, to collaborate, cooperate, and to be productive citizens. West Virginia students must become proficient in college- and career-readiness standards to succeed and prosper in life, in school, and on the job.
- ❖ Technology must be interwoven with educational improvements and personalized learning to accomplish educational goals, increase student achievement and educator efficacy, and provide increased opportunities for lifelong learning.
- ❖ To promote student learning, teachers must be equipped to fully integrate technology to transform instructional practice and to support student acquisition of technology skills necessary to succeed, to continue learning throughout their lifetimes, and to attain self-sufficiency.
- ❖ The state, districts, and schools will use electronic resources as a powerful and compelling means for students to learn core and elective subjects and applied skills in relevant and rigorous ways to advance learning as referenced in W. Va. Code §18-2e-7, W. Va. 126CSR44N, WVBE Policy 2520.14, West Virginia College- and Career-Readiness Standards for Technology and Computer Science (Policy 2520.14), W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs, and W. Va. 126CSR44A et al seq., WVBE Policy 2520 series.
- ❖ Learning powered by technology should enable students to achieve at higher academic levels, master digital content and technologies, access and manage information, communicate effectively, think critically, solve problems, work productively as individuals and collaboratively as part of a team, acquire new knowledge, access online assessment systems, and demonstrate personal accountability, productivity, and other self-directional skills.
- ❖ The use of instructional technology should provide greater student access to advanced and additional curricular offerings, including quality virtual courses and online educational tools and resources.
- ❖ Teachers should integrate high quality digital content and assessment resources with curriculum to personalize learning.
- ❖ Technology will enable educators to participate in online professional development, access digital resources and platforms, utilize educational data, and deliver instruction through blended learning and other virtual options. The acceptable use of digital resources and devices is necessary to support a personalized learning landscape and other district and state educational policies.
- ❖ The promotion of acceptable use in instruction and educational activities is intended to both provide a safe digital environment, and meet Federal Communications Commission (FCC) guidelines and E-rate audits.

(P) I.13.1. Digital Citizenship

It is incumbent upon the students and staff to work cooperatively to assure that all technology and digital resources will be utilized appropriately, safely and civilly. Digital citizenship represents more than technology literacy. Successful, technologically fluent digital citizens live safely and civilly in an increasingly digital world and use technology responsibly. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career.

All users need to be part of this digital citizenry to appropriately and safely learn, work, play, and live in today's global society.

The International Society for Technology in Education (ISTE) includes standards and provides guidance related to digital citizenship for students, teachers, administrators, instructional coaches and computer science educators.

Digital/Network Code of Conduct

Users are expected to abide by the generally accepted rules of digital/network etiquette. These include, but are not limited to, the following:

- ❖ Be polite. Do not write or send abusive messages to others.
- ❖ Use proper English and appropriate language; avoid "Netspeak." Do not swear; do not use vulgarities or other inappropriate language.
- ❖ Use extreme caution when revealing personal information, including a home address and phone number, on web sites, videos, social media, other digital communication platforms, e-mail, or as content on any other electronic medium.
- ❖ Do not reveal, on any electronic medium, personal information about another individual.
- ❖ Do not use the Internet in a way that would disrupt the use of the Internet by others.
- ❖ Electronic educational material containing confidential student information shall be stored only in secure locations consistent with federal, state, and local privacy regulations. Electronic educational material containing no confidential student information, including but not limited to, lesson plans, worksheets, primary source documents, and other materials used for instruction, may be stored in appropriate locations but should follow state/district guidelines.
- ❖ Educators electing to use third party classroom based applications should carefully review the terms of service and privacy policies prior to use for those applications to ensure consistency with best practice. For use of applications with students younger than 13 years of age, recommended best practice is to obtain parental consent prior to use and/or entering any student data. All use of third party applications must be consistent with local policy/guidelines, Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) FERPA), W. Va. Code §18-2-5h, and W. Va. 126SR94, WVBE Policy 4350 Procedures for the collection Maintenance and Disclosure of Student Data.
- ❖ Activate the appropriate automatic reply message if account is to be unused for an extended period of time.
- ❖ Appropriate permission shall be obtained prior to publishing student pictures or names on class, school, or district web sites or other publications, provided that such information is not designated as directory information under district policy. All releases of information designated as directory information under district policy must comply with parental opt-out provisions as described in the FERPA and WVBE Policy 4350. (Also see *File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure*)
- ❖ Notify the appropriate school authority of any dangerous or inappropriate information or messages encountered.

Digital Security

Users who identify a security problem on the system must notify a system administrator. Users who are aware of or suspect that confidential information may have been exposed to unauthorized parties must notify district and/or state officials responsible for implementing privacy incident response protocol consistent with and state regulations including, but not limited to Policy 4350 and the Student Data Accessibility, transparency and Accountability Act, §18- federal 2-5h.

- ❖ Users must not demonstrate security problems to users other than school, district and/or state officials responsible for implementing the privacy incident response protocol.
- ❖ Users must not use another individual's account or give their passwords to others. Unauthorized attempts to log into the system as a system administrator may result in revocation of user privileges based on state, district, or school policies.
- ❖ Any user identified as a security risk may be denied access by the appropriate disciplinary authority.
- ❖ The WVDE is the proprietor of a class B license of Internet Protocol (IP) addresses. These addresses include 168.216.000.001 through 168.216.255.255. All addresses are assigned, maintained and managed by the WVDE. Any unauthorized use is strictly prohibited.

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(P) I.13.2. Accountability and Responsibility

The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of the educator's responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent or guardian while a student is in school, W. Va. Code § 18A-5-1(a). Therefore, it is the educator's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives for personalized learning when using Internet-related technologies.

Student use of Internet-related or web-based applications must be authorized by the educator and parent or guardian through a district determined procedure. It is also the educator's responsibility to refrain from using electronic technologies in a manner that risks placing him/her in a position to abuse that trust. Even though "educators" are the ones who come in daily classroom contact with students, acceptable and appropriate uses of online resources, technologies and the Internet is a responsibility of all educational staff and employees.

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(P) I.13.2.1. Pendleton County Board of Education Responsibilities

Pursuant to SBP 2460, Pendleton County Schools shall form a district technology team which will be charged with the responsibility for formulating an annual comprehensive strategic technology plan which shall be included as part of the Five-Year Online Strategic Plan. In addition to the district technology director/contact, the technology team shall include representatives from areas of instruction, finance, facilities, personnel and others as designated by the Superintendent.

SBP 2460 Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet also requires the Board to fulfill the following responsibilities:

- ❖ Electronic storage of educational material should comply with local guidelines and section 4.4.a.6 of SBP 2460.
- ❖ The district shall, whenever possible, make available facilities and technology to accommodate distance learning and access to virtual courses provided through the West Virginia Virtual School or approved course providers.
- ❖ The district may provide students (including those enrolled in adult basic education), teachers, parents and citizens access to technology, in the public schools during non-school hours and in accordance with E-rate guidelines and network security best practices.
- ❖ The district shall provide professional development in the use of technology and its application in the teaching and learning process.
- ❖ The district shall implement appropriate policies to help ensure the safety of students and acceptable use of electronic resources, technologies and the Internet and are encouraged to define a student code of conduct or set of responsibilities to include in acceptable use policies
- ❖ The district shall implement appropriate policies to help ensure the safety of students and acceptable use of electronic resources, technologies and the Internet and are encouraged to define a student code of conduct or set of responsibilities to include in acceptable use policies.

The WVDE strongly recommends student and teacher Acceptable Use Policies be reviewed and accepted annually by users and/or guardians.

- ❖ The district shall provide adequate technology personnel to implement appropriate policies and manage county/school networks to help ensure the safety of students and acceptable use of electronic resources, technologies and the Internet.
- ❖ In accordance with W. Va. Code, school aid formula and local funding opportunities, districts shall provide support for schools to employ Technology Integration Specialists (TIS) and Technology Systems Specialist (TSS). The role of the TIS is to implement and aid educators with technology integration and fluency. The role of the TSS is to manage/repair school local area networks and connected devices. Employment of adequate technology personnel at each school is important to ensure the safety of students and acceptable use of electronic resources, technologies, and the Internet; to implement school policies through technology integration/fluency; and to manage/repair school local area networks, software and hardware.
- ❖ The use and administration of a network server for Internet connection within the district or school is the responsibility of the designated/approved educator(s) and net administrator(s) at the location of the server. It is their responsibility to ensure that all activities and/or functions of the server involve appropriate school activities. All administrative functions and/or file maintenance, including but not limited to service patches, updates, and malware detection software, to the server are the responsibility of the designated/approved educator/net administrator serving that location.
- ❖ All remote access to servers located within the district or school building and connected to a wide area network and/or the Internet is the responsibility of the net administrator(s) and/or educator(s) identified as responsible for the servers. Remote access of any kind is to be used only when specific educational goals have been identified and is not to be in direct competition with local Internet service providers. Additionally, all remotely accessed servers must not conflict with federal, state and local guidelines for appropriate Internet access.
- ❖ Additionally, all remotely accessed servers must not conflict with federal, state and local guidelines for appropriate Internet access.
- ❖ Server administrators or technical contacts requesting domain names for local servers must apply to the WVDE through an application process. Those receiving a domain name must follow all guidelines detailed as part of the application process, including the adoption of a current safety and acceptable use policy.
- ❖ The WVDE and approved service provider(s) can support only the e-mail accounts administered by the WVDE and approved provider(s). E-mail accounts not provided or approved by the WVBE should not be used for school/educational purposes. All liability for any email accounts not provided or approved by the WVBE lies with the administrator(s) and/or educator(s) responsible for student utilization of alternative accounts or the administrator(s) and/or educator(s) identified as responsible for the server being used.
- ❖ Districts, schools, educators and staff may publish student pictures, video image student pictures or names on class, school or district web sites and social media only when such elements are designated by district policy as directory information in accordance with FERPA and {policy 4350. Parental consent/permission should be obtained (e.g. through photo release forms). Schools and districts should develop local policies regarding online publishing of student information that applies to staff, students, and volunteers. (Also see *File: S.17.Student Permanent Records: Collection, Maintenance and Disclosure.*)
- ❖ Districts and schools subject to CIPA may not receive the E-rate discounts unless they certify that they have an Internet Safety Policy that includes technology protection measures. The WVDE provides protective measures for filtering of Internet access to content that is: (a) obscene; (b) child pornography; or (c) harmful to minors. Districts may choose to provide additional levels of protection.
- ❖ Districts and schools are subject to CIPA and are required to adopt and implement an Internet Safety Policy addressing: pursuant to federal law (47 U.S.C. 254).
- ❖ District Internet Safety Policies must include the monitoring and filtering of the online activities of students all users. Internet safety policies must provide for educating all users about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Pursuant to section 5.4.g of SBP 2460, WVBE will provide guidance for such activities.

- ❖ Pendleton County Schools' equipment that is used off site is subject to the same rules as when used on site.
- ❖ Students and staff are expected to use state, district, and school-owned technology in a responsible, efficient, ethical, and legal manner in accordance with the educational mission of the state, district, and school. The use of such technologies may be restricted or revoked for inappropriate behavior or use.
- ❖ Students and staff are encouraged to use district and school equipment whenever possible. School districts may permit the use of personal devices (cell phones, smart phones, tablets, digital cameras, etc.) pursuant to local policies and guidelines. Unauthorized or unacceptable use of personal technology devices by students may result in suspension or revocation of personal device privileges. These uses include, but are not limited to, the following:
 - Using personal devices to gain or give an advantage in a testing situation.
 - Using unapproved personal devices during class.
 - Downloading and installing district licensed software on personal devices unless specifically allowed by the licensing agreement.
 - Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.
 - Using personal devices for violations related to cyber bullying and harassment.
- ❖ Pendleton County Schools will provide professional development and classroom lessons regarding the compliance with copyright laws.

As a part of the policy development process, prior to the adoption of an Internet Safety Policy, the Pendleton County Board of Education will provide reasonable notice and hold at least one public hearing or meeting to address the specifics of the proposed Internet Safety Policy acceptable use policy. This shall be accomplished by the Superintendent placing the proposed policy on the official agenda of a Board Meeting to allow for public discussion and input.

(P) 1.13.2.2. Individual School Responsibilities

In the current technological society in which we live, it becomes even more incumbent upon each and every person within our local schools to become more technologically skilled and to be vigilant to the dangers that can be encountered when complacency sets in. It is the expectation of the Pendleton County Board of Education that in all school locations that students, parents, administrators and staff will work cooperatively to maintain a safe and professional technological environment within the schools.

To that end, local school administrators shall assume a leadership role in assuring that the following responsibilities are met within their schools:

- ❖ To the extent practicable and as funds and other resources are available, schools should foster the use of school facilities for the purpose of accessing technology, by students, teachers, parents and citizens during non-school hours and in accordance with E-rate guidelines and network security best practices .
- ❖ Every school shall have a school technology team and a comprehensive technology plan. Schools may choose to have the local School Improvement Council, the faculty senate or the curriculum team may serve as the technology team.
- ❖ Schools must follow the guidelines of CIPA and the Children's Online Privacy Protection (COPPA) federal statutes.
- ❖ Schools shall provide the necessary professional development to enable teachers to incorporate technology into the classroom.
- ❖ It is the responsibility of the student, parent, teacher and administrator to follow the acceptable use policies, as well as state and federal laws, so that access to telecommunication Internet provided by the school, district, and state educational systems is not abused.
- ❖ Schools must enforce the use of filtering or electronic technical protection measures during any use of the computers/devices to access the Internet. Encryption of all wireless access points for E-rated Internet access provided via the K-12 network or otherwise is required.
- ❖ See also school responsibilities that may be listed in association with county boards of education and district responsibilities ((P) 1.13.2.1.) and educator, service personnel and staff responsibilities ((P) 1.13.2.3.).

(P) I.13.2.3. Educator, Service Personnel and Staff Responsibilities

All educators, service personnel, and staff are expected to maintain appropriate boundaries between personal social networking and professional/educational networking to protect the safety of the students and professional integrity. For the protection of students and employees, it is recommended that any adult communication with students occur either via one-way communication applications or district sponsored applications, or that communication occur directly with parents. District policies may specifically designate the methods of electronic communication that are acceptable for use by educators, service personnel and staff to use when communication with students is necessary.

In order to assist in maintaining professional relationships with students and to avoid situations that could lead to inappropriate relationships between school personnel and students, the following regulations apply to all adults who have contact with students due to their work on behalf of an education agency. Failure to adhere to these regulations may result in disciplinary action and/or loss of licensure:

- ❖ Adults will maintain a professional, ethical relationship with all students, both inside and outside the classroom and while using any form of social media and other electronic communication. Unethical conduct includes but is not limited to:
 - committing any act of harassment as defined by WVBE and/or district policy;
 - committing or soliciting any sexual act from any minor or any student regardless of age;
 - soliciting, encouraging, or consummating a romantic or inappropriate relationship with a student, regardless of the age of the student;
 - using inappropriate language including, but not limited to, swearing and improper sexual comments;
 - taking inappropriate pictures (digital, photographic or video) of students or exchanging any inappropriate pictures with students; or
 - engaging in any other behavior that constitutes a violation of district or county policy or that is detrimental to the health and welfare of students.
- ❖ The viewing, storing, transmission or downloading of pornography or sexually suggestive or sexually explicit material or text on a work provided computer or other work provided electronic storage or communication device or service, whether at home or at work, by school personnel or anyone else to whom the school personnel has made the computer or other electronic storage or communication device available, is prohibited. This same prohibition applies to a personal computer or other electronic storage or communication device while at school or a school activity.
- ❖ All information stored within work computers or servers is the property of the state, district or school, and the personnel using such computers/servers/networks have no expectation of privacy with respect to its contents.

Educators will promote and model acceptable use, digital citizenship and online responsibility to support personalized learning and digital-age assessments to meet the educational learning policies, including Policy 2520.14, for all students.

Teachers, specialists, and other supervising adults will teach and discuss the appropriate use of electronic resources, technologies and the Internet with their students, monitor their use, and intervene if the uses are not acceptable.

School personnel who receive information via any electronic resource, including a social networking site, that falls under the mandatory reporting requirements of WVCS 49-6A-2, must report such behavior as indicated in W. Va. Code.

Staff members shall not use materials in violation of copyright law or is contrary to terms of use provided by the owner of the materials. WVDE assumes no liability for local violations of copyright law.

School personnel are responsible for protecting their passwords associated with their computers and e-mail address and must not make them accessible to others.

(P) I.13.3. Use of Electronic Resources, Technology and the Internet

While working within the framework and within the jurisdiction of the State Board of Education and its agents (local school districts), the use of various electronic resources, technology and the internet is a privilege and not a right. Therefore, the following guidelines and restrictions must be read carefully by all users.

- ❖ Unauthorized or unacceptable use of the Internet or any safety violations as part of an educational program by students, educators or staff may result in suspension or revocation of such use access privileges.
- ❖ Each student who will access the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file at the district/school.
- ❖ School personnel shall also receive acceptable use training.
- ❖ The WVDE provides the network system, e-mail accounts and Internet access as tools for education and administration in support of the WVBE's mission; therefore, users should have no expectation of privacy; and the WVDE reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of any and all information transmitted or received in connection with networks, e-mail use, and web-based tools.
- ❖ No student or staff user should have any expectation of privacy when using the district's network or equipment. The WVDE reserves the right to disclose any electronic message, files, media, and other information to law enforcement officials or third parties as appropriate.
- ❖ No temporary accounts will be issued, nor will a student use an Internet account not specifically created for him or her. Based upon the acceptable use and safety guidelines outlined in this document, WVDE, State Superintendent of Schools and WVDE system administrators will determine what appropriate use is, and their decision is final.
- ❖ Violation of use policies could result in loss of access, personal payment of fees incurred, employment discipline, licensure revocation and/or prosecution. Other consequences for students may be found in Policy 4373.
- ❖ Administrative information systems, including WVEIS, are to be used exclusively for educational purposes. Ownership of student, personnel, and financial records remains with the agency with primary responsibility for maintenance of the information. WVDE reserves the right to access data maintained in or transmitted over state supported information systems and disclose it as appropriate for legitimate purposes. All staff must maintain the confidentiality of student data in accordance with FERPA and Policy 4350.
- ❖ Employees may not attempt to gain access to another employee's files in the WVDE's information systems. However, The WVDE reserves the right to enter an employee's information system files whenever there is a legitimate need to do so.
- ❖ These guidelines may be superseded by FERPA and other appropriate federal and state laws to the extent that such laws are more restrictive.

(P) I.13.4. Internet and Telecommunication Acceptable Use Procedures

The use of the electronic resources, technologies and the Internet must be in support of education and consistent with the educational goals, objectives and priorities of the WVBE. Use of other networks or computing resources must comply with the rules appropriate for that network and for copyright compliance. Users must also comply with the rules and regulations of the network provider(s) serving West Virginia counties and schools

The use of telecommunications and/or access to the Internet is an extension of the students' responsibility in the classroom and must follow all federal and state laws as well as state and local policies.

State, district and school-owned technologies are to be used to enhance learning and teaching as well as improve the operation of the district and school.

Safety measures must be enforced to carry out policies at the state, district and school to implement the intent of CIPA, COPPA, E-rate guidelines, FERPA, and any other applicable state and federal statute and policy, including but not limited to *SBP 4373* and *WVC §18-2C-3*.)

The use of the Internet as part of an educational program is a privilege, not a right, and inappropriate or unauthorized use or safety violations could result in revocation or suspension of that privilege. Each student who will access the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file.

Acceptable network use by students and staff includes the following:

- ❖ Creation of files, projects, and various media products using network resources in support of student personalized academic learning and educational administration;
- ❖ Appropriate participation in school-sponsored sites and online groups;
- ❖ The online publication of educational material for instructional purposes and, with parental permission, student work. As required by copyright law, external sources must be cited.
- ❖ Incidental personal use by staff not contrary to district/school policies and guidelines.

At no time should a student be given administrative responsibilities for a server with a wide area network or Internet connection.

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(P) I.13.5. Unacceptable use of the Internet and Telecommunications

Students and school personnel are hereby placed on notice that inappropriate use or transmission of any material in violation of any Federal, state or Pendleton County Board of Education policy or regulation will be met with zero tolerance.

Specific examples of unacceptable and/or unauthorized use include, but are not limited to:

- ❖ Inappropriate use or transmission of any material in violation of any federal or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, abusive, or obscene material, or material protected by trade secrets.
- ❖ Use for commercial activities by for-profit institutions is not acceptable.
- ❖ Use for product advertisement or political lobbying is also prohibited.
- ❖ Illegal activities and privacy and safety violations of COPPA, CIPA, and FERPA are strictly prohibited.
- ❖ Viewing, creating, accessing, uploading, downloading, storing, sending, or distributing obscene, pornographic or sexually explicit material.
- ❖ Downloading, uploading and/or executing viruses, worms, Trojan horses, time bombs, bots, malware, spyware, SPAM, and changes to tools used to filter content or monitor hardware and software.
- ❖ Using e-mail and other electronic user identifications (IDs)/passwords other than one's own or for unauthorized purposes. Students and staff are responsible for all activity on their account and must not share their account IDs and passwords.
- ❖ Illegally accessing or attempting to access another person's data or personal system files or unauthorized access to other state/district/school computers, networks and information systems.
- ❖ Supplying your password to others.
- ❖ Storing passwords in a file without encryption.
- ❖ Using the "remember password" feature of Internet browsers and e-mail clients.
- ❖ Leaving the computer without locking the screen or logging off.
- ❖ Corrupting, destroying, deleting, or manipulating system data with malicious intent.
- ❖ Requesting that inappropriate material be transferred.
- ❖ Violating safety measures when using any form of electronic communications.
- ❖ Hacking, cracking, vandalizing or any other unlawful online activities.
- ❖ Disclosing, using, or disseminating personal information regarding students.

- ❖ Cyberbullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks and other unauthorized uses as referenced in, but not limited to, Policy 4373 and other applicable federal and state statutes.
- ❖ Personal gain, commercial solicitation and compensation of any kind.
- ❖ Any activity which results in liability or cost incurred by the district.
- ❖ Unauthorized downloading, copying, installing and/or executing gaming, audio files, video files or other applications (including shareware or freeware).
- ❖ Campaigning, lobbying, or other activity via state supported platforms in support or opposition for political activity or issues, including but not limited to, ballot measures, candidates, or legislative proposals.
- ❖ Engaging in plagiarism or reproducing/repurposing media without permission.
- ❖ Information Posting, sending, or storing information that could threaten or endanger others.
- ❖ Attaching unauthorized equipment to the district or school networks or network connect devices. Any such equipment may be confiscated and turned over to law enforcement officers for a potential violation of WVC §61-3C-5, Unauthorized Access to Computer Services.
- ❖ Attaching unauthorized equipment or making unauthorized changes to the state backbone network. Unauthorized equipment may be confiscated and may be turned over to law enforcement officers for a potential violation of. Va. W Code § 61-3C-5, Unauthorized Access to Computer Services. Only WVDE network personnel may authorize changes which affect the state backbone network.
- ❖ Vandalizing technology equipment or data including but is not limited to, uploading, downloading, or creating computer viruses or malware. Vandalism may result in revocation of user privileges and/or prosecution.
- ❖ Uses related to or in support of illegal activities.
- ❖ It is unacceptable to give administrative responsibilities for a server with a wide area network or Internet connection to a current PreK-12 student outside of a laboratory environment, as with career and technical education computer related courses.

(P) I.13.6. State, County and School Networks

The statewide network, the district wide area networks (WANs), and school local area networks (LANs) include wired and wireless computers, peripheral equipment, routers, switches, servers, files, storage devices, e-mail, Internet content, digital tools, and any other equipment which communicates via network connections.

The WVDE reserves the right to prioritize the use of and access to the statewide network. Districts may also prioritize local traffic within WANs and LANs consistent with WVDE guidelines.

All use of the network must support instructional and administrative purposes and be consistent with WVBE policies, WVDE guidelines, E-rate regulations, and federal and state statutes.

WVDE, approved service providers, and other state agencies operate the statewide infrastructure to provide Internet access for all schools under the supervision of the WVBE. In accordance with state purchasing guidelines, filtering will be installed at the state network level at the two points of presence (POPs) for Internet access. This will provide filtering for all public schools in a cost effective manner and with efficient management. Providing this service at the state level enables districts to meet CIPA and E-rate guideline requirements for filtering.

The district and/or schools may also add additional electronic filters at the local network levels. Other objectionable material may be filtered. The determination of what constitutes "other objectionable" material is a local decision.

Schools must enforce the use of the filtering or electronic technical protection measures during any use of the network and computers/devices to access the Internet.

To avoid duplication of effort at the district/school levels, the WVDE will provide a method and instructional modules that allow districts/schools to certify compliance with the current FCC regulations regarding Internet safety policies.

(P) I.13.7. Copyrighted Computer Software Use

Copyright laws protect the rights of people who create intellectual property by providing the creator with exclusive rights to license, sell or use the works. A creator owns the rights of reproduction, adaptation, distribution, public performance, public display, digital transmission and moral rights. Violation of copyright laws may expose the user, district, or school to legal action and/or financial penalties.

Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. Consult the Fair Use Doctrine of the United States Copyright Act, (17 U.S.C. §101-810), for guidance about using such material in an educational context.

To discourage violation of copyright laws, the following compliance requirements are to be followed by all personnel utilizing County purchased copyrighted computer software.

- ❖ Employees and students are expected to adhere to the copyright laws.
- ❖ Appropriate software licenses will be obtained for use in a network server system or other multi-access use.
- ❖ Programs available through the statewide provisions of technology implementation must comply with stipulations of the various purchase agreements.
- ❖ Unauthorized duplication of copyrighted material and/or use of such unauthorized material on state, district, or school equipment or networks is prohibited
- ❖ Students are to be taught the ethical and practical problems and consequences of plagiarism and software/media piracy.
- ❖ Employees will be provided yearly reminders of their responsibility through a county chosen procedure to adhere to and enforce the copyright laws and will be provided in-service if necessary.
- ❖ Educators and students should perform due diligence by reviewing user agreements including, but not limited to, terms and conditions, terms of use, End User License Agreements (EULA), and copyright prior to utilizing content from resources and software licenses to ensure compliance with the terms of the user agreements.

Under federal law, employees violating copyright laws may be subject to fines, confiscation of material, and other prosecution. Violations may also result in the employee's suspension and/or dismissal for insubordination under §18A-2-8.

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(P) I.13.8. Web Publishing

The Pendleton County Board of Education recognizes the educational benefits of publishing information on the Internet by school personnel and students. The Board also recognizes the importance of guidelines that address content, overall responsibility, potential contributors, quality, technical standards, copyright laws, and student protection. In addressing these issues, the Board declares that its web site and approved school web sites shall adhere to the following web publishing guidelines:

Appropriate permission must be obtained for student web pages published within the West Virginia public K-12 intranet and from a public K-12 site to the Internet.

- ❖ Helping a community organization develop a web site could be a learning experience/project for students. However, housing a community web site on a school/county server will take K-12 bandwidth and is not recommended and may violate E-rate or other regulations.
- ❖ Web site content should:
 - Be appropriate, in good taste, and not harmful to any individual or group.
 - Be grammatically correct, accurately spelled, and have a pleasing appearance.
 - Follow FERPA, state, district and school regulations when using student pictures and names. Parental permission should be obtained. Internet guidelines stress the importance of not publishing the last names of students.
 - Comply with WVBE policies and regulations.

- Include information such as an e-mail address of the responsible contact person, copyright, and the last date updated.
- Remain current, be accurate, and incorporate easy and user-friendly navigation through the site.
- Restrict business/commercial links or the acknowledgment of a business on a school/district web site to business partners and/or materials that are educational, provide technical support, or are germane to the philosophy of the school/district. Advertising of commercial offerings is forbidden.
- Comply with copyright, intellectual property, state, federal (specifically COPPA and CIPA) and international law.
- Include the permission granted statement (who, time period, etc.) for all copyrighted materials.
- complies with all W3C and ADA standards.
- ❖ Consult the World Wide Web Consortium (W3C) for additional web publishing standards including accessibility guidelines.

The "official" Pendleton County web site shall be administered by the person designated by the Superintendent. School web sites shall be approved by the Superintendent or his/her designee. School web sites shall be administered by the principal or his/her designee.

Legal resources for all of the forgoing pages are SBP 2460; FCC 11-125, CC docket No. 02-6, GN Docket No. 09-51 and codes cited within the body of the policy.

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(P) I.13.9.

**PENDLETON COUNTY SCHOOLS
ACCEPTABLE USE POLICY AGREEMENT
And
PARENT PERMISSION FORM**

School/Location _____

After reading the attached Pendleton County Schools policies, please complete this form to indicate that you agree with the terms and conditions. The signatures of both student and parent/guardian are mandatory before Internet access may be granted. Use of the telecommunications network or telecommunication must be in support of education and/or research or for school business, support of the West Virginia Content Standards and Objectives and be in accordance with all Pendleton County Board of Education policies and SBP 2460.

STUDENT SECTION

I have read the attached policies concerning all computer usage. I agree to follow the rules contained in these policies. I understand that if I violate the rules my privileges may be terminated or other disciplinary action taken.

User Name (please print) _____ Grade: _____

User's Signature: _____ Date: _____

PARENT SECTION

I have read the attached policies concerning the use of telecommunications in my child's school and have discussed this with my son/daughter. I understand that this access is for educational purposes only, and that it is the responsibility of my child to restrict his/her use to the classroom projects/activities assigned by the teacher. I also understand that my child cannot hold the teacher responsible for intentional infractions of the above rules.

Parent/Guardian (please print)- _____

Parent/Guardian (signature) _____ Date _____

PERMISSION FORM FOR WORLD WIDE WEB PUBLISHING OF STUDENT WORK

I understand that my child's work or writing may be published on the district's web page at <http://www.pendletoncountyschools.com/>. I further understand that no last name, home address or home telephone number will appear with such work. I grant permission for World Wide Publishing. I may withdraw permission in writing at any time.

Student Signature _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

PERMISSION FORM FOR WORLD WIDE WEB PUBLISHING OF STUDENT PHOTOGRAPH

I understand that my child's work or writing may be published on the district's web page at <http://www.pendletoncountyschools.com/>. I further understand that no last name, home address or home telephone number will appear with such work. I grant permission for World Wide Publishing. I may withdraw permission in writing at any time.

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

This form will be kept in the school listed above and signed every year. It will not be transferred to another school.

Legal resources for all of the forgoing pages are SBP 2460; FCC 11-125, CC docket No. 02-6, GN Docket No. 09-51 and codes cited within the body of the policy.

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(P) I.13.10.

**PENDLETON COUNTY SCHOOLS
ADULT ACCEPTABLE USE POLICY AGREEMENT**

School/Location _____

After reading the attached Pendleton County Schools policies, please complete this form to indicate that you agree with the terms and conditions. Use of the telecommunications network or telecommunication must be in support of education and/or research or for school business, support of the West Virginia Content Standards and Objectives and be in accordance with all Pendleton County Board of Education policies and SBP 2460.

ADULT SECTION

I have read the attached concerning all computer usage. I agree to follow the rules contained in these policies. I understand that if I violate the rules my privileges may be terminated or other disciplinary action taken.

User Name (please print) _____

User's Signature: _____ Date: _____

PERMISSION FORM FOR WORLD WIDE WEB PUBLISHING OF EMPLOYEE PHOTOGRAPH /WRITING/WORK

I understand that my work, photograph, or writing may be published on the district's web page at <http://www.pendletoncountyschools.com/>. I further understand that no last name, home address or home telephone number will appear with such work. I grant permission for World Wide Publishing. I may withdraw permission in writing at any time.

Employee Signature: _____ Date: _____

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**PENDLETON COUNTY SCHOOLS
NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)
(Attachments for (P) I.13.10 and (P) I.13.11.)**

To meet the goal that every high school graduate will be prepared fully for college, other post-secondary education or gainful employment the Board believes that a technology infrastructure should be present in the County schools. In order to meet this goal, 21st century technologies and software resources shall be provided in grades prekindergarten through 12.

Students of all ages and educators as lifelong learners require the necessary skills and access to technology tools to take responsibility for their own learning, to be actively involved in critical thinking and problem solving, to collaborate, cooperate, and to be productive citizens. West Virginia students must develop proficiency in 21st century content, technology tools, and learning skills to succeed and prosper in life, in school, and on the job.

An effective public education system develops students who are globally aware, engaged with their communities, and capable of managing their lives and careers to succeed in a digital world. The Pendleton County Board of Education believes that technology must be interwoven with educational improvements and personalized learning to accomplish educational goals, increase student achievement and educator efficacy, and provide increased opportunities for lifelong learning.

This policy applies equally to students and school personnel. To the extent practicable, technology resources shall be used:

- ❖ To maximize student access to learning tools and resources at all times including during regular school hours, before and after school or class, in the evenings, on weekends and holidays and for public education, non-instructional days and during vacations; and
- ❖ For student use for homework, remedial work, independent learning, career planning and adult basic education.

Educational Purposes

The Pendleton County Board of Education agrees with the general goals articulated in *SBP 2460 Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet* and adopts the following educational purposes as guidelines to be followed in the Pendleton County Schools:

- ❖ An effective public education system develops students who are globally aware, engaged with their communities, and capable of managing their lives and careers to succeed in a digital world.
- ❖ Students of all ages and educators as lifelong learners require the necessary skills and access to technology tools to take responsibility for their own learning, to be actively involved in critical thinking and problem solving, to collaborate, cooperate, and to be productive citizens. West Virginia students must become proficient in college- and career-readiness standards to succeed and prosper in life, in school, and on the job.
- ❖ Technology must be interwoven with educational improvements and personalized learning to accomplish educational goals, increase student achievement and educator efficacy, and provide increased opportunities for lifelong learning.
- ❖ To promote student learning, educators must be equipped to fully integrate technology to transform instructional practice and to support student acquisition of technology skills necessary to succeed, to continue learning throughout their lifetimes, and to attain self-sufficiency.
- ❖ Learning powered by technology should enable students to achieve at higher academic levels, master digital content and technologies, access and manage information, communicate effectively, think critically, solve problems, work productively as individuals and collaboratively as part of a team, acquire new knowledge, access online assessment systems, and demonstrate personal accountability, productivity, and other self-directional skills.
- ❖ The use of instructional technology should provide greater student access to advanced and additional curricular offerings, including increasing student access to quality virtual courses and online distance educational tools, than could be provided efficiently through traditional on-site delivery formats.
- ❖ Educators should integrate technology resources to personalize learning, enhance instruction, implement multiple technology-based learning strategies, implement high quality digital content and assessments, and utilize digital resources, technologies, and the Internet in the classroom.
- ❖ Technology will enable educators to participate in online professional development, access digital resources and platforms, utilize educational data, and deliver instruction through blended learning and other virtual options. The acceptable use of digital resources and devices is necessary to support a personalized learning landscape and other district and state educational policies.
- ❖ The promotion of acceptable use in instruction and educational activities is intended to provide a safe digital environment, as well as meet Federal Communications Commission (FCC) guidelines and E-rate audits.

(P) I.13.1. Digital Citizenship

It is incumbent upon the students and staff to work cooperatively to assure that all technology and digital resources will be utilized appropriately, safely and civilly. Digital citizenship represents more than technology literacy. Successful, technologically fluent digital citizens live safely and civilly in an increasingly digital world and use technology responsibly. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career.

Digital/Network Code of Conduct

Users are expected to abide by the generally accepted rules of digital/network etiquette. These include, but are not limited to, the following:

- ❖ Be polite. Do not write or send abusive messages to others.

- ❖ Use proper English and appropriate language; avoid "Netspeak." Do not swear; do not use vulgarities or other inappropriate language.
- ❖ Use extreme caution when revealing personal information, including a home address and phone number, on web sites, blogs, podcasts, videos, wikis, and e-mail or as content on any other electronic medium.
- ❖ Do not reveal, on any electronic medium, personal information about another individual.
- ❖ Do not use the Internet in a way that would disrupt the use of the Internet by others (e.g., downloading huge files during prime time; sending mass e-mail messages; annoying other users).
- ❖ Electronic educational material containing confidential student information shall be stored only in secure locations consistent with federal, state, and local privacy regulations. Electronic educational material containing no confidential student information, including but not limited to, lesson plans, worksheets, primary source documents, and other materials used for instruction, may be stored in appropriate locations but should follow state/district guidelines.
- ❖ Educators electing to use third party classroom based applications should carefully review the terms of service and privacy policies prior to use for those applications to ensure consistency with best practice. For use of applications with students younger than 13 years of age, recommended best practice is to obtain parental consent prior to use and/or entering any student data. All use of third party applications must be consistent with local policy/guidelines, Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) FERPA), W. Va. Code §18-2-5h, and W. Va. 126SR94, WVBE
- ❖ Keep educational files and e-mail messages stored on servers to a minimum.
- ❖ Activate the appropriate automatic reply message and unsubscribe to listservs if account is to be unused for an extended period of time.
- ❖ Appropriate permission shall be obtained prior to publishing student pictures or names on class, school, or district web sites or other publications, provided that such information is not designated as directory information under district policy. All releases of information designated as directory information under district policy must comply with parental opt-out provisions as described in the FERPA and WVBE Policy 4350. (Also see *File: 11-19. Collection, Maintenance and Disclosure of Student Data*)
- ❖ Notify the appropriate school authority of any dangerous or inappropriate information or messages encountered.

Digital Security

Students and staff members who identify a security problem on the system must notify a system administrator immediately.

- ❖ Users must not demonstrate the problem to other users.
- ❖ Users must not use another individual's account or give their passwords to others. Unauthorized attempts to log into the system as a system administrator will result in revocation of user privileges based on state, county or school policies.
- ❖ Any user identified as a security risk or having a history of problems with other computer systems may be denied access by the appropriate disciplinary authority.

(P) I.13.2. Accountability and Responsibility

The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of the educator's responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent or guardian while a student is in school (WVC § 18A-5-1(a)). Therefore, it is the educator's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives for personalized learning when using Internet-related technologies.

Student use of Internet-related or web-based applications must be authorized by the educator and parent or guardian through (P) *I.13.4.1 Internet and Telecommunications Access Consent and Waiver Form*. It is also the educator's responsibility not to use electronic technologies in a manner that risks placing him/her in a position to abuse that trust. Even though "educators" are the ones who come in daily classroom contact with students, acceptable/appropriate uses of online resources, technologies and the Internet is a responsibility of all educational staff and employees.

(P) I.13.3. Use of Electronic Resources, Technology and the Internet

While working within the framework and within the jurisdiction of the State Board of Education and its agents (local school districts), the use of various electronic resources, technology and the internet is a privilege and not a right. Therefore, the following guidelines and restrictions must be read carefully by all users.

- ❖ Unauthorized or unacceptable use of the Internet or any safety violations as part of an educational program by students, educators or staff may result in suspension or revocation of such use.
- ❖ Each student who will access the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file at the county/school.
- ❖ School personnel shall also receive acceptable use training.
- ❖ The WVDE provides the network system, e-mail accounts and Internet access as tools for education and administration in support of the WVBE's mission. Therefore, users should have no expectation of privacy; and the WVDE reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of any and all information transmitted or received in connection with networks, e-mail use, and web-based tools.
- ❖ No student or staff user should have any expectation of privacy when using the district's network. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.
- ❖ No temporary accounts will be issued, nor will a student use an Internet account not specifically created for him or her that allows anonymous posting. Based upon the acceptable use and safety guidelines outlined in this document, WVDE, State Superintendent of Schools and provider(s) system administrators will determine what appropriate use is, and their decision is final.

- ❖ Violation of use policies could result in loss of access, personal payment of fees incurred, employment discipline, licensure revocation and/or prosecution. Other consequences for students may also be found in Policy 4373.
- ❖ The system administrator and/or local teachers may deny users access for inappropriate use. Additionally, violation of use policies could result in loss of access, personal payment of fees incurred, employment discipline, licensure revocation and/or prosecution. Other violations may also be found in *SBP 4373*.
- ❖ Administrative information systems, including WVEIS, are to be used exclusively for educational purposes. Ownership of student, personnel, and financial records remains with the agency with primary responsibility for maintenance of the information. WVDE reserves the rights to access data maintained in or transmitted over state supported information systems and disclose it as appropriate for legitimate purposes. All staff must maintain the confidentiality of student data in accordance with FERPA and Policy 4350.
- ❖ Employees may not attempt to gain access to another employee's files in the WVDE's information systems. However, the WVDE reserves the right to enter an employee's information system files whenever there is a business need to do so.
- ❖ These guidelines may be superseded by FERPA and other appropriate federal and state laws to the extent that such laws are more restrictive

(P) I.13.4. Internet and Telecommunication Acceptable Use Procedures

The Pendleton County School System embraces the use of technology to promote educational excellence, resource sharing, assist innovative instruction; provide electronic access to a wide range of information and the ability to communicate. The use of the electronic resources, technologies and the Internet must be in support of education and consistent with the educational goals, objectives and priorities of the WVBE. Use of other networks or computing resources must comply with the rules appropriate for that network and for copyright compliance. Users must also be in compliance with the rules and regulations of the network provider(s) serving West Virginia counties and schools

As the use of telecommunication networks by students increase, there is a need to clarify acceptable use and safety of those networks and to include federal regulations from the Children's Online Privacy Protection Act (COPPA) and the Children's Internet Protection Act (CIPA). The use of telecommunications and/or access to the Internet is an extension of the students' responsibility in the classroom and must follow all federal and state laws as well as state and local policies.

State, district and school-owned technologies are to be used to enhance learning and teaching as well as improve the operation of the district and school. Safety measures must be enforced to carry out policies at the state, RESA, county, and school to implement the intent of CIPA, COPPA, E-rate guidelines, FERPA, and any other applicable state and federal statute and policy. (See also *SBP 4373* and *WVC §18-2C-2*.)

The use of the Internet as part of an educational program is a privilege, not a right, and inappropriate or unauthorized use or safety violations could result in revocation or suspension of that privilege. Each student who will access the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file.

Acceptable network use by students and staff includes the following:

- ❖ Creation of files, projects, videos, web pages and podcasts using network resources in support of student personalized academic learning and educational administration;
- ❖ Appropriate participation in school-sponsored blogs, wikis, web 2.0+ tools, social networking sites and online groups;
- ❖ The online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
- ❖ Staff use of the network for incidental personal use in accordance with all district/school policies and guidelines.

(P) I.13.5. Unacceptable use of the Internet and Telecommunications

While the Board always prefers to address its policies in positive terms, it is essential that students and staff be made aware that inappropriate use or transmission of any material in violation of any U.S. or state law, State Board Policy, county policy or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, abusive, or obscene material, or material protected by trade secrets. Such inappropriate behavior shall be met with zero tolerance.

Specific examples of unacceptable and/or unauthorized use include, but are not limited to:

- ❖ Inappropriate use or transmission of any material in violation of any federal or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, abusive, or obscene material, or material protected by trade secrets.
- ❖ Use for commercial activities by for-profit institutions is not acceptable.
- ❖ Use for product advertisement or political lobbying is also prohibited.
- ❖ Illegal activities and privacy and safety violations of COPPA, CIPA, and FERPA are strictly prohibited.
- ❖ Viewing, creating, accessing, uploading, downloading, storing, sending, or distributing obscene, pornographic or sexually explicit material.
- ❖ Downloading, uploading and/or executing viruses, worms, Trojan horses, time bombs, bots, malware, spyware, SP AM, etc., and changes to tools used to filter content or monitor hardware and software.
- ❖ Using e-mail and other electronic user IDs/passwords other than one's own. Passwords are the first level of security for a user account. E-mail and system logins and accounts are to be used only by the authorized owner of the account, for authorized purposes. Students and staff are responsible for all activity on their account and must not share their account IDs and passwords.
- ❖ Illegally accessing or attempting to access another person's data or personal system files or unauthorized access to other state/district/school computers, networks and information systems.

- ❖ Supplying your password to others.
- ❖ Storing passwords in a file without encryption.
- ❖ Using the "remember password" feature of Internet browsers and e-mail clients.
- ❖ Leaving the computer without locking the screen or logging off.
- ❖ Corrupting, destroying, deleting, or manipulating system data with malicious intent.
- ❖ Requesting that inappropriate material be transferred.
- ❖ Violating safety and/or security measures when using e-mail, chat rooms, blogs, wikis, social networking sites, Web 2.0 tools and other forms of electronic communications.
- ❖ Hacking, cracking, vandalizing or any other unlawful online activities.
- ❖ Disclosing, using, or disseminating personal information regarding students.
- ❖ Cyber bullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks and other unauthorized uses as referenced in WVBE policies or other policies and laws.
- ❖ Personal gain, commercial solicitation and compensation of any kind.
- ❖ Any activity which results in liability or cost incurred by the district.
- ❖ Unauthorized downloading, copying, installing and/or executing gaming, audio files, video files or other applications (including shareware or freeware).
- ❖ Campaigning, lobbying, or other activity via state supported platforms in support or opposition for political activity or issues, including but not limited to, ballot measures, candidates, or legislative proposals.
- ❖ Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacture, etc.).
- ❖ Plagiarism or reproducing or repurposing audio/video without permission/consent.
- ❖ Attaching unauthorized equipment to the district or school networks. Any such equipment may be confiscated and turned over to law enforcement officers for a potential violation of WVC §61-3C-5, Unauthorized Access to Computer Services.
- ❖ Attaching unauthorized equipment or making unauthorized changes to the state backbone network. Unauthorized equipment may be confiscated and may be turned over to law enforcement officers for a potential violation of W. Va. Code § 61-3C-5, Unauthorized Access to Computer Services. Only WVDE network personnel may authorize changes which affect the state backbone network.
- ❖ Vandalizing technology equipment or data. Vandalism is defined as any attempt to harm or destroy data of another user or to intentionally damage equipment or any connections that are part of the Internet. This includes, but is not limited to, uploading, downloading or creating computer viruses. Vandalism will result in revocation of user privileges.
- ❖ Uses related to or in support of illegal activities will be reported to authorities.
- ❖ It is unacceptable to give administrative responsibilities for a server with a wide area network or Internet connection to a current PreK-12 student outside of a laboratory environment, as with career and technical education computer related courses.

(P) I.13.11. Sexting by Minors

Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner shall be guilty of an act of delinquency and upon adjudication disposition may be made by the circuit court pursuant to the provisions of article five, chapter forty -nine of this code

As used in this policy:

- ❖ “Posing in an inappropriate sexual manner” means exhibition of a bare female breast, female or male genitalia, pubic or rectal areas of a minor for purposes of sexual titillation.
- ❖ “Visual portrayal” means:
 - A photograph;
 - A motion picture;
 - A digital image
 - A digital video recording; or
 - Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance and other digital storage or transmitting devices;(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit or present it to another person by any means.

As written, the code allows for court discretion as to whether an adjudicated juvenile should be required to register as a sex offender.

It should be clearly understood that while some of these activities may be initiated outside of the school environment, they will be subject to school discipline under *File: S.8. Expected Behavior in Safe and Supportive Schools* if they disrupt normal school activities.

Students who initiate prohibited activities within the school day, including transportation time, shall be disciplined according to *File: I.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet.*

(WVC §61-8c-3b)

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(P) I.13.12. Sexting Educational Diversion Program

Before a juvenile petition is filed for activity proscribed by WVC §61-8a or 8c, or after probable cause has been found to believe a juvenile has committed a violation thereof, but before an adjudicatory hearing on the petition, the court or a prosecuting attorney may direct or allow a minor who engaged in such activity to participate in an educational diversion program. The prosecutor or court may refer the minor to the educational diversion program, as part of a pre-petition diversion and informal resolution; as part of counseling provided; or as part of the requirements of an improvement period to be satisfied in advance of an adjudicatory hearing pursuant to the provisions of section nine of this article.

The educational diversion program to be developed for minors who are accused of activity proscribed by the provisions of WVC §61-8a or 8c will address the following issues and topics:

- ❖ The legal consequences of and penalties for sharing sexually suggestive or explicit materials, including
- ❖ applicable federal and state statutes;
- ❖ The nonlegal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
- ❖ How the unique characteristics of cyberspace and the Internet, including searchability, replicability and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

- ❖ The connection between bullying and cyberbullying and minors sharing sexually suggestive or explicit materials.

A minor's successful completion of the program must be considered by the prosecutor and the court in deciding whether to abstain from filing a juvenile petition or dismiss a petition.

- ❖ If the minor has not previously been judicially determined to be delinquent, and the minor's activities represent a first offense for a violation of WVC §61-8c-3b, the minor shall not be subject to the requirements of the code, as long as s/he successfully completes the educational diversion program; and
- ❖ If the minor commits a second or subsequent violation of article WVC §61-8a or 8c, the minor's successful completion of the educational diversion program may be considered as a factor to be considered by the prosecutor and court in deciding to not file a petition or to dismiss a petition, upon successful completion of an improvement plan established by the court.

(WVC §49-5-13g)

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Amended/Revised: October 1, 2013; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.13. A. Internet Safety Policy****Adopted: October 2, 2012****Last Review:****March 2018**

The Children's Internet Protection Act was enacted by Congress to address concerns about access to offensive visual content over the Internet on school and library computers. The Pendleton County Board of Education has those same concerns which are the driving force behind the adoption of this policy.

This policy takes note of the Board's responsibility to protect against Internet access by both adults and minors to visual depictions that are (1) obscene; (2) child pornography; or, with respect to use of the computers by minors, (3) harmful to minors. In addition, section 54.520(c)(1)(i) requires a school to certify that its Internet safety policy includes "monitoring the online activities of minors.

As a part of the policy development process, prior to the adoption of an Internet Safety Policy, the Pendleton County Board of Education will provide reasonable notice and hold at least one public hearing or meeting to address the specifics of the proposed Internet Safety Policy acceptable use policy. This shall be accomplished by the Superintendent placing the proposed policy on the official agenda of a Board Meeting to allow for public discussion and input.

Federal Communications Commission rules require the Board to submit its Internet Safety Policy on or before July 1, 2012 by filing FCC Forms 486 or 479.

Internet Safety Policy Training

All Pendleton County Schools personnel and students involved in any way with the use of technology within the school system shall undergo training on the safe and appropriate use of every type of technology resource. The training may be conducted by knowledgeable staff members within the school system, outside trainers, State Board of Education resources both on line and through department consultants, federal government resources, seminars, workshops off campus and RESA resources.

Existing informational vehicles including, but not limited to, staff development programs, Faculty Senates and Local School Improvement Councils may be utilized for faculty and staff training.

Training programs for students shall be age appropriate and they shall be conducted utilizing the same resources mentioned above for faculty and staff. The training may be integrated with curricular activities, it may be scheduled task specific groups and it may be possible to have after school and weekend workshops.

To avoid duplication of effort at the district/school levels, the WVDE has provided instructional modules that allow districts/schools to certify compliance with the new FCC regulations regarding Internet safety policies. Instructional information is currently provided via TechSteps. Each grade level provides curricular content for teachers to instruct students in compliance with the FCC Guidelines set forth in the Sixth Report and Order. (See <http://wvde.state.wv.us/technology/cipa-compliance.php>. for additional information and details)

Training shall be ongoing with refresher sessions scheduled as appropriate as determined by the designated Technology Directors.

All clients will receive training on appropriate online behavior, including limited to the following topics:

- ❖ Protection measures that block or filter Internet access to images that are: (a) obscene; (b) child pornography or (c) harmful to minors;
- ❖ Access by minors to inappropriate materials on the Internet;
- ❖ The safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications (social networking);
- ❖ Unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
- ❖ Unauthorized disclosure, use and dissemination of personal information regarding minors;

- ❖ Measures designed to restrict minors' access to materials harmful to them;
- ❖ Cyberbullying awareness and responses;
- ❖ Managing and monitoring online activities of minors;
- ❖ Proper use and protection of passwords;
- ❖ Consequences of Illegally accessing or attempting to access another person's data or personal system files or unauthorized access to other state/district/school computers, networks and information systems;
- ❖ Proper care of technology equipment and data (vandalism);
- ❖ Digital citizenship; and
- ❖ Digital security.

Monitoring the Online Activities of Students

Appropriate adult supervision of Internet use must be provided. The first line of defense in controlling access by students to inappropriate material on the Internet is deliberate and consistent monitoring of student access and use of equipment. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively in filtering and acceptable use issues.

The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of the educator's responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent or guardian while a student is in school. (WVC § 18A-5-1(a).) Therefore, it is the teacher's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives for personalized learning when using Internet-related technologies.

While it is true that "teachers" are the ones who come in daily classroom contact with students, the monitoring of acceptable and appropriate uses of online resources, technologies and the Internet is a responsibility of **all** educational staff and employees.

Teachers, specialists, and other supervising adults will not only teach and discuss the appropriate use of electronic resources, technologies and the Internet with their students; they **must** also monitor their use, and intervene if the uses are not acceptable.

No student or staff user should have any expectation of privacy when using the district's network. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.

School personnel who fail to properly supervise students shall be subject to disciplinary action, licensure revocation and/or prosecution and dismissal if the circumstances warrant such action.

Filtering Electronic Communications

The Pendleton County Board of Education and its agents shall take the steps necessary to assure that all locations within the county enforce the use of filtering or electronic technical protection measures during any use of the computers/devices to access the Internet. Encryption of all wireless access points for E-rated Internet access provided via the K-12 network or otherwise is required.

Appropriate filtering must be maintained to meet E-rate guidelines. Because filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites.

A WVDE, approved service provider, and other state agencies operate the statewide infrastructure to provide Internet access for all public schools under the jurisdiction of the WVBE. In accordance with state purchasing guidelines, filtering will be installed at the state network level at the two points of presence (POPs) for Internet access. This will provide filtering for all public schools in a cost effective manner and with efficient management.

Pendleton County Schools may also add additional electronic filters at the local network levels as it deems appropriate to filter and block other objectionable material which has been identified by the Superintendent or his/her designee.

Any attempts to defeat or bypass the state's Internet filter or conceal Internet activity are prohibited. This includes, but is not limited to, proxies, https, special ports, modifications to state browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content.

E-mail which is inconsistent with the educational missions of the state, district or school will be considered SPAM and blocked from entering e-mail boxes.

Appropriate adult supervision of Internet use must be provided. The first line of defense in controlling access by students to inappropriate material on the Internet is deliberate and consistent monitoring of student access and use of equipment.

Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct, and assist effectively in filtering and acceptable use issues

(SBP 2460; FCC 11-125, CC docket No. 02-6, GN Docket No. 09-51)

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Amended/Revised: September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.14. Complaints Regarding Educational Materials****Adopted: August 20, 2003****Last Review:****March 2018**

It is the intent of the Board to provide a process whereby members of the community may call to the attention of the staff and the board those educational materials that the individual or group deems objectionable. The board will consider objections to educational material only in the manner set forth in this policy.

A review committee consisting of school administrators, teachers, parents, clergy and students appointed by the superintendent or his designee shall review, upon written request, educational materials deemed objectionable by an individual or group within the county.

The review committee shall evaluate challenged material in terms of the original criteria for selection. The complainants shall be invited to present their views in person to the committee. After having reached a decision, the committee shall submit to the Superintendent a written report from the majority, and where desirable, from the minority. The Superintendent shall present the committee report or reports to the board for consideration and action.

Complaint Procedures:

If a member or members of the community make a complaint about specific books or materials used in the Pendleton County Public Schools, the following procedures shall be followed:

- ❖ The person receiving the complaint will:
 - Be courteous, but make no commitments;
 - Inform the complainant that he/she has the right to file a formal complaint on a form available from the principal's office; and
 - Inform the principal of the complaint.
- ❖ The principal will:
 - Give the complainant the form for filing a complaint; and
 - Upon receipt of the written complaint and with the exception of adopted textbooks, may temporarily withdraw the material from use pending a decision.
- ❖ The principal and the staff members using the material will:
 - Examine the material being questioned. (Including Internet and other materials available electronically);
 - Check the general acceptance of the material by reading reviews or by other appropriate means;
 - Weigh the values and shortcomings of the questioned material against each other and form opinions based on the material as a whole and not on passages pulled out of context;
 - Meet with the complainant to discuss his/her concerns;
 - Following the meeting with the complainant, prepare a report, including the instructional merits of the material, its instructional shortcomings, and recommendations for the resolution of the complainant's concerns;
 - Meet with the complainant a second time to discuss the faculty's recommendations for alleviating his/her concerns; and
 - Submit a copy of the written objections, copy of the report on the material and a report of the results of the conference with the complainant to the Director of Curriculum.
- ❖ The Director of Curriculum will review the report from the principal. If the complainant has accepted the recommendations of the principal, the report will be forwarded to the Superintendent as a matter of information. If the complaint has not been resolved, the Director of Curriculum will:
 - Select, convene, and chair a committee composed of the following:
 - Two principals;
 - Two teachers;

- Two parents;
 - A member of the local clergy;
 - Two students (if appropriate); and
 - The membership should include the person(s) who were responsible for the original selection of the material.
- The Director of Curriculum shall be a nonvoting ex officio member of the committee.
 - This committee will examine the disputed material, review the written complaint and the principal's report, and will submit a recommendation for resolution of the dispute.
 - The Director of Curriculum will prepare a report for the Superintendent based upon the recommendation of the committee.
- ❖ The Superintendent will:
 - Review the written complaint and the reports submitted to him/her; and
 - Submit the complaint along with his/her recommendations to the Board of Education.
 - ❖ The Board of Education will:
 - Take final action regarding the complaint; and
 - Inform the complainant and the principal in writing of the action taken.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.15. Academic Achievement (Grading)	Adopted: August 20, 2003 Last Review: March 2018

Grades shall represent achievement. Such desirable qualities as personality, effort, attitude, preparation, promptness, etc. are commendable and must be encouraged, and these qualities do affect the learning product, but in the final analysis, grades must represent only achievement. Grades must never be used as a disciplinary threat or as a reward for effort.

Grades can only be assigned by the teacher in charge of the instruction. Grades earned by students who have completed assignments cannot be changed except in those cases where a mathematical error has been made or additional credit has been earned under the direction of the teacher responsible for the class work.

Principals and all other persons are prohibited from requiring a teacher to change a student's grade on an individual assignment or report card unless there is clear and convincing evidence that there was a mathematical error in calculating the student's grade.

The Pendleton County Board of Education shall adopt the uniform non-weighted course grading scale for high school credit as mandated by SBP 2510-Assuring Quality of Education: Regulations for Education Programs. The grading scale must be used for any course taken for high school credit, regardless of the grade level of the student at the time the course is taken. A weighted course grading scale shall be implemented for including College Board Advanced Placement (AP) and International Baccalaureate (IB) courses.

The grading procedures for grades K-8 shall be prescribed by the Pendleton County Board of Education. (WVC §18-5-46; SBPP 2510; SBP 2515)

(P) I.15.1. Secondary Students Progress Reports to Parents

Regular formal progress reports will be made on a nine-week basis for all grades during the school year. Student progress reports shall be distributed according to the dates indicated on the school calendar.

While these regular formal reports are very important, many other methods of communicating with parents regarding the progress of their child are also desirable. Some of the following may be used as additional methods of reporting:

- ❖ Interim reports;
- ❖ Parent conferences;
- ❖ Folders of the child's work;
- ❖ Written narratives; and
- ❖ Reports on the mastery of Basic Learning Skills.

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(P) I.15.2. Uniform High School Grading Scale and Quality Points

All county boards of education must use the uniform grading rules established by the WVBE for those courses for which high school credit is to be awarded (W. Va. Code §18-2-5).

Beginning with the 2018-2019 school year the following grading scale must be used for any course taken for high school credit other than courses that county boards of education choose pursuant to Section 5.4.d.2. of SBP 2510.

Non-weighted course grading scale:

Average	Grade	Quality Points
90-100	A	4.0
80-89	B	3.0
70-79	C	2.0
60-69	D	1.0
0-59	F	0

County school systems may, but are not required to, adopt this grading scale for use in courses or grade levels for which high school credit is not involved.

County boards of education shall issue weighted grades for Advanced Placement® (AP®) courses, Advanced Career (AC) courses, and International Baccalaureate (IB) courses for which high school credit is to be awarded. Section 5.4.d.2.A of SBP 2510 sets forth the grading scale that must be used for AP® courses, AC courses, and IB courses beginning with the 2018-2019 freshman cohort. County boards of education have discretionary authority to issue weighted grades for other advanced high school courses.

Weighted course grading scale:

Average	Grade	Quality Points
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	0

(SBP 2510)

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(P) I.15.3. Primary School Reports to Parents (Grades 1-3)

Standardized report cards are distributed to the students at the end of each grading period (nine weeks) to provide the parents with an evaluation of his/her progress in his/her subject areas and indication of weaknesses and strengths. Report cards are sent home with students approximately one week following the end of the nine week period, with the exception of the end of school when the report cards are mailed home.

The grades on the report cards are reflective of the students' progress toward mastery of state approved Content Standards and Objectives.

Beginning with the 2018-2019 school term, the grading scale for grades 1-3 is as follows:

<u>Average</u>	<u>Grade</u>	<u>Meaning of Grade</u>
90-100	A	Very good work
80-89	B	Better than average
70-79	C	Average
60-69	D	Weak – Needs improvement
0-59	F	Work is unsatisfactory

I**

****A mark of "I" means that the student did not complete the required work for a nine-week period. The student will be allowed to complete the required work during the following nine-week period and get the "I" changed to the appropriate letter grade, which he/she has achieved. If the student fails to make up the required work during the allotted time his/her grade will automatically be recorded as an "F" and be given a percentage grade of 50. An "I" is generally given when unusual circumstances exist such as illness that prevents the child from doing the required work.**

The grading scale for music, health and physical education for grades 1-3 shall be:

- O - Outstanding
- S - Satisfactory (Average)
- U - Unsatisfactory (Work is not acceptable)

(P) I.15.4. Intermediate and Middle School Reports to Parents (Grades 4-8)

In order to promote continuity in the grading process from the upper elementary and middle school grades to the high school, beginning with the 2018-2019 school term the grading scale for ***the core academic subjects*** for grades four through eight shall be:

<u>Average</u>	<u>Grade</u>	<u>Meaning of Grade</u>
90-100	A	Very good work
80-89	B	Better than average
70-79	C	Average
60-69	D	Weak – Needs improvement
0-59	F	Work is unsatisfactory
	I**	

****A mark of "I" means that the student did not complete the required work for a nine-week period. The student will be allowed to complete the required work during the following nine-week period and get the "I" changed to the appropriate letter grade, which he/she has achieved. If the student fails to make up the required work during the allotted time his/her grade will automatically be recorded as an "F" and be given a percentage grade of 50. An "I" is generally given when unusual circumstances exist such as illness that prevents the child from doing the required work.**

The grading scale for music, health and physical education for grades 4-6 (elementary) shall be:

- O - Outstanding
- S - Satisfactory (Average)
- U - Unsatisfactory (Work is not acceptable)

(P) I.15.5. Make-up Opportunities

Any student who misses school for any reason shall be given a reasonable opportunity to make up his/her work. A student should be permitted two school days to make up work missed for each school day s/he was absent. However, all work missed should normally be completed no more than two weeks after returning to school. Grades for assignments missed during an absence may not be withheld unless the student, after given an opportunity to make up the work, fails to do so.

(P) I.15.6. Parent Conferences

Parents and teachers are encouraged to work together through a program of information and conferences in an effort to keep each other informed regarding the progress and social adjustment of the child.

- ❖ Parents should be consulted throughout the school year and should be informed of the student's lack of satisfactory progress.
- ❖ When necessary, a conference with the parent(s) should be held.
- ❖ It is recommended that at least two teacher-parent conferences be held annually. One of the conferences shall be held during the fall and the other shall be held in the spring. The exact dates shall be placed on the school calendar.
- ❖ All parents who have students enrolled in any grades kindergarten through 12 shall receive an interim, four and one-half week report during the first nine week grading period.
- ❖ Thereafter, an interim progress report shall be sent to any parent of a student whose grades have risen or fallen one letter grade since the last regular grade report.

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Amended/Revised: October 4, 2004; August 26, 2008; February 9, 2010; August 21, 2012;
September 6, 2016; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.16. Promotion and Retention of Students	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education believes a countywide promotion and retention policy is necessary to provide for the smooth, continuous and natural progression of the students through the school program. For retention to be most effective it must be student focused, non-punitive, and should take place at the earliest possible time in the student's educational program. The primary consideration for grade assignment shall be successful achievement in the core subjects. Other factors such as the student's ability to learn, social and emotional maturity, achievement in other subjects and attendance shall be considered. The student's performance on the West Virginia Measures of Academic Progress (WV-MAP) and Light's Retention Scale shall also carry considerable weight in reaching a decision on the student's placement.

Decisions regarding retention must be made in the best interest of the child. The educational program of each student should be determined individually because of the numerous factors that need to be considered. It is the purpose of this policy to foster student responsibility with retention being a natural consequence of failure to achieve passing grades in core subjects. The advancement of a student from one grade level to another shall be based upon achievement and the appropriate mastery of content standards and objectives.

When it is determined that retention is the most appropriate educational placement for an elementary student Pre-K-4, a middle level student (5 & 6) or a middle level student (7 & 8), the school principal shall transmit written notice of such retention to the student's parents/guardians. While parental/guardian permission is not required for retention of a student, the parents/guardians shall be invited to the school for a conference with the school principal and the child's teacher(s). The principal and/or teacher(s) shall explain to the parents/guardians (in layman's terms) the student's educational problems that have formed the basis for the decision to retain the student. Parental/guardian assistance and support shall be sought in the development and implementation of a general plan to overcome the child's educational problem. The final decision to retain or promote a student shall rest with the school principal who shall seek and consider input from all employees who currently work with the student.

The average child will spend seven years completing the K-6 curriculum. In some cases, a student may profit from spending extra time in completing the assigned curriculum; however, no student will normally be retained more than once in the K-6 curriculum. Generally speaking, students will complete the middle level curriculum (grades 7 & 8) in two years. No student shall spend more than two years in any one grade.

After spending two years in one grade without successfully attaining the required standard of achievement for that grade level, a student's record should indicate that the student has been moved (not promoted) to the next grade level.

Students enrolled in secondary courses (9-12 as identified in SBP 2510) shall pass or fail in each subject rather than on a grade level basis. Final grades for any course shall be consistent with the grades the student has received on his report card during the year and shall be in accordance with applicable Board and West Virginia Board of Education Policy.

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(P) I.16.1. Procedures for Student Promotion and Retention Grades K-8

The promotion of a student from one grade level to the next for elementary schools shall be based primarily on the successful completion of work required at the specific grade level of the student. It will be the individual classroom teacher's responsibility to have discussed with the school's principal the promotion of any student not on grade level in one or more of the core subjects.

All students considered for retention for the first time shall be reviewed by the Student Assistance Team (SAT). A written referral to the SAT shall be made for those students whose educational performance is not commensurate with their peers and are suspected of having an exceptionality. The decision on the retention of a student should be a cooperative effort between the teacher(s), principal, and parent/guardian. The teacher's recommendation relating to whether a student should be promoted to the next grade level shall be a primary consideration when making such a determination.

The final decision to retain or promote shall rest with the school principal who shall seek and consider input from all employees who currently work with the student. Teachers who are contemplating the retention of a student should follow these procedures:

- ❖ If a student is failing to make normal progress, the parents/guardians must be notified early in order that the school and home may cooperate in helping the student achieve greater success. Informal notification should take place by the end of the second grading period.
- ❖ Students should be referred to the School Assistance Team to discuss intervention strategies and modification of the student's program.
- ❖ Teachers who contemplate the retention of a student who is not meeting the mastery requirements of the curriculum shall submit proper documentation of the student's work to the principal by the end of the first semester. The principal shall have the option to call upon additional faculty members to assist in the review of the teacher's recommendation and the student's work and to assist in formulating a plan to address the student's shortcomings for the remainder of the school term.
- ❖ Teachers who contemplate the retention of a student must complete the Light's Retention Scale for him/her. These results are to be used as supportive information and may not be the sole instrument to determine retention.
- ❖ The parent/guardian shall be invited to join the principal and teacher(s) in the review of the student's progress and the formulation of a remedial plan for him/her. Where appropriate, the student may also participate in these discussions.
- ❖ The student's progress shall be closely monitored during the third grading period. The school shall maintain communication with the parent/guardian as appropriate.
- ❖ If, upon the appropriate review of the student's work by the mid-term of the fourth grading period, retention is recommended, the teacher will describe how retention will benefit the student, and a written remedial plan will be developed. The remedial plan must contain what corrective actions will take place to remediate the student's learning difficulties in the succeeding school term.
- ❖ A formal letter of notification of retention will be mailed to the child's parents/guardians along with a copy of the remedial plan.
- ❖ A copy of the student's remedial plan and the parental letter of notification shall be included in the student's permanent record folder.

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(P) I.16.2. Criteria for Promotion Grades K-8

Primary Elementary (K-2): Students must have attained mastery of grade level Reading and English Language Arts and Math skills (content standards and objectives).

Intermediate Elementary (3-4): Students must earn a passing grade in at least three (3) of the core subjects. A final failing grade in three or more core subjects (Reading and English and Language Arts, Math, Social Studies and Science) will result in retention.

Middle Level (5-6): Students must earn a passing grade in at least three (3) of the core subjects. A final failing grade in three or more core subjects (Reading and English Language Arts, Math, Social Studies and Science) will result in retention.

Middle Level (7-8): In order to be promoted to the eighth grade, seventh grade students must successfully complete at least four of the six subjects in which they are enrolled, three of which shall be Core Subjects. The remaining subjects will be offerings in Career Clusters and the Applied Arts (Visual Arts, Music, Health, Physical Education, and Foreign Language).

Similarly, to be promoted to the ninth grade, eighth grade students must meet the same standards as those presented for seventh graders to be promoted to the eighth grade. No student will repeat any subject more than once. No student will spend more than a total of three years in grades seven and eight.

Every reasonable effort will be made to schedule a student so that he/she will not be required to repeat a course that he/she has already completed.

Students who meet the Core Subject requirements but have not met the Applied Arts requirement may be promoted by the school principal who shall have the final authority in deciding the promotion and retention of students.

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(P) I.16.3. Procedures for Student Promotion and Retention for Grades 9-12

Beginning with the ninth grade students who fail a required subject must satisfactorily complete one of the options described in *(P) I.7.8. High School Credit Recovery Options* to demonstrated mastery of the subject matter. A student must have earned six (6) credits to be considered a sophomore, twelve (12) credits to be considered a junior, and eighteen (18) credits to be considered a senior. Twenty-four (24) credits shall be required to graduate and eighteen (18) of the twenty-four (24) credits must be earned during the sophomore, junior and senior years.

Parents/guardians shall receive notification of possible failure for each class in which the student is enrolled. The regular report card and interim report may be used for this notification.

(P) I.16.4. Students with Exceptionalities

State regulations have determined that the IEP (Individual Educational Program) shall be considered the central educational document for all exceptional students. Since an IEP is developed for each exceptional student, decisions regarding the promotion and retention of exceptional students should be based on the completion of goals and objectives stated in the IEP. When an exceptional student is to be considered for retention the IEP Committee and principal or designee will meet to review available information and make any necessary decision regarding promotion and retention.

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(P) I.16.5. Parental/Guardian Right to Appeal

Appeal to the Superintendent:

Parents/guardians who disagree with the decision may appeal the decision to the Superintendent of Schools. This appeal shall be made in writing. Using sound educational reasoning, the parents or guardians must prove in writing why the student should be promoted.

The Superintendent and his/her staff shall review the decision. The review shall include examination of records, conferences with school personnel, and meeting with parents/guardians and students. Within twenty (20) calendar days of receiving the appeal the Superintendent shall inform all parties of his/her decision.

Appeal to the Board of Education:

If the parents/guardians disagree with the decision of the Superintendent they may request a hearing before the Pendleton County Board of Education. If a teacher disagrees with the decision of the Superintendent he/she may request a hearing before the Pendleton County Board of Education. This hearing shall be held within twenty (20) calendar days and must involve parents/guardians, the student, and school personnel. Within twenty (20) calendar days of the completed hearing the Board of Education shall inform all parties of its decision.

(P) I.16.6. Middle School/Repeat High School Credit:

According to SBP 2510 students in 7th and 8th grades who take a high school level course (such as Algebra I) will receive high school credit. As a result, the grade the student receives in this course is transferred and counted in the high school grade average (GPA) and will be shown on all official transcripts. If a failed course is repeated, the student and parents/guardians, in consultation with the Principal and Guidance Counselor may request the replacement of the lower grade with the grade from the repeated course in determining final GPA's. The final decision to allow the replacement grade shall rest with the principal. All courses shall be shown on all official transcripts. A course may only be repeated once under this policy: The following requirements shall also apply:

- ❖ The course must be repeated the following academic year.
- ❖ The next level of the course (i.e. Algebra II) cannot be taken in conjunction with the preceding level (i.e. Algebra I)
- ❖ The level of mastery of the subject matter, as demonstrated by the student, shall be the determining factor in permitting a course to be repeated.
- ❖ Courses may not be repeated if the purpose is to revise the final GPA's.

This policy shall be effective for 7th & 8th Graders with the 2005-2006 School year.

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(P) I.16.8. Light's Retention Scale

Research findings over the last 50 years have consistently indicated that retaining students in a grade has negative rather than positive consequences for the great majority of children. Nevertheless, a number of educators continue to see repeating a grade as a viable option for some pupils. Based upon extensive research studies, Dr. H. Wayne Light has developed a scale which allows principals, teachers, and parents to evaluate the likelihood of retention being beneficial for individual students. Dr. Light's studies in American schools have substantiated that many factors contribute to the failure of certain students in our schools. It is his belief that the causes for some student failures go beyond the individual's level of motivation to meet classroom expectations.

Dr. Light has utilized his findings to develop a list of factors (Light's Retention Scale) which research has shown to have an impact upon student success or failure in the classroom. The following is just a sampling of the factors that may be found in his scale:

- ❖ Age;
- ❖ Language difficulties;
- ❖ Parental support;
- ❖ Mobility of the family; and
- ❖ Maturity level

Additional information concerning Light's Retention Scale may be found by going to any search engine on the internet.

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Amended/Revised: September 20, 2006; August 26, 2008; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.17. Graduation Requirements	Adopted: August 20, 2003 Last Review: March 2018

Effective with the 2018-2019 freshman cohort and thereafter 22 credits shall be required for graduation unless otherwise specified. County boards of education have the authority to increase these requirements for schools in their counties. The Superintendent shall notify the WVDE of any changes in requirements beyond the state requirements.

The courses required for graduation, indicated in Chart IV, require mastery of the WVBE and county board of education approved content standards.

A county board of education must ensure high schools' schedules allow for mastery of the content standards of each course. When developing schedules, the principal and a team of teachers will determine the adequate amount of time necessary to achieve mastery of the approved content standards for each program of study and effectively address the academic needs of all students. If the staff develops a schedule with courses less than 8100 minutes and academic achievement is not at or above state proficiency for a minimum of two years, the school will review and adjust their schedule based on student need and be approved by the local board of education.

State-approved Career Technical Education courses that lead to industry certifications or licenses requiring specific competencies or time-based instruction shall be scheduled no less than ninety consecutive minutes per day equaling one hundred and thirty five hours per course. Counties must consider transportation times to and from county and multi-county CTE centers when developing those schedules.

County boards of education must ensure that students have access to at least four AP® courses annually (at least one from the content areas of English language arts, mathematics, science, and social studies). All AP® courses must have a syllabus approved through the College Board. All AP® course shall be taught by a teacher who has completed the required professional learning (Section 7.5.c.8). Access to AP® courses may also be attained via WVVS AP® courses. Section 5.4.d. requires that grades earned in an AP® course be weighted.

Additional courses not identified in Chart V may be offered to afford students the opportunity to attain mastery of the approved content standards, to broaden and enrich their education, and to support academic and career development. Any elective offering must be based on WVBE approved content standards if available or based on written content standards that are approved by the county board of education.

.Students who do not meet the college- and career-readiness benchmarks (established in conjunction with the WV HEPC) for English language arts and/or mathematics prior to their senior year must enroll in Transition English Language Arts for Seniors and/or Transition Mathematics for Seniors even if they already have the required number of credits in that area. Students may enroll in a higher level course with agreement between the student, his or her parent and/or guardian, and the school.

Students must be enrolled in a mathematics course each year of high school

Students who transfer into a Pendleton County High School where the graduation requirements are higher may not be able to complete these requirements. In such cases, the student's credits shall be evaluated to determine if the county or state superintendent will waive one or more county and/or state requirements.

If a student has been enrolled continuously in grades 9-12, the student shall be expected to meet the graduation requirements that were in effect when s/he entered ninth grade unless amended by WVBE policy.

If a student has enrolled after dropping out of school, the requirements that a student must meet depend upon the length of time he or she has been out of school. If the student has been out of school less than one year, s/he would be expected to complete the graduation requirements that were in effect when he or she entered grade nine for the first time. If the student has been out of school one year or more, he or she would be expected to complete the graduation requirements in effect upon re-enrollment.

Any student who successfully completes a high school level course prior to grade 9 shall receive full credit for that course toward meeting total unit and, if applicable required unit graduation requirements. The student's permanent record for grades 9-12 shall indicate completion of the area of study. See SBP 2510-Assuring Quality of Education: Regulations for Education Programs for additional information.

(SBP 2510)

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(P) I.17.1. Modified/Alternate Diploma

An eligible student with disabilities who has been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional accommodation to meet state and county standard graduation requirements may receive a modified/alternate diploma (in effect through 2020). Students with disabilities receiving modified/alternate diplomas shall be allowed to participate in graduation ceremonies with their same cohort and will continue with special education eligibility services

The State-Defined Alternate Diploma first will be awarded beginning in the 2020-2021 school year. The Alternate Diploma will be available to the 2017-2018 ninth grade cohort. Eligible students with disabilities who have been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional accommodations, to meet state and county standard graduation requirements may receive a state-defined alternate diploma. These students participate in the alternate assessment based on alternate academic achievement standards. The state-defined alternate diploma must be standards-based, be aligned with state requirements for the regular high school diploma and be obtained within the time period for which the state ensures the availability of a free appropriate public education (FAPE).

Institutional Education Programs operated by the WVDE will transfer graduation credits to a county school district for the awarding of the high school diploma. County school systems are required to accept the transferred credit.

The determination of a handicapped student's eligibility for a modified/alternate or standard diploma and the student's progress toward this goal is to be reviewed annually by the IEP review committee. If the IEP review committee believes that the student's progress indicates his/her potential eligibility for a diploma other than the one he/she is currently pursuing, the IEP review committee shall request that an eligibility meeting be conducted to carefully consider the handicapped student's educational needs and program.

The Pendleton County Board of Education shall welcome all students working toward a modified/alternate diploma as participants in graduation ceremonies with their same grade classmates. Students opting to participate in the graduation ceremonies may continue to receive special education eligibility services following the ceremony until age 21.

See SBP 2419-Education of Students with Exceptionalities and SBP 2510-Assuring Quality of Education: Regulations for Education Programs for additional information.

(SBP 2419 and 2510)

(P) I.17.2. Early Graduation Requirements

Attendance for all four years during grades 9-12 is important to attain full benefit from the educational programs offered in the schools of Pendleton County. Therefore, all students shall be scheduled for the full school day for all four years. Exceptions may be made by the Pendleton County Board of Education to accommodate placement into college courses, advanced vocational/technical programs, participation in the WV Virtual School, or for other compelling circumstances. See (P) S.6.13. *Individual Exception to Four-Year Attendance Requirement* for complete details of this procedure.

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(P) I.17.3. Correspondence Courses

Pendleton County High School students are expected to develop schedules from the available class offerings. An exception may be made for a student to earn credit from a correspondence school for areas of study which are identified in the program of studies in SBP 2510 and which are not available at the local school. The correspondence school must be authorized to operate in West Virginia. The following guidelines need to be implemented and followed:

- ❖ All failed classes are to be repeated within one year from the class offered at the school.
- ❖ A committee at Pendleton County High School will determine a student's need to take a particular correspondence class for credit at that school. Classes will only be allowed from an accredited school. The county Director of Curriculum and Instruction will provide a list of such schools to the high school yearly. Requests from students to this committee must be made prior to the beginning of the semester in which the credit will be sought. Members of the committee must include the principal, the guidance counselor, the Faculty Senate President, and at least two other faculty members.
- ❖ Once permission is granted for a correspondence class, the student is expected to take that class during the immediate semester or summer. Students not completing all required work on a correspondence class during their senior year by May 1st cannot use that course for credit toward their graduation requirements for that year.

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(P) I.17.4. West Virginia Virtual School

The West Virginia Virtual School, as per W. Va. Code §18-2E-9, was created to assure consistent high quality education for West Virginia students while utilizing technology delivered courses. In order for students to receive credit for an online or virtual course, he/she must be enrolled as a full or part-time student in a West Virginia public school.

To ensure student success as productive citizens upon exiting juvenile facilities, students must be provided with marketable job skills equal to those in nonresidential settings. Personalized learning options for students enrolled in Office of Institutional Education Programs (hereinafter OIEP) schools are intended to be rigorous in delivery yet flexible in terms of graduation requirements. Career Integrated Experiential Learning (hereinafter CIEL) is a CTE concentration that provides opportunities for students to test for multiple nationally recognized certifications while earning credit for relevant job-readiness skills, helping students to be career- and college-ready. CIEL can only be initiated at the OIEP schools. CIEL concentration credits will transfer to the receiving high school allowing for the continued enrollment for concentration and graduation credit for those who are unable to complete the concentration while in the juvenile setting. These CTE courses may be delivered in a traditional classroom setting or a virtual environment.

West Virginia Virtual School Options – With the appropriate approval, the WVVS may provide additional course options to be taken through distance learning that will support the alternative delivery settings described in this section.

Course Approval:

- ❖ Online or virtual courses offered for public school credit shall be approved by the WVDE. In order for students to receive credit for online or virtual courses, a county superintendent or designee shall verify that courses and providers are WVDE approved.
- ❖ Online or virtual course content will be reviewed for correlation with the current WVBE content standards. Courses shall include appropriate instructional materials. These materials are exempt from the mandatory primary source materials listed on the state multiple list.
- ❖ Course providers will adhere to the state and federal privacy regulations regarding students.

Responsibilities:

- ❖ The county superintendent shall designate a WVVS contact at the school level that will be responsible for registering students. Any costs incurred by the Virtual School contact are the responsibility of the local educational agency.

- ❖ Each school is responsible for monitoring student progress and posting student final grades to WVEIS.
- ❖ Each school is responsible for providing onsite technology and support to any student enrolled in a virtual or online course.
- ❖ The WVVS will provide a highly qualified, certified online teacher for the course.

Funding:

- ❖ The WVVS shall provide funding for online and virtual courses based on legislative appropriations.
- ❖ Funding for online or virtual courses and associated materials may be provided through the school systems instructional budgets or grant awards.
- ❖ The district or the parent/guardian will be responsible for the tuition for the selected online or virtual course(s) if legislative funding has been expended, the course is taken during the summer, or the student has previously taken the same course.
(WVC§18-2-5; §18-2E-9; SBP 2510)

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(P) I.17.5. Honors and Advanced Placement Courses

Advance Placement® courses are college-level courses offered in high school that provide students the opportunity to earn credit or advance standing at most of the nation's colleges and universities.

County boards of education must ensure that students have access to at least four AP® courses annually (at least one from the core content areas of English language arts, mathematics, science, and social studies). All AP® courses must have a syllabus approved through the College Board. All AP® course shall be taught by a teacher who has completed the required professional learning (Section 7.5.c.8). Access to AP® courses may also be attained via West Virginia Virtual School AP® courses. Section 5.4.d. requires that grades earned in an AP® course be weighted.

Effective 2012-13, all AP® course shall be taught by a teacher who has completed the required professional development (Section 7.5.c 8 of SBP 2510.). Effective 2012-2013 the Board shall also:

- ❖ Ensure that all secondary teachers who teach College Board AP® courses shall have completed the required professional development. This professional development consists of: Advanced Placement® Summer Institute (APSI) delivered through the West Virginia Center for Professional Development (CPD) or other College Board endorsed APSI.
- ❖ Teachers of AP® courses must attend an APSI once every three years after completing the initial APSI. Teachers of AP® courses may also meet the requirement for attendance at the APSI by holding the Advanced Placement® credentials outlined in W. Va. 126CSR136 WVBE Policy 5202: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification.
- ❖ Ensure that an administrator from the high school shall attend a CPD College Board endorsed AP® related workshop once every two years; and
- ❖ Ensure that all AP coordinators shall attend an AP Coordinator's workshop annually

Pursuant to WVC §18-2E-3a, Pendleton County shall provide Advanced Placement and Honors courses for grades 9-12 as appropriate to meet student needs. The purpose of these programs is to meet the needs of students who have the potential and desire to complete a curriculum more demanding than that offered in the regular classroom for their current grade level.

The Honors and Advance Placement Committee shall determine which courses will be offered at the honors level. The committee shall consist of the Superintendent (or designee), the high school principal, a counselor and a faculty representative. The committee shall meet annually to review the honors offerings.

Honors course offerings shall be based on the high school schedule, and enrollment is the option of each student. Students shall be informed of which courses are Honors courses, be given a detailed syllabus and assignment/expectation sheet so they may make an informed decision.

Honors courses will be those which exceed the regular graduation requirements and exceed the minimum requirements for college admission. The Honors and Advanced Placement courses shall be designated as advanced in the WVEIS system and enrolled students will receive an additional quality point for grades earned in these courses.

Weighted course grading scale:

Average	Grade	Quality Points
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	0

(WVC §18-2E-3a and SBP 2510)

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(P) I.17.6. Senior Class Ranking

Pendleton County High School shall include in its handbook a description of the methods that have traditionally been used to rank members of the senior classes for recognition purposes. This procedure may not be changed without securing permission from the Board of Education prior to July 1 preceding the beginning of the senior year of the class involved.

The Valedictory and Salutatory Honors for Pendleton County High School for the classes of 2010-2012 will be awarded to the students achieving the highest percentage average through their seventh semester of work. These percentages will include an additional three percentage points added to the grade of each Honors course completed.

Beginning with the class of 2013, these graduation honors will be awarded to the students accumulating the highest total number of quality points for grades 9-12 and 8th grade courses taken for high school credit.

The percentage average and quality point totals in both instances will be calculated for the top 10 students according to WVEIS GPA ranking by the counselor, principal and faculty senate president to ensure accuracy. For all other purposes, such as college applications, scholarship committees, etc., the WVEIS GPA will be used.

(P) I.17.7. Board of Education Honors Certificate (Repealed September 20, 2006)

(P) I.17.8. Senior Names and Addresses to Armed Forces Recruiters

Pursuant to federal law, 20 U.S.C. § 7908, and 10 U.S.C. § 503, all county boards of education are required to provide military recruiters, upon request, with the names addresses and telephone listings of secondary school students unless the parents/guardians have advised the county board of education that they do not want their students' information disclosed without prior written consent as set forth in Section 126-94-23.

The Pendleton County Board of Education shall provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

(SBP 4350) [Link to SBP 4350-Collection, Maintenance and Disclosure of Student Data](#)

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(P) I.17.9. High School Diplomas for surviving World War II, Korean Conflict, and Vietnam Conflict veterans

Following procedures outlined in SBP 4355, the Pendleton County Board of Education shall, as appropriate, award a high school diploma to surviving veterans of World War II, the Korean War, or the Vietnam Conflict, who:

- ❖ Left school prior to graduation and served in the armed forces;
- ❖ Did not receive a high school diploma;
- ❖ Was discharged from the armed services under honorable conditions; and
- ❖ Completes the necessary application as required by the joint rules of the State Board of Education and the Veteran's Council.

A diploma shall be awarded by the county board in the county in which the veteran resides or in the county in which the veteran would have received his or her diploma, whichever location the veteran chooses.

To qualify as an eligible veteran a person must meet one of the following definitions of eligible veteran:

- ❖ World War II veterans must have served between 9/16/40 and 12/31/46;
- ❖ Korean veterans must have served between 6/27/50 and 1/31/55; and
- ❖ Vietnam veterans must have served between 2/28/61 and 5/07/75.

Application:

The West Virginia Department of Veterans Assistance will notify veterans of World War II, the Korean War and the Vietnam Conflict of the availability of the diploma for veterans. This notification will include the application form to receive such diplomas, as designated by the West Virginia Board of Education and the West Virginia Department of Veterans Assistance.

This application shall include:

- ❖ The veteran's military service and personal information;
- ❖ High school information including the name of the high school attended and the county in which it is located, the years attended high school, the year left high school to enter the service, and the year that would have been the graduation year; and
- ❖ The veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

The veteran will return the completed application form to the Secretary of the West Virginia Department of Veterans Assistance. Upon verifying the application, the Secretary of the West Virginia Department of Veterans Assistance will forward the application to the West Virginia Department of Education.

The West Virginia Department of Education staff will notify the appropriated county of the veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

The Pendleton County Board of Education will partner with a local Veterans Assistance Office or other veterans' organization to provide appropriate ceremonies for veterans receiving this diploma. These ceremonies may be held as part of the county's high school graduation ceremony or as a separate ceremony. The diploma to be awarded to veterans through this program is the awarding county's standard diploma.

(WVC §18-2-34; SBP 4355 – High School Diploma for Veterans)

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(P) I.17.10. CTE Embedded Credit Opportunities

The purpose of this policy is to establish procedures for the awarding of embedded credits at the secondary level in Pendleton County as authorized by SBP 2510, Section 5.4.G.2. Pendleton County students who are enrolled in CTE courses at the South Branch Career and Technical Center and who master the approved content standards for a credit in a high school course that is embedded within a CTE course may receive credit for both courses.

By implementing embedded credit courses, students in Pendleton County will (1) have continued opportunities to complete both a rigorous academic and career/technical education courses and (2) be prepared for college and a career by improving their opportunities to achieve a broader education. The

intent is not to shorten the high school experience but to provide the opportunity for students to participate in advanced academic and/or career/technical education courses without having to choose one over the other.

All proposals for offering embedded credit shall be approved by the school administrators and submitted to the Superintendent's Office for review and presentation to the County Board for its approval.

The CTE Embedded Credit policy and subsequent changes to it shall be placed on public comment for 20 days prior to Pendleton County Board of Education approval.

Definitions

Embedded Credit Course—Incorporates content standards and objectives from one credit bearing high school course into another (host) course and allows student to earn credit in both.

Embedded Credit—The approved content standards and objectives for a credit bearing high school course that are embedded within a second course to receive credit for both courses. Embedded credit does not allow for two courses in the same content area (e.g. Mast III RT and Math IVTR) to be embedded into one course.

Approved Pendleton County Embedded Credit Courses List

Determining Embedded Credit

- ❖ The teachers of both content areas shall determine the alignment of the content standards and objectives for both content areas.
- ❖ The alignment must show a minimum of 80% content alignment for each program requesting embedded credit.
- ❖ For the content area that will issue the embedded credit, the alignment review shall determine how gaps in standards or objectives will be addressed to ensure students have ample opportunities to demonstrate competency in both content areas.
- ❖ If the alignment process clearly shows that particular objectives in the academic course would not be met in the CTE class, the plan must show how the CTE teacher will work with the academic teacher to develop appropriate assignments and assessments to close those gaps.
- ❖ In some cases, the alignment process may show that only a portion of a credit will be earned through the embedded course and that the student will need to complete the rest of the credit through content-specific units/lessons taught by the academic content teacher in a manner defined in the plan (e.g. online module, etc.)
- ❖ Students will receive instruction from highly quality teachers which will allow them to work toward mastery of 100% of the content standards and objectives for all embedded credit courses approved by the Pendleton County Board and submitted to the WVBE for approval.
- ❖ The teacher of record for the embedded credit shall be fully certified in the subject area.

Delivery of Content for Approved Embedded Courses

Course competencies may be integrated into class time or they may be addressed through additional time allotted for pull-out instruction, homework, extended projects, experiential learning, etc.

Embedded Credit Assessment

The manner of assessment shall be determined by the instructors of both classes and it shall be included in the plan submitted to the Board. Assessment methods may include but not limited to: end-of-course assessment, portfolios, projects, research or other methods agreed upon by the instructors.

Grade 11 students who participate in an embedded credit course that contains content that is assessed by the statewide assessment process shall participate in the state assessment process.

When will Embedded Credit be Awarded

The credit will be awarded when the student has fulfilled the agreed upon content standards and objective and has demonstrated mastery of those standards and objectives. In some cases, credit may be earned at the end of a particular course and in some cases the student may have to complete multiple courses such as CTE concentrations to achieve mastery of the standards and objectives. Whatever the timeline, it should be understood by the student from the onset of the plan developed by the teachers.

Beginning with the 2016-2017 school year and beyond, embedded credit may not be transcribed for Transition Math for Seniors or Transition English for Seniors until after the 11th Grade WVGSA is taken and results are known for CCR benchmarks.

- ❖ If student achieves the benchmark—credit may be transcribed.
- ❖ If student does not achieve the benchmark.
 - Credit may not be transcribed for the Transition Course.
 - Student must be enrolled in Transition Course during senior year or in a higher level course and retake the WVGSA at the end of the course.

Limitation on Embedded Credit

Pendleton County students may not earn more than two (2) units of the required graduation credits through embedded credit.

Provisions for Recovering a Traditional Credit

In the event the embedded credit is not earned, is not accepted by post-secondary institutions, is not accepted by scholarship boards, etc., the student may exercise his/her right to recover a “traditional credit” by following the guidelines established in File: *(P) I.7.4. High School Credit Recovery Options*.

The Pendleton County Board of Education retains the prerogative to withdraw embedded credit approval based upon assessment results or other exigent circumstances.

Communication with Parents and Students

The Superintendent's Office shall assume the responsibility to develop a communication vehicle to keep parents and students well informed regarding any initiative to include embedded credit opportunities in Pendleton County. That vehicle may be online information, written communication with the home, an open house at the South Branch Career/Technical Center, etc.

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Embedded Credit---Content Standards and Objective Alignment Matrix

**West Virginia Board of Education
Approval of County Embedded Credit Policy**

Official request for approval by West Virginia Board of Education (WVBE) for Pendleton County's Embedded Credit Policy per WVBE Policy 2510, 5.4.f.1.B.

Pages two through five of this document provide guidance for policy development as well as the template for determining alignment of content for the courses for which embedded credit will be offered.

All local policies and required attachments must be submitted to the West Virginia Department of Education on or before April 7 if embedded credit will be awarded during the following school year. Upon approval by the WVBE, the local policy will not need to be resubmitted unless additional courses are identified for embedded credit or the local policy undergoes significant revision.

County Contact Person: Charles Hedrick Business Phone: (304) 358-2207 E-mail: cfhedric@k12.wv.us

County Office Mailing Address: P.O. Box 888, Franklin, WV 26807

The policy was placed on a public comment period from _____ to _____.

The policy was approved by the _____ County Board of Education on _____.

- Please attach electronic copy of official board agenda and minutes for which the embedded credit was approved
- Please attach electronic copy of embedded credit policy
- Please attach electronic copy of completed content alignment documents provided (see page 5 of this document)

Name and Title of Person Submitting Policy: _____ Date _____

Submit this form and required attachments to: Betty Jo Jordan, Executive Assistant to the State Superintendent at bjjordan@k12.wv.us

02-02-15

(P) I.17.12. Posthumous High School Diplomas

Notwithstanding any provision of this code to the contrary, the state board shall provide for the awarding of a high school diploma to a deceased student, at the request of the parent, guardian or custodian, if the student:

- ❖ Was enrolled in a public school in this state at the time of death;
- ❖ Was academically eligible, or on track to complete the requirements for graduation at the time of death; and
- ❖ Died after the completion of the eleventh grade school year.

(WVC §18-2-32)

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Amended/Revised: June 1, 2004; October 4, 2004; October 19, 2005; September 20, 2006; September 25, 2007; August 26, 2008; February 9, 2010; October 18, 2011; August 21, 2012; October 9, 2014; April 7, 2015; September 1, 2015; September 6, 2016; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
I. INSTRUCTION	Last Review:
File: I.18. West Virginia Measures of Academic Progress	March 2018

The Pendleton County Board of Education shares the concern of the West Virginia Board of Education for the quality of educational programs in the schools; therefore, it shall be the policy of this Board to comply with all State Department of Education regulations regarding the assessment of student growth and progress. All assessment data shall be used to improve the educational program for individual students, individual schools, specific programs of study, and the county education program as a whole.

The Pendleton County Board of Education adopts as its official policy the current provisions of *SBP 2340-West Virginia Measures of Academic Progress* as the task of measuring student progress goes forward.

West Virginia Code and State Board of Education policies make no provisions for parents and students to opt out of the state mandated academic assessment process. Likewise, the West Virginia Code does not give county boards of education the discretionary authority to allow students to opt out of the state assessment process; therefore, the Pendleton County Board of Education will not permit enrolled students who are designated to be assessed to opt out of any portion of the annual state testing program. Permitting students to opt out of this process would deny Pendleton County Schools the data required to make sound decisions about its instructional program.

The length of, SBP 2340, West Virginia Measures of Academic Progress (WV-MAP), makes it impractical to include it in its entirety here; therefore, Central Office Supervisors, principals, teachers, counselors, test examiners, secretaries and other interested parties are directed to the State Board website by following the above link to obtain the information required to implement this policy.

The following is a list of topics to be found in SBP 2340 which should assist the reader in his/her research of this policy: Follow this link: [SBP 2340, West Virginia Measures of Academic Progress](#)

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(WVC §18-2-5, §18-2E-1, §18-2E-1a, §18-2E-2, §18-2E-8c(1), §18A-3-6; SBP 2320; SBP 2340; SBP 2510)

(P) I.18.1. Testing Out Program for Students

Pursuant to SBP 2510, Section 5.4.g.4. Pendleton County Schools offer students eligible for high school credit the opportunity to obtain such credit through tested mastery of the content standards associated with successful completion of a course for which at least 8100 minutes of instructional time per unit of

credit (or at least 4050 minutes per ½ unit) have been scheduled or otherwise approved by the WV Virtual School. Educators who are appropriately credential shall develop the tests, and the tests must be approved by the State Department of Education.

The intent of the “testing out” option is to give students time to pursue higher-level studies if they have already mastered prerequisite knowledge and skills. A student who tests out of an area of study is expected to complete 24 additional units in grades 9-12.

Students interested in "testing out" must submit a completed application to their guidance office by February 1 of the year preceding the school year during which they wish to test out of a course. To be eligible to make application for "testing out" a student must meet the following criteria:

- ❖ Achieved or be carrying a 93% (A) grade average in the most recent course (same subject area) enrolled in and/or completed;
- ❖ Score at or above the 85th percentile in Total Basic Skills in the most recent Norm Referenced Test; and
- ❖ Score at or above the 85th percentile in Total subtest in the most recent Norm Referenced Test for which mastery testing is requested.

Students who have completed the application process and met the minimum criteria will then take the exam at the appointed time and location. The scope of the test will reflect the totality of the state and local content standards and objectives for the course credit to be awarded. The test will provide students an appropriate opportunity to demonstrate mastery of the entire course through a variety of types of questions, a range of levels of questions, and performance-based methods appropriate to the discipline.

Students who achieve a 90% level of mastery or above will receive credit for the course and the score will be recorded on his/her transcript. Results of the exam will be forwarded to Pendleton County High School and shall be used in scheduling the student for the next level of instruction. Students who are not successful (score below 90% mastery) may elect, with parental consent, enroll in the course for credit, or they may attempt to “test out” at a later time. Link to [SBP 2510-Assuring the Quality of Education: Regulations for Education Programs](#).

(SBP 2510, Section 5.6.8.)

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Amended/Revised: October 4, 2004; August 26, 2008; October 18, 2011; February 4, 2014;
October 9, 2014; September 6, 2016; WVDE July 16, 2018

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.19. Performance Based Accreditation System	Adopted: August 20, 2003 Last Review: March 2018

SBP 2320- A Process for Improving Education: Performance Based Accreditation System was repealed in 2017.

Awaiting new guidelines from the State Board of Education.

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.20. District Strategic Improvement Plan****Adopted: August 20, 2003****Last Review:****March 2018**

Pursuant to State Board policy and State Codes and State Board Policies, the Pendleton County Board of Education, shall develop and implement a District Strategic Plan that contains procedures and activities to strengthen the district education program in order to increase student achievement and positively impact other student outcomes. The District Strategic Plan addresses the areas in the West Virginia Grants and Planning System (WVGPS) online platform:

- 1) core beliefs and mission;
- 2) improvement goals;
- 3) a plan that includes performance measures, strategies, action, steps and professional learning;
- 4) a system for monitoring and supporting the implementation and effectiveness of activities;
- 5) an evaluation process; and
- 6) West Virginia Support for Improving Professional Practice (WVSIPP).

The District Strategic Plan shall: be prepared through a collaborative process by the District Leadership Team; be facilitated by the superintendent or appointed designees; and be based on a comprehensive needs assessment, which includes relevant district-wide data. The leadership team includes members who have the expertise to examine district-wide practices, analyze student performance data, and determine effective improvement strategies. The team shall incorporate information from School Strategic Plans and various stakeholders.

The District Strategic Plan shall be completed by July 1 of each year, for the upcoming academic year, shall be monitored and adjusted throughout the academic year as needed, and shall be revised annually as indicated by changes in student performance data and other information such as monitoring reports, accreditation results, or changes in school conditions.

District Strategic Plans shall be based on needs identified in School Strategic Plans.

Pendleton County shall utilize the State Department's District Strategic Improvement Plan boilerplate designed for use by all schools systems that incorporates all required aspects and satisfies all improvement requirements of the *Every Student Succeeds Act* or subsequent federal law.

District Leadership Team

The Pendleton County Board is required to have a District Leadership Team which is responsible for supporting the continuous improvement of all schools and for identifying targeted support and assistance to the schools falling below acceptable performance. The District Leadership Team members are appointed by the county superintendent, comprised of school and district staff and may include such individuals as distinguished teachers, distinguished principals, special education professionals, Title I professionals, WVDE professional, curriculum and instruction professionals, technology integration specialists, and/or data analysis professionals.

The District Leadership Team shall have the following responsibilities:

- ❖ County-wide student performance data is utilized to determine trends and priorities for improvement. This data may include local, state, and national summative and formative achievement data including attendance data, early warning indicators, graduation rates, discipline trends, and College- and Career-Readiness Progress measures; and
- ❖ Make recommendations for district-wide improvement priorities and school-specific support, including assistance for schools falling below acceptable standards of performance as identified in needs assessment and strategic planning at the school level; and
- ❖ Collaborate with parents, community stakeholders, school staff, county staff and School Leadership Teams in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address district-wide identified improvement needs, and specifically, student learning needs; and

- ❖ Utilize the West Virginia Standards for High-Quality Schools, as stated in W. Va. 126CSR12, WVBE Policy 2322, Standards for High Quality Schools (Policy 2322), as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment; and
 - ❖ Review agency monitoring reports relevant to improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, technology integration issues, and any other reports the District Leadership Team finds helpful to inform deliberation and decision-making; and
 - ❖ Make additional recommendations concerning assistance needed by the individual school or areas considered as district priorities.
- (WVC §18-2E-5(b); SBP 2510)**

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Amended/Revised: June 1, 2004; October 4, 2004; September 25, 2007; October 1, 2013;
September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.21. School Strategic Improvement Plan	Adopted: August 20, 2003 Last Review: March 2018

Each school shall develop a School Strategic Improvement Plan. The School Strategic Plan outlines strategies and processes the school will implement to improve student performance and address student needs. The School Strategic Plan adheres to the following criteria:

The plan is prepared through a collaborative process by a school leadership team, facilitated by the principal and shall be based upon a comprehensive needs assessment which includes relevant school wide data..

The plan addresses the areas in the WVGPS online platform: 1) core beliefs and mission, 2) improvement goals, 3) a work plan that includes performance measures, strategies, action steps and professional learning, 4) a system for monitoring and supporting the implementation and effectiveness of activities, and 5) an evaluation process.

The plan is predicated on the establishment of high expectations for performance of all students and staff in the school.

School Strategic Plans shall be completed prior to the closing of the preceding academic year for the following academic year and should be monitored and adjusted throughout the school year as needed and be revised annually as indicated by changes in student performance data and/or other information such as monitoring reports, accreditation results, or changes in school conditions.

Pendleton County schools shall utilize the State Department's School Strategic Improvement Plan boilerplate designed for use by all schools systems that incorporates all required aspects and satisfies all improvement requirements of the *Every Student Succeeds Act* or subsequent federal law.

School Leadership Team

The leadership team includes members who have the expertise to examine school-wide and classroom practices, analyze student performance data, and determine effective improvement strategies. The team incorporates information from various stakeholders and other school committees and teams.

The Leadership Team shall have the following responsibilities:

- ❖ Analyze student performance data appropriate to the programmatic level of the school to determine trends and priorities for improvement. This data may include local, state, and national summative and formative achievement data including, attendance data, student grades, early warning indicators, graduation rates, discipline trends, and College and Career Ready Progress measures;
- ❖ Utilize the standards in Policy 2322 as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment;
- ❖ Review agency monitoring reports relevant to school improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, and any other reports the School Leadership Team finds helpful to inform deliberation and decision-making;
- ❖ Collaborate with parents, community stakeholders, school staff, county staff and the District Leadership Team in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address identified school improvement needs, and specifically, student learning needs and;
- ❖ Make additional recommendations to the District Leadership Team concerning additional assistance that is needed for the school.

- ❖ Schools will be selected to receive technical assistance based upon their status with regard to the measures set forth in West Virginia's approved Accountability and Accreditation System.
(WVC § 18-2E-5(b); SBP 2510)

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Amended/Revised: June 1, 2004; October 4, 2004; September 25, 2007; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.21.1. West Virginia System of Support and Accountability	Adopted: July 16, 2018 Last Review:

The Pendleton County Board of Education adopts the current provisions of SBP 2322 - West Virginia System of Support and Accountability to be used by the Superintendent and Staff and local school administrations as a valuable resource in the development of District and School Strategic Improvement Plans.

This rule establishes an accountability system for West Virginia public schools and counties that presents a coherent and aligned set of expectations necessary to transform schools and counties into outcome-focused, innovative, and accountable learning organizations that prepare all students for college and career.

The following is a list of topics to be found in SBP 2322 which should assist the reader in his/her research of this policy: Follow this link to : [SBP 2322, West Virginia System of Support and Accountability.](#)

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Amended/Revised: September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.22. Community and Adult Education Programs	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County School System holds as one of its objectives the providing of adult/community education. These activities include those that meet the specific and general needs of the community it serves.

Funds accruing from tuition received for such adult education classes and programs shall be credited to adult education in the current expense fund for the Pendleton County Board of Education.

Tuition fees may not exceed the actual costs of operation of such programs.

State guidelines may be found at the following links: [SBP 2420-Adult Education](#) and [SBP 2510-Assuring the Quality of Education: Regulations for Education Programs](#).

(WVC §18-5-19b; SBP 2420 and 2510)

(P) I.22.1. Community Education Programs

The adult education curriculum is based upon the special interests and needs of the community's adults and strives to meet the community's needs. This program encompasses a large and diverse area of classes ranging from agriculture, homemaking, to computer skills.

Persons who have graduated from high school or are sixteen years of age and dropped out of school are considered eligible to attend adult education classes. Instructors contracted for the term of the class and/or program being offered shall conduct classes.

(P) I.22.2. Adult Basic Education (ABE)

The adult basic education program includes such fundamental classes as reading, math, and a curriculum specifically oriented to assist those individuals striving to achieve a high school diploma via the high school equivalency exam. The main focus of the program will be to assist adult learners to improve in fundamental skills that:

- ❖ Support their educational needs;
- ❖ Enhance existing strengths;
- ❖ Enable them to function more effectively in their roles as workers, parents and citizens, and
- ❖ Prepare them for further education or training.

Adults with special learning needs will be identified and provided with appropriate accommodations for learning. The program will also emphasize the use of technology as an instructional tool and a learning skill.

(P) 1.22.3. Adult Career-Technical Programs

Career-technical facilities staff shall actively recruit adults, especially from targeted groups such as veterans, economically disadvantaged and single parents. Potential adult clients shall be offered assessment, remediation, and counseling and placement services as components of the adult program.

Adults shall be included in the secondary career-technical programs when daytime schedules and enrollments permit. Adult training programs should also be offered in viable occupational areas. Adult completers of a career-technical program who do not possess a high school diploma or a GED diploma may not be issued a Certificate of Completion.

Adult Education Programs are designed to meet the education, employment and training, economic, civic, cultural, social, and recreational needs of adults in the community served by public schools. These programs of study are offered by county boards of education, community-based or organizations as outlined in W. Va. 126CSR57, WVBE Policy 2420: Guidelines for Compliance with Adult Education Programs and Computation for Adults Enrolled Under the School Aid Formula, Adults in Net Enrollment.

(P) I.22.4. High School Equivalency Diploma and Option Pathway

The purpose of the State of West Virginia High School Equivalency Diploma is to recognize individuals who demonstrate attainment of academic skills equivalent to those skills required to graduate from a West Virginia high school demonstrated by satisfactorily passing the high school equivalency assessment (HSEA) approved by the West Virginia Department of Education (WVDE).

The purpose of the Option Pathway, which is a blend of Career Technical Education (CTE) and the WVDE approved HSEA, is to provide an opportunity for at-risk students to stay in school and graduate with a standard high school diploma.

The WVDE approved HSEA corresponds to the performance standards reflected at the national and state levels, and demonstrates the attainment of developed abilities acquired through completion of a four-year high school program of study.

The Pendleton County Board of Education adopts the current provisions of SBP 2444.4-Issuance of the State of West Virginia High School Equivalency Diploma and Option Pathway as its official policy for implementing this alternative program for the youth of Preston County. School employees and other interested parties may find detailed information by accessing [SBP 2444.4-Issuance of the State of West Virginia High School Equivalency Diploma and Option Pathway](#) on the West Virginia Department of Education website.

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(WVC §18-5-19c and SBP 2444.4: Issuance of the State of West Virginia High School Equivalency Diploma and Option Pathway

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Amended/Revised: October 4, 2004; October 19, 2005; August 26, 2008; September 6, 2011;
October 1, 2013; WVDE July 16, 2018

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.23. Commencement Exercises****Adopted: August 21, 2012****Last Reviewed:****March 2018**

The Board of Education and Administration shall annually plan and hold a commencement exercise for those members of the senior class who have met the academic requirements established by the State Board of Education and Pendleton County Schools. Foreign exchange students may participate in graduation exercises and receive a certificate of attendance.

Student attendance is optional and up to the discretion of the student and his/her parent(s) or legal guardian(s). If a student does not attend graduation exercises, the diploma should be sent to the Superintendent of Schools. The student may then obtain the diploma from the Superintendent after the school has completed graduation exercises.

Participation in Commencement Exercises is a privilege, which can be denied in those instances where a student's behavior has led to a suspension from school, the duration of which will extend beyond the date of the Commencement Exercises. Behaviors which may lead to such a suspension include but are not limited to the following:

- ❖ Disruptive/Disrespectful Conduct
- ❖ Insubordination
- ❖ Defacing School Property/Vandalism
- ❖ False Fire Alarm
- ❖ Threat of Injury/Assault Against Employees or Students
- ❖ Trespassing or Unauthorized Entry of School Facilities
- ❖ Illegal Substance Related Behaviors

State Board of Education Policy 4373 declares that students may not participate in any school-sponsored activities, ride a school bus, or be permitted on school grounds during the period of suspension without permission of school officials. Therefore, students may be denied the opportunity to "walk" owing to disciplinary issues.

Additionally, students and non-students who trespass or who are guilty of unauthorized entry of school facilities or who vandalized school buildings and property may be subject to criminal penalties for their actions. Underclass students who may participate in the foregoing activities shall be subject to school discipline as prescribed by SBP 4373 and/or criminal penalties.

School employees who in any way are involved in the unauthorized student activities listed above shall be subject to disciplinary measures as provided in (P) P.8.7. *Suspension and Dismissal*.

(WVC §18A-2-6; §18A-2-7; §18A-2-8; SBP 4373)

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Amended/Revised:

State Board of Education Policies 2320, 2510 and 5310 require each teacher to develop and utilize written lesson plans that are based on approved content standards and objectives. Lesson plans shall be prepared in advance and the principal shall review and comment on them a minimum of once each quarter and s/he shall provide written feedback to the teacher as necessary to improve instruction.

The daily plans are subject to additional review at the discretion of the building principal or Central Office Supervisor.

Rationale for Lesson Planning

The Board and administrative staff of the school system believe good written lesson plans help the teacher to:

- ❖ provide a long-rang perspective of the program;
- ❖ focus on the content standards and objectives for each lesson;
- ❖ identify the concepts to be taught;
- ❖ identify the procedures and methods to be utilized to engage the students in the instructional process;
- ❖ identify the means of assessing student mastery of the CSOs;
- ❖ adjust teaching strategies as a result of assessment of student mastery of subject matter;
- ❖ identify appropriate instructional materials and technology resources correlated with content standards, objectives and performance descriptors;
- ❖ provided for self-assessment of the effectiveness of each lesson; and
- ❖ supply tangible evidence of teacher preparation; and provide needed direction for substitute teachers.

Unit Lesson Plans

Unit Lesson Plans are the means by which the instructor defines the scope and parameters of the next several lessons which will be focused upon the attainment of identified Content Standards and Objectives within a given topic or set of topics. Unit goals should be clearly stated and a tentative time line should be established for achieving those goals. Evaluation procedures should be established as a part of the unit plan so that both student and teacher will be fully informed about the expectations for the class. Unit Lesson Plans will remain in the teacher's classroom at a location designated by the building principal.

Daily Lesson Plans

Daily Lesson Plans are essential to effective teaching. These plans should clearly state the objectives to be achieved each day, specific learning targets to be achieved within the objectives, the teaching strategy or activities to be used in achieving those objectives, summary activities and the materials necessary to present the lesson. Evaluation procedures should be included as a part of the daily plan as appropriate.

Weekly lesson plans are required to be submitted by the first operational day of each school week.

Recognizing that technology is an important part of the modern classroom, the "plan book" may be either a hard copy or it may be a computer generated document. Should the teacher opt for a digital "plan book", s/he shall e-mail a copy of the weekly lesson plan to the principal in order that a copy may be printed for those times when a substitute teacher is required. Principals may request a copy of hard copy lesson plans for their files.

- ❖ For the purpose of evaluation, classroom teachers may not be required to include in lesson plans any of the following: teach/reteach strategies; write to learn activities; cultural diversity; color coding; or any other similar items which are not required to serve as a guide to the teacher or substitute for daily instruction.
- ❖ Classroom teachers cannot be required to post their lesson plans on the Internet or otherwise make them available to students and parents. However, teachers may voluntarily post material on the Internet.

Emergency Day Plans

All teachers shall have on file in the principal's office a two-day emergency lesson plan for those times when an unexpected circumstance causes a disruption in the normal classroom activities.

Detailed Lesson Plans for

Teachers who are chaperoning an out of state field trip shall examine their daily lesson plans for the date(s) of the field trip and elaborate upon them as needed to assure that the substitute provided for them will be adequately informed about the planned activities. In addition, arrangements for special materials and equipment required to fulfill the lesson plan shall be in place in the classroom prior to that date.

A copy of the plan shall be submitted to the principal along with the travel request for the field trip. A second copy of the plan shall be left on the teacher's desk for the convenience of the substitute.

(SBP 2320; SBP 2510; SBP 5310)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.25. School Calendar	Adopted: October 1, 2013 Last Reviewed: March 2018

Effective with the 2014-2015 school term, the Pendleton County Board of Education adopts the current provisions of SBP 3234-*School Calendar* as its official policy for developing the annual school calendar.

The Superintendent or designee, at his/her discretion, may appoint a committee to assist with the gathering of information and the writing of a school calendar(s) for the Board's consideration. Drafts of the proposed calendar shall be distributed to the various work locations where they may be reviewed by all employees and students. Drafts of proposed calendars will also be available to the public at the County Office and on the Board's website. School employees, students and the general public may comment on the proposed calendars during the 20 day comment period provided prior to the adoption or amendment of any board policies.

Prior to voting on a final school calendar, each county board must hold at least two public hearings that allow all interested parties to discuss the school calendar.

Pursuant to W. Va. Code §18-5-45, public notices of the hearings must be published as a Class II legal advertisement in accordance with the provisions of W. Va. Code §59-3-1 et seq. Also, pursuant to W. Va. Code §18-5-45(k), prior to implementing the school calendar, county boards shall secure approval of its proposed calendar from the WVBE.

Pendleton County Schools shall continue to cooperate with the Grant and Hardy County Schools to develop a tri-county school calendar which minimizes the number of days students miss classes at the South Branch Career and Technical Center owing to inclement weather or other causes.

The school calendar, as defined in this policy, is designed to define the school term for both the instructional term and the employees' employment term. The school calendar shall provide for 180 separate instructional days or an equivalent amount of instructional time as provided in §18-5-45.

The instructional term shall commence and terminate on a date selected by the county board.

The following is a list of topics to be found in SBP 3234 which should assist the reader in his/her research of this policy: Link to [SBP 3234-School Calendar](#).

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(P) I.25.1. Inclement Weather Closure, Delay or Emergency School Dismissal and Recovery of Lost Time

SBP 3234 – School Calendar, requires Superintendent and Board of Education to develop and inclement weather and emergency policies which will guarantee that 180 separate instructional days or equivalent instruction time is provided to students. **The following procedures shall be followed by the school system in meeting that obligation.**

Definitions

Accrued time - Time added to the minimum instructional day, which ensure county boards are able to provide sufficient time to cover late arrivals, early dismissals, and faculty senates held during an instructional day

Non-traditional instructional day (NTID) - A period of instructional time or day when the instruction is delivered to students through alternative methods. A county board may develop a plan subject to approval by the state board for teachers to assign and grade work to be completed by students on days when students are away from the classroom or schools are closed due to inclement weather or other unforeseen circumstances. Instruction may be provided to students when students are not in the classroom or school for any reason. Educators may accomplish instruction with the utilization of technology or other methods to provide instruction remotely when students are away from the school facility.

Equivalent Instructional Time - Minutes added to the minimum instructional day which ensure that over the course of the instructional term, students will receive instruction for the amount of time equivalent to 180 separate instructional days.

Options for Recovering Lost instructional Time owing to Inclement Weather Closures/Delays

It shall be the Superintendent's responsibility to recommend to the Board the most appropriate procedures for recovering time lost owing to late arrivals, early dismissals and school cancellations. SBP 3234 allows and requires the Superintendent to exercise a combination of the following options:

- ❖ **Accrued Instructional Time:** The school schedule may provide for the addition of accrued instructional time (1-29 minutes per instructional day) to the instructional day, beyond the state required minimum, to recover time lost due to late arrivals and early dismissals.
- ❖ **Equivalent Instructional Time:** The school schedule may provide for the addition of a minimum of 30 minutes of equivalent instructional time to the instructional day, beyond the state required minimum. When the equivalent instructional time added to the instructional day, beyond the state required minimum, is at least 30 minutes per day (i.e. elementary school: $315 + 30 = 345$ minutes, middle school: $330 + 30 = 360$ minutes, high school, $345 + 30 = 375$ minutes), a school has achieved sufficient equivalent instructional time to:
 - Avoid rescheduling or adding instructional days to make-up for five instructional days missed due to school closures for inclement weather or other emergencies. The county may credit the equivalent instructional time for up to five instructional days cancelled during the instructional term with notice to the WVBE;
 - Schedule up to five days or equivalent portions of days within the instructional term as professional learning days for educators in lieu of instructional days for students. These days or equivalent portions of days are not subject to cancellation or being rescheduled to make-up for instructional days lost. The days must be used as determined by the county board, must be used without students present and must be used exclusively for activities by educators at the school level which are designed to improve instruction; and
 - Use any remaining equivalent instructional time to recover time lost due to late arrivals
- ❖ The Superintendent may include NTID on an instructional day or days, up to five, when a school or schools are closed due to inclement weather or other emergency. The NTID must be in accordance with a plan developed by the county board and approved by the WVBE. An NTID is an instructional day notwithstanding the closure of a school or schools and shall be credited as such on the day the instruction is delivered.

The limitation on the delivery and application of NTID to days when a school or schools are closed due to inclement weather or other emergency as provided in this policy are not intended

and may not be construed to limit the use of non-traditional instruction as an instructional delivery strategy when students may not be in the classroom or school for reasons other than a closure.

- ❖ The final option is for the Superintendent to close the schools for inclement weather and reschedule the lost day on a non-instructional day within the school calendar.

Notification of the Public and School Personnel of School Delays or Closures

The following procedure will be used by the Superintendent to determine closure or delayed opening of schools because of inclement weather:

- ❖ When possible, the decision will be made and announced the evening before. In all cases, the decision will be made in at a reasonable time on the morning that school is being closed or delayed. In most cases, 2 hour delays will be declared before 5:00 am....school closure prior to 7:00 am.
- ❖ The Superintendent and his/her designees will have the responsibility of gathering road information from the West Virginia Department of Highways and other pertinent sources;
- ❖ As soon as the Superintendent has made the decision to operate schools on a delay schedule or to close schools for the day he shall call area broadcasting stations and building principals and post a notice on the county web site;
- ❖ Annually, the Superintendent shall arrange for letters to be sent to area radio and television stations explaining the process for closing schools and asking their cooperation in announcing school closures;
- ❖ Principals and custodians will be expected to check their schools on days when schools are closed due to inclement weather;
- ❖ In the event of school cancellation or dismissal all extra and co-curricular activities involving students shall also be cancelled. An exemption may be granted by the Superintendent or his/her designee; and
- ❖ In the event of a two-hour delay for school opening, students enrolled at South Branch Career and Technical Center will remain at their respective high school under the supervision of the principal; Breakfast programs will not operate on days with two-hour delay.

Emergency dismissal of school already in session:

Sudden storms, natural disasters, national emergencies, power and water failures, or any other conditions that make it necessary to send children home early must be approached with great care to insure the safety of all children.

At least one and half-hours lead-time is required for an orderly countywide dismissal. This will allow students in other locations to be returned to the home school. Principals shall develop and have available, information including the names of students at other locations and which buses they ride home. Principals will be responsible to see that those students are accounted for before buses leave the school. In instances where only part of the county or part of a school is dismissed, the principal and Transportation Director will arrange to meet the above conditions.

In all cases of early dismissal, the principal and staff s/he deems necessary must remain at the school until the principal is assured that all students are home and none will be returned to the school.

Cancellation of individual bus routes:

The bus driver will retain the responsibility to determine the safety of operation of all or part of his/her route and will be responsible to see that parents are notified of any cancellation.

Parents who transport children to school from a route cancelled on the morning run are responsible for the return trip home. All afternoon runs will be made if conditions permit.

The Transportation Department shall develop an efficient and speedy method of contact with bus operators when emergencies arise. When threatening conditions exist, bus operators must be on alert and have arrangements made for contact by the Transportation Office.

Policy Review Schedule

This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

(WVC §18-5-45; §18A-5-2; SBP 3234)

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Amended/Revised: October 9, 2014; September 1, 2015; September 5, 2017; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.26. School Innovation Zones****Adopted: September 5, 2017****Last Reviewed:****March 2018**

The purpose of this policy is to encourage and incentivize public schools to improve overall student outcomes through the implementation of key innovational priorities for improving education in the following areas: (1) science, technology, engineering, and math (hereinafter STEM); (2) community school partnership; (3) entrepreneurship; (4) career pathways; and (5) the arts. This act provides a mechanism for public schools designated by the WVBE as Innovation in Education schools to redesign their curriculum, instructional delivery and instructional strategies, to enhance student engagement, to develop meaningful community partnerships and to operate under greater flexibility to increase student achievement.

The Brooke County Board of Education adopts as its official policy the current provisions of students *SBP 3236-Education Innovation Zones* for guidance in the event the school system elects to pursue one of the options available in this policy. Follow this Link to [SBP 3236-Education Innovation Zones](#). (*WVC §18-2-5; §18-5B-1 thru §18-5B-9; SBP 3236*)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**I. INSTRUCTION****File: I.27. Virtual Instruction Programs****Adopted: August 1, 2017****Last Reviewed:****March 2018**

Effective July 1, 2018, the Pendleton County School system will offer students an online pathway for earning a high school diploma. The school system will provide a virtual option for students in grades 9-12 with course opportunities consistent with the state's academic standards, curriculum frameworks and assessments.

Definitions

Blended program - a formal education program in which a student learns:

1. At least in part through online learning, with some element of student control over time, place, path or pace;
2. At least in part in a supervised setting outside the home; and
3. In such a way that the modalities of each student's learning path within a course or subject are connected to provide an integrated learning experience;

Eligible student - a student eligible for attendance in public schools in a school district that provides a virtual instruction program.

Full-time virtual student – student enrolled for a minimum of 6 required courses for a WV public school diploma.

Part-time virtual student –student enrolled in fewer than 6 required courses (4 periods for WVSSAC eligibility).

Successful Progression – a student is progressing through the virtual course at a rate where they will complete the course within timelines for the semester and maintaining 60%.

Virtual course - any virtual pathway course offered by Pendleton County that meets the specified state-approved standards for that course.

Virtual academic coach – a teacher who coordinates Pendleton County Virtual Education Program, serves as the facilitator for the courses, and provides support to students and families enrolled in the program.

Student Eligibility and Requirements

Students who meet the following requirements are eligible to participate in the virtual education program:

- ☐ Enrolled in Pendleton County Schools as a full or part -time student
- ☐ Enrollment deadlines
 - ✓ Students must enroll prior to the tenth academic day of each semester.
- ☐ Parents and students must successfully complete a district defined virtual education orientation course/program/session
- ☐ Meet school system and/or state enrollment requirements for the county school system, which could include immunizations, physical and dental exams, etc.
- ☐ Meet school system and/or state enrollment requirements for the course(s) in questions including successful completion of any prerequisite courses
- ☐ Maintain a minimum grade of a 60% on a numerical grade scale in courses taken during the current academic year (grade would have to be high enough to maintain 2.0 grade point average for sports)
- ☐ Have access to consistent, daily internet service
- ☐ Have reliable transportation to and from the tutoring site, testing, and extracurricular activities.
- ☐ Weekly communication is required (between online student and the school)
- ☐ Students must begin coursework within the first two weeks of enrollment in the course.

Attendance

Students who are enrolled in the full-time virtual program and otherwise meeting all course requirements are exempt from attendance requirements.

Students participating in the virtual education option will be considered as being in attendance if the students are successfully progressing in the virtual education coursework. Successful progression will mean completing courses to graduate with one's four-year cohort. To receive an eligibility form for a driver's license, students must be progressing successfully in the coursework and communicating weekly with staff.

The Pendleton County School System reserves the right to set specific attendance requirements for each virtual course. The Superintendent or his/her designee is authorized to develop alternate attendance policies for virtual courses, provided that students in such programs are given notice of the attendance requirements. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation or removal from the class or a charge of truancy, if appropriate.

All virtual program students will be enrolled as a student in the school zone in which they reside. These students will be counted in the average daily membership.

Extracurricular Activities

Students enrolled as a full-time student in the virtual program are eligible to participate in co-curricular and extracurricular activities in the school in which they are enrolled according to attendance zone.

Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program including any applicable WVSSAC requirements. Student residency for purposes of participating in extracurricular activities will be determined in accordance with applicable Pendleton County Schools' policies and WVSSAC policies, www.wvssac.org/rules-and-regulations/.

Course Progression

Students are required to progress through online courses at a rate comparable to the progression of a traditional class. Student performance will be monitored and reported on regular intervals consistent with a traditional day program.

Dropping Online Course/Transition Back to Traditional Course

Students may drop an online course and transition to a traditional course (or vice versa) within 10 days without grade penalty.

- ☐ First 10 academic days of each semester – Student may make a course change request without penalty.
- ☐ Days 11-28 – A schedule change may occur if parent-teacher contact has taken place and a need is determined. The student is responsible for all work missed in the first 28 days. (This option is only for traditional students who will be leaving the virtual school to take regular, in-classroom courses at the local school.)
- ☐ The school MUST report a grade of WNG (Withdrawn No Grade) on the student transcript when the student drops a course on or before 28 calendar days.
- ☐ The school MUST record a grade of WF (Withdrawn Failing) or W (Withdrawn) for a student who drops the course after the 28 day drop date.
- ☐ Day 90 – End of Semester. If a schedule change is determined to be a need, the student will earn a ½ credit of the original course and whatever grade has been earned up to that point will be transcribed.

Assessment, Grading, Diploma

All virtual pathway students will participate in all state testing and accountability requirements. Student is required to participate at their school of enrollment on days identified by county.

Students will take virtual course exams at local schools under the supervision of a Pendleton County Schools employee. Dates and times will be determined.

Upon satisfying all public school graduation requirements (WVBE Policy 2510, Assuring Quality Education: Regulations for Education Programs, students enrolled in the virtual program will receive a high school diploma from Pendleton County Schools.

Any virtual program course taken for high school credit, regardless of the grade in which the course was taken, will be entered onto the student transcript and calculated in Grade Point Averages, etc.

Students who do not complete a course by the last day of school will be issued the current grade they have in the course.

Pendleton County's dual credit policy applies to virtual program.

Course grades assigned to a student's transcript must follow the WV Uniform Grading Scale found in WVBE Policy 2510 Section 5.4.d. Virtual courses will be designated by a specific course code in WVEIS.

Removal

Students may be transitioned back to a traditional school program or removed from the virtual program for the following reasons:

- ☐ Not maintaining a 60 percent in each course
- ☐ Progression through coursework falls below the minimum comparable tradition course standard
- ☐ Attendance requirements are not met for students in blended program (only applicable to face-to-face courses)
- ☐ Cheating, falsifying information, plagiarizing
- ☐ Pendleton County Schools policies, procedures, rules or regulations are violated, including rules governing the use of technology such as the Acceptable Use Policy (AUP)

Student Support

- ☐ Face to face tutoring may be provided at the local school. Dates and times are determined by the local school administrator.
- ☐ IEP committees will meet to determine the most appropriate least restrictive environment and the most reasonable accommodations for students who have and IEP/504.
- ☐ ELL committees will meet to determine the most reasonable accommodations

Counseling and Guidance Services

Pendleton County schools will utilize personnel to assist with academic, career, and social needs as they arise. In conjunction with school counselors, students will be assisted with developing an educational plan (PEP) based on transcripts, standardized assessments, career interests, and other pertinent data. The plan will be reviewed periodically to assess its appropriateness and progress toward completion.

Student Responsibilities

Students should spend the first days making sure they are comfortable with the technology of online learning and they are capable of mastering the content. Students are responsible for maintaining reliable, daily access to internet. Computer/internet problems will not be accepted as reasons for delays in meeting deadlines. Only through continuous communication and consistent work can students be successful in an online course. It is essential that students maintain regular contact with their instructor and submit assignments on time. Students must let the administrator for virtual school know immediately if he/she needs courses on the NCAA approval list.

Technology

Reliable, daily internet access is the responsibility of the family.

- ☐ All students will have access to Microsoft Office products provided by the WVDE including email.
- ☐ The school provided email (student@stu.k12.wv.us) is the email permitted to be used for virtual school enrollment and communication.
- ☐ All students enrolled in virtual courses must have a signed AUP on file and abide by those policies.
- ☐ The virtual academic coach will monitor student progress in the online course.
- ☐ A computer will be provided to students enrolled in the virtual pathway in accordance with the current Pendleton County Schools 1:1 initiative for the duration of their virtual enrolment.

Homeschooled and Non Public School Students

Homeschooled and nonpublic school students who enroll in virtual program courses are subject to same registration, attendance and policies as public school students.

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Amended/Revised: September 4, 2018

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PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.1. General Personnel Policies Related to Employment in Pendleton County	Adopted: August 20, 2003 Last Review: March 2018

All employees of the Board are classified as either professional or service. Professional personnel are those employees required by law or by the rules and regulations of the State Board of Education to hold professional certification for the work they perform in areas of administration, supervision and instruction. All other Board employees are designated as service personnel. A comprehensive list of service job titles is contained in WVC §18A-4-8. The Board shall hire such members and classes of service employees as may be deemed necessary to support the total school program.

Applicants for employment in Pendleton County Schools, should they be employed, can look forward to joining a team that prides itself in making a difference in the lives of the students it serves. As a member of this team you will be expected to:

- ❖ Exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, regular attendance, language, and appearance.
- ❖ Contribute, cooperate, and participate in creating an environment in which all employees and students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development

The employment of all personnel shall be made by the Board only upon the nomination and recommendation of the Superintendent. In case the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct. All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classification as may be required by state law, state board regulation, or local regulations.

All prospective employees shall make application through the personnel office. When possible, all credentials should be on file before the recommendation is presented to the Board.

West Virginia Codes §21-1B-1 thru §21B-1B-5 require the Pendleton County Board of Education to maintain at the Central Office, records of all employees, together with proof of their legal status or authorization to work in the school system.

(P) P.1.1. Personnel Program Goals

The personnel employed by the Board constitute the most important resource for effectively conducting a quality instructional program. The District's program will function best when it employs highly qualified personnel, conducts appropriate staff development activities and establishes policies and working conditions which are conducive to high morale and which enable each member to make the fullest contribution to District programs and services. The goals of the Board's personnel program shall include the following:

- ❖ To develop and implement strategies and procedures for personnel recruitment, screening, and selection that will result in employing the best available candidates, (i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the district's instructional program);
- ❖ To direct principals to develop a climate in which optimum staff performance, morale, and satisfaction are produced;
- ❖ To provide positive programs of staff development designed to contribute both to improvement of the instructional program and to each staff member's career development aspirations;
- ❖ To provide for a genuine team approach to education including staff involvement in planning, decision making, and evaluation; and
- ❖ To develop and utilize positive personnel evaluation procedures that will contribute to the improvement of both staff capabilities and the instructional program.

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(P) P.1.2. Equal Employment Opportunity

As required by federal and state laws and regulations, the Pendleton County Board of Education does not discriminate on the basis of gender, race, color, religion, handicapping condition, marital status, or national origin in employment or in its educational programs and activities. Inquiries may be referred to the Title IX Coordinator at the Board of Education Office, Franklin, West Virginia.

(WVC §5-11-1---19; see Endnotes for Federal Acts)

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(P) P.1.3. Employer-Employee Relations

The West Virginia Board of Education recognizes that the effective and efficient operation of the public schools within West Virginia depends upon the development of harmonious and cooperative relationships between county boards of education and school employees. Each group has a fundamental role to perform in the educational program and each has, in some instances, separate, distinct and clearly defined areas of responsibility, as provided for in Chapters 18 and 18A of the West Virginia Code. However, there are instances, particularly involving questions of wages, salaries, and conditions of work that are subject to disagreement and misunderstanding and may not be so clearly set forth.

In order to minimize possible disagreement and misunderstanding, the State Board has adopted the following statement of policy and procedure:

- ❖ County boards of education, subject to provisions of Chapter 18 and 18A of the West Virginia Code and the rules and regulations of the State Board of Education, are responsible for the management of the schools within each county. Their powers and responsibilities in setting policy and procedures and in providing for such management are broad but are not absolute.
- ❖ Employees of boards of education share the responsibility for implementing the policies and practices approved by boards of education and they have certain rights and responsibilities as provided in statute, in contract or in accepted practice.
- ❖ School employees are entitled to meet together within associations and to work together in order to improve their circumstances or the circumstances of the schools. However, the right to strike does not exist for any public employee in the State of West Virginia, including school employees.
- ❖ Boards of education and school employees can most effectively discharge their total responsibilities to the public and to each other by establishing clear and open lines of communication. Employees should be encouraged to make suggestions, proposals and recommendations to the board of education through appropriate channels. Decisions of boards of education concerning such suggestions, proposals and recommendations should be communicated to the employees clearly and openly.
- ❖ Official meetings of boards of education are public meetings and employees are free to attend such meetings without fear of reprisal and should be encouraged to do so.
- ❖ All employees are entitled to know how well they are performing their jobs, and should be offered the opportunity of open and honest evaluation of their performance on a regular basis. Any decision concerning promotion, demotion, transfer or termination of employment should be based upon such evaluation and not upon extraneous factors.
- ❖ All employees are entitled to the opportunity to improve their job performance, prior to the termination or transfer of their services. All employees are also entitled to "due process" in matters affecting their employment, transfer, demotion or promotion.
- ❖ All official and enforceable personnel policies and procedures must be written and made available to every employee of each county board of education.

(WVC §18A-2-12)

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(P) P.1.4. Employee Involvement in Decision Making

The Pendleton County Board of Education recognizes the following agencies through which the employees of the county may develop and represent their considered professional opinion on matters of concern to them and to the educational program:

- ❖ The Pendleton County Education Association (PCEA), affiliated with the West Virginia Education Association (WVEA);
- ❖ The National Education Association (NEA);
- ❖ The West Virginia Professional Educators (WVPE); and

- ❖ The Pendleton County Service Personnel Association (PCSPA), affiliated with the West Virginia School Service Personnel Association (WVSSPA)

The Board agrees to give due consideration to proposals and presentations made by these groups. Under this agreement, an invitation is extended to the presidents of these groups to address the Board on matters of professional concern. Those who desire to present a proposal or presentation to the Board shall provide a copy of the proposal, along with a written request to appear before the Board, to the Superintendent at least ten days in advance of a regular or special meeting of the Board so that the request may be placed on the agenda.

(WVC §18-5A-5 and §18-5A-6)

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(P) P.1.5. Employee Conflict of Interest

The statute concerning pecuniary interest specifically applies to all Board of Education members and employees. It prohibits any board member or board employee from becoming pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in furnishing supplies to the school district.

As interpreted by the State Superintendent of Schools, the statute declares "it is unlawful for board members or employees of a board to receive gifts or commissions on band equipment sold to schools or school children, commissions on pictures of school children taken by a company, yearbooks, class rings, caps and gowns, diplomas or any other equipment or material sold to a school or school children, or promise of benefits directly or indirectly in return for a contract, or the awarding of business, or promise of jobs in return for nomination or retention of a public official or office."

In addition to the foregoing penalties, any convicted Board member or the Superintendent (who is a public officer) shall be removed from office. Any convicted professional employee shall have his/her certification revoked following due process.

See (P) B.5.3. *Conflict of Interest*, for additional regulations regarding Board and employee conflict of interest.

(WVC §61-10-15)

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(P) P.1.6. Liability Insurance for School Employees

The West Virginia State Board of Risk and Insurance Management, consistent with West Virginia Code, provides appropriate professional liability insurance for all of the Pendleton County Board of Education members and its employees. The insurance covers any claim, demand action, suit or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building if at the time of the alleged injury the Board member or employee was acting in the discharge of his/her duties, within the scope of his/her office, position or employment, under the direction of the Board of Education or in an official capacity as a school board member. The insurance policy includes:

- ❖ Comprehensive coverage;
- ❖ Malpractice coverage;
- ❖ Corporal punishment coverage;
- ❖ Legal liability coverage; and
- ❖ Provisions for the payment of attorney's fees in connection with any claim, demand, action suit or judgment arising from such alleged negligence or other act resulting in bodily injury under conditions described above.

The law requires that the minimum amount of liability insurance provide must be at least \$1,250,000 for each occurrence. In addition, each county board of education shall purchase through the Board of Risk excess coverage of at least five million dollars for each occurrence.

At least annually, beginning with the 2019-2020 school year, county boards shall provide written notice of insurance coverage to each of its insureds, including teachers, supervisors, administrators, service personnel employees, county superintendent, and school board members. The notice shall identify the coverages, monetary limits of insurance, and duty to defend for each occurrence as provided to insureds

by the Board of Risk and Insurance Management under this section. The written notice may be sent via email, or via first-class mail to the insured's last mailing address known to the county board. The written notice shall

(WVC §29-12-5a)

Note: Sexual violence (sexual abuse or molestation) in our society has become such an issue that the West Virginia Board of Risk and Insurance Management (BRIM) can no longer find an insurance carrier who is willing to provide excess coverage for employees beyond the one million dollars provided by the state. As of

July 1, 2005, school employees may only rely on the one million dollars of coverage for acts involving sexual violence. BRIM will continue to provide five million dollars of excess liability coverage for other types of allegations lodged against school employees.

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(P) P.1.7. Employer Access to Employee or Potential Employee Personal Internet Accounts Prohibited

This policy concerns the privacy of the "personal account" of an employee or potential employee. Under the Internet Privacy Protection Act, a personal account is an account, service or profile on a social networking website that is used by the employee or potential employee exclusively for personal communications unrelated to any business purposes of the employer. *W. Va. Code § 21-5G-1(e)*.

An employer shall not do any of the following:

- ❖ Request, require or coerce an employee or a potential employee to disclose a username and password, password or any other authentication information that allows access to the employee or potential employee's personal account;
- ❖ Request, require or coerce an employee or a potential employee to access the employee or the potential employee's personal account in the presence of the employer; or
- ❖ Compel an employee or potential employee to add the employer or an employment agency to their list of contacts that enable the contacts to access a personal account.

Nothing in this policy prevents an employer from:

- ❖ Accessing information about an employee or potential employee that is publicly available;
- ❖ Complying with applicable laws, rules or regulations;
- ❖ Requiring an employee to disclose a username or password or similar authentication information for the purpose of accessing:
 - An employer-issued electronic device; or
 - An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;
- ❖ Conducting an investigation or requiring an employee to cooperate in an investigation. The employer may require an employee to share the content that has been reported to make a factual determination, if the employer has specific information about an unauthorized transfer of the employer's proprietary information, confidential information or financial data, to an employee's personal account;
- ❖ Prohibiting an employee or potential employee from using a personal account during employment hours, while on employer time or for business purposes; or
- ❖ Requesting an employee to share specific content regarding a personal account for the purposes of ensuring compliance with applicable laws, regulatory requirements or prohibitions against work-related employee misconduct.

If an employer inadvertently receives the username, password or any other authentication information that would enable the employer to gain access to the employee or potential employee's personal account through the use of an otherwise lawful technology that monitors the employer's network or employer-provided electronic devices for network security or data confidentiality purposes, then the employer is not liable for having that information, unless the employer:

- ❖ Uses that information, or enables a third party to use that information, to access the employee or potential employee's personal account;

- ❖ After the employer becomes aware that that information was received, does not delete the information as soon as is reasonably practicable, unless that information is being retained by the employer in connection with an ongoing investigation of an actual or suspected breach of the computer, network or data security.

Where an employer knows or, through reasonable efforts, should be aware that its network monitoring technology is likely inadvertently to receive such information, the employer shall make reasonable efforts to secure that information.

Nothing in this policy diminishes the authority and obligation of an employer to investigate complaints, allegations or the occurrence of sexual, racial, or other harassment as provided in this code.

As used in this policy, "personal account" means an account, service or profile on a social networking website that is used by an employee or potential employee exclusively for personal communications unrelated to any business purposes of the employer.

(WVC §21-5G-1)

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Amended/Revised: September 20, 2006; September 6, 2011; October 9, 2014; September 9, 2016;
September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.2. Employment of Professional Staff****Adopted: August 20, 2003****Last Review:****March 2018**

The final decision on the type and number of professional positions to carry out the educational mission of Pendleton County Schools rests with the Board of Education based on the recommendation of the Superintendent. It is the responsibility of the Superintendent, with the assistance of the administrative staff, to determine the personnel needs of the school system and the individual schools, and to locate suitable candidates to recommend for employment. School principals and faculty senates shall be active participants in interviewing applicants for vacancy and making recommendations to the Superintendent regarding personnel to be employed.

The search for all personnel may extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics and needs of Pendleton County and the need for a heterogeneous staff from various backgrounds.

The board of education shall make decisions affecting the filling of vacancies for classroom teachers on the basis of the applicant with the highest qualifications.

All personnel nominated and recommended for employment shall meet the certification, licensing, and training requirements specified in State Board regulations.

West Virginia Codes §21-1B-1 thru §21B-1B-5 require the Pendleton County Board of Education to maintain at the Central Office, records of all employees, together with proof of their legal status or authorization to work in the school system.

The Board may not declare a position vacant and post a job opening sooner than 10 days following the death of an individual employed in that position.

Requirements of §18A-4-7a for the Posting of Openings for Professional Positions

Openings in established, existing or newly created positions shall be processed as follows:

- ❖ Boards shall be required to post and date notices of each opening at least once. At their discretion, boards may post an opening for a position other than classroom teacher more than once in order to attract more qualified applicants. At their discretion, boards may repost an opening for a classroom teacher after the first posting in order to attract more qualified applicants subject to the following:
 - Each notice shall be posted in conspicuous working places for all professional personnel to observe for at least five working days which may include any website maintained by the county board;;
 - At least one notice shall be posted within twenty working days of the position openings and shall include the job description;
 - Any special criteria or skills that are required by the position shall be specifically stated in the job description and directly related to the performance of the job;
 - Postings for vacancies made pursuant to this section shall be written so as to ensure that the largest possible pool of qualified applicants may apply; and
 - Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant;
- ❖ No vacancy shall be filled until after the five-day minimum posting period of the most recent posted notice of the vacancy;
- ❖ If one or more applicants under all the postings for a vacancy meets the qualifications listed in the job posting, the successful applicant to fill the vacancy shall be selected by the board within thirty working days of the end of the first posting period;
- ❖ A position held by a teacher who is certified, licensed or both, who has been issued a permit for full-time employment and is working toward certification in the permit area shall not be subject to posting if the certificate is awarded within five years; and

- ❖ Nothing provided herein shall prevent the county board of education from eliminating a position owing to lack of need.

SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel

The professional employment process shall follow state code and the guidelines established through *SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel*. To that end, the Pendleton County Board of Education adopts the current provisions of *SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel* and the several provisions of the State Code as its official professional personnel employment process. Prospective employees and school personnel may follow this link to [SBP 5000 Procedures for Designated Hiring and Transfer of School Personnel](#) for guidance and direction.

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(P) P.2.1. Priority Teacher Placement Following Consolidation or Merger of Two or Grades or Buildings

In the event that a merger or consolidation of two or more grades or buildings is proposed, all Pendleton County public school teachers shall vote to determine whether the faculty affected by the closing shall have priority in filling the new positions. Voting procedures for determining priority placement in the event of a merger or consolidation shall be as follows:

- ❖ A secret ballot election shall be held in each faculty senate.
- ❖ The faculty senate chair shall convey the results to the Superintendent who will tabulate, announce, and post the results prior to February 1 of the current year which is the date by which notice requirements for reduction in force and transfer must be initiated.
- ❖ Teachers in the grades or schools to be closed shall have priority in filling new positions in the new or merged schools only if the majority of the total number of teachers who participate in the voting cast a YES ballot. Consequently, teachers casting a blank ballot, have, in effect, cast a NO vote.
- ❖ If a yes vote prevails, the most senior teacher in the closed grades or school shall be placed first, the second most senior shall be placed next and so on until all the newly created positions are filled or until all the teachers in closed grades or schools who wish to transfer into the newly created positions are placed.
- ❖ If fewer teachers are needed in the newly created positions than there are classroom teachers in the schools or grades closed, the teachers not placed in the new positions shall retain the same seniority rights as all other County teachers.

A consolidation, for the purpose of this policy, means one or more schools are closed, or one or more grade levels are removed from one or more schools and the students are assigned to a new school.

A merger, for the purpose of this policy, means one or more schools are closed or one or more grades levels are removed from one or more schools and the students are assigned to another existing school.
(WVC §18A-4-8f)

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(P) P.2.2. Professional Certification Requirements

A license to work in the public schools of West Virginia may be granted to an applicant who meets the following criteria:

- ❖ applicant is a United States citizen, unless otherwise noted;
- ❖ of good moral character;
- ❖ physically, mentally and emotionally qualified to perform the duties to which s/he is assigned; and
- ❖ has attained the age of 18 years on or before the first day of October of the year in which the license is issued.

The Pendleton County Board of Education adopts the current provisions of SBP 5202 - Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications as its official policy for the certification and licensure of Pendleton County professional employees. All professional personnel shall hold certification or licensure for the subject or grades to which they are assigned in accordance with this policy.

All levels of school personnel are directed to the State Board website for information regarding certification and licensure by following this link to SBP 5202 - Minimum Requirements for the Licensure of Professional and Paraprofessional Personnel and Advanced Salary Classifications to obtain the information required to implement this policy.

The staff in the Pendleton County Personnel Office is available to provide assistance to employees who have questions and concerns. Link to [SBP 5202 Licensure of Professional/Paraprofessional Personnel](#).
(WVC §18A-3-2a; SBP 5202)

The following is a list of topics to be found in SBP 5202 which should assist the reader in his/her research of this policy:

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Responsibilities for Licensure:

Every educator is responsible for familiarizing her/himself with the West Virginia licensure and salary classification requirements and for making application for any licensure/salary classification to which s/he is entitled. Failure to apply for a certificate or an additional endorsement within 12 months from the completion of an approved program may result in additional requirements before the educator can be licensed. It is the educator's responsibility to ensure that s/he holds a license valid for her/his assignment.

It is the responsibility of each certified person to see that a valid certificate is on file in the Superintendent's office. When certified personnel have increased their certification, either by upgrading or by adding endorsements in certification for pay purposes, they are responsible for informing the Superintendent's office of the change. The Personnel Office should be informed of all expected changes before the start of each school year.

Assistance with certification questions is available in the Pendleton County Schools Personnel Office. Also, questions may be directed to the Licensing Agency at the West Virginia Department of Education.

(P) P.2.2.1. Alternative Certification Programs for the Education of Teachers

The purpose of this policy is to enable the Pendleton County Board of Education exercise the authority granted to it to by *SBP 5901-Alternative Certification Programs for the Education of Teachers* to create an alternative means for a qualified person to earn a professional teaching certificate.

SBP 5901 authorizes a school district to offer a rigorous alternative program for teacher certification in partnership with a regionally accredited higher education institution, an entity affiliated with a regionally accredited higher education institution, the West Virginia Department of Education (WVDE) or a regional education service agency (RESA), all under the supervision of the West Virginia Board of Education (WVBE).

In the event the Pendleton County Board of Education embarks upon such a program it shall follow the guidelines established in SBP 5901-Alternative Certification Programs for the Education of Teachers. The following is a table of contents of that policy:

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(P) P.2.2.2. Revocation of Teaching Certificates

The state superintendent may, after 10 days' notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the certificates:

In order for any conduct of a teacher involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job.

The state superintendent may designate the West Virginia commission for professional teaching standards or members thereof to conduct hearings on revocations or certificate denials and make recommendations for action by the state superintendent: *Provided further*, That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, or any criminal offense which has as an element delivery or distribution of a controlled substance, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this State or the United States, the teacher's certification shall be reinstated unless otherwise prohibited by law.

If the Pendleton County Superintendent knows of any acts on the part of any teacher for which a certificate may be revoked in accordance with §8A-3-6, shall report this, together with all the facts and evidence, to the state superintendent for such action as in the state superintendent's judgment may be proper

If a certificate has been granted through an error, oversight, or misinformation, the state superintendent may recall the certificate and make such corrections as will conform to the requirements of law and the state board.

(WVC §18A-3-6)

(P) P.2.2.3. Tolling of License and Registration Requirements:

The running of any licensure or registration requirement, including, but not limited to, the payment of any license or registration fees of a licensing board or commission of the state shall be tolled during the period of absence for active duty for any member of the National Guard or other reserve component of the armed services of the United States until 60 days after the return of the member from active duty: *Provided*, That the service member shall be granted a period of time equal to the period of active duty to fulfill any continuing education requirements needed for licensure or registration.

Note: Tolling may be construed to mean the clock temporarily stops on the term of a license or certificate.

(WVC §15-1F-1b)

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(P) P.2.3. Reimbursement for Tuition Costs

The Pendleton County Board of Education has two main sources of funding for tuition reimbursements: (1) funds from the State Department of Education and (2) funds approved through Federal Grants (Title I and Title II, Part A and Special Education).

State Funded Reimbursement for Tuition Costs:

Teachers may petition the State Department of Education for reimbursement of tuition, registration and other required fees for coursework completed toward both certification renewal and additional endorsement in a shortage area. Reimbursements will be granted to applicants to the extent of funds appropriated by the legislature for these purposes.

If funds appropriated for the purposes specified in this section are insufficient for the reimbursement of all eligible courses within the limits provided in this section, the West Virginia Department of Education shall make the reimbursements for courses for additional endorsement in a shortage area and certification renewal in a shortage area first.

Criteria:

As stated in W. Va. Code §18A-3-3a, an educator applying for tuition reimbursement must meet the following criteria:

- ❖ holds either a valid West Virginia Teaching, Student Support, or Administrative Certificate or First Class Permit for full-time employment and is seeking an additional endorsement in a shortage area, and either resides in the state or is employed regularly for instructional purposes in a public school in the state; or
- ❖ is seeking certification renewal, and has a continuing contract with a county board. Reimbursement is dependent upon the amount of legislative funding granted.

Limitations:

Reimbursement is limited to the cost of tuition, registration and other required fees only for appropriate college or university coursework used for license renewal or for an additional endorsement in a verified shortage area. Reimbursement for an educator who attends an out-of-state institution of higher education as described in W. Va. Code §18A-3-3a(d)(2), or a private institution of higher education may not exceed the amount of the highest corresponding tuition charged at a West Virginia state-supported college or university.

Reimbursement for courses completed toward certification renewal is limited to 15 semester hours of courses for any teacher. Reimbursement for courses completed toward additional endorsement in a shortage area is limited to 15 semester hours of courses for any teacher. **PLEASE NOTE THAT THESE REGULATIONS PERTAIN TO STATE REIMBURSEMENT ONLY.**

The reimbursement for coursework completed in an area of critical shortage has been legislatively prioritized, as described in W. Va. Code §18A-3-3a(f). For reimbursement of shortage area coursework, the shortage area must be verified by the county of employment. The educator must have completed the appropriate college or university coursework with a minimum 3.0 GPA.

Reimbursement Schedule:

A request for tuition reimbursement must be received by the WVDE between July 1 and June 15 of each fiscal year for coursework completed during that fiscal year. Tuition reimbursement is provided first-come, first-served, for limited funds. Coursework completed prior to the July 1 start of a fiscal year will not be considered for state tuition reimbursement.

Third Party Reimbursement:

An education who receives a tuition and/or fee waiver shall not be entitled to reimbursement by the WVBE for the tuition/fees covered by the subsidy. Only expenses incurred personally by the educator shall be reimbursed.

If state funding is no longer available and a teacher receives a letter of denial for reimbursement from the Office of Professional Preparation at the West Virginia Department of Education, that teacher may apply for reimbursement from federal funds (i.e., Title I, Title II). The Assistant Superintendent shall provide advice and assistance to professional personnel with regard to certification

A Central Office administrator shall be designated to provide advice and assistance to professional personnel with regard to certification.

(SBP 2320, 5202 and §18A-3-3a)

Federal Funding for Recruiting, Training and Retention of Highly Qualified Educators:

Pendleton County Schools, based upon the availability of federal funds, may assist in the payment of college tuition for instructional personnel who qualify to receive benefits under federal guidelines. Reimbursement will only be issued to employees for courses in which they receive a passing grade (Letter or Pass/Fail) in the class. Pendleton County may enter into agreements with institutions of higher learning to offer courses, at a reduced tuition.

In order to be eligible to receive tuition assistance, the course(s) shall:

- ❖ Meet Title I or Title II requirements for instructors; or
- ❖ Assist the individual in becoming “highly qualified”

Needs Assessment:

Annual needs assessments will be conducted to determine the areas of critical needs in core classes, schools which have the greatest need for Highly Qualified Teachers, and schools which are most affected by poverty and high teacher turnover. Following the needs assessment, priorities will be established for disbursement of federal funds for tuition reimbursements.

Use of Title I Funds:

- ❖ Teachers working within a Title I school-wide program are eligible for tuition reimbursement through Title I funds.
- ❖ In order to receive tuition reimbursement through Title I, eligible teachers must be seeking reimbursement for coursework leading to highly qualified status in a core subject area as identified by the State Board of Education. Title I funds **may not** be used for reimbursements provided to teachers in schools not eligible for Title I funding.
- ❖ Reimbursement will be granted to the individual currently employed who does not have highly qualified status.
- ❖ Payment made for any single fee for attendance at an out-of-state institution may not exceed the amount of the highest corresponding fee charged at a state institution of higher education.

Use of Title II Funds, Part A:

Title II funds may be utilized to target the county's need for highly qualified teachers. The following guidelines must be followed in utilizing Title II, Part A funds to reimburse tuition costs:

- ❖ Tuition reimbursements are available only to educators for completed coursework leading to highly qualified status in the core subject areas as identified by the Federal Programs guidelines, special education certification, or identified critical needs areas.
- ❖ The priorities for tuition reimbursement shall be in the following order:
 - the county's critical needs subject areas (to be listed annually);
 - schools which have a low percentage of classes taught by Highly Qualified Teachers;
 - schools with high poverty; and
 - school with high teacher turnover.
- ❖ Payment made for any single fee for attendance at an out-of-state institution may not exceed the amount of the highest corresponding fee charged at a state institution of higher education.

Special Education Funds:

In the event Special Education funds are available to assist with tuition costs, they shall be included in the pool of funds established by the Board.

Pendleton County Application Process for Tuition Reimbursement:

The Superintendent and the Board believe that any funds available to assist personnel with tuition costs should be shared fairly and equitably with those employees seeking such assistance. To that end, the Board's policy shall be that all available funds (state and federal) shall be pooled to be utilized by those applicants who meet the necessary state and federal criteria.

Requests for tuition reimbursement will be processed semi-annually and the deadlines for submission of Reimbursement Applications shall be December 31 and June 30. The available funds shall be divided equally between the two reimbursement periods. Those funds shall be divided among the eligible

applicants within a reimbursement period on an equal basis. Any funds not disbursed during the first reimbursement period shall be carried forward to be shared equally by the applicants in the second reimbursement period.

The Director of Personnel and Directors of other programs contributing to the funding pool will determine the eligibility of those who applied and meet the criteria for reimbursement, and on the basis of that assessment, applications for reimbursement will be approved. A caveat is that local school boards do not have a specific amount of state funding to distribute; therefore local approval of a request for state funds only means that an employee's application has been approved and s/he may complete the appropriate state form to be forwarded to the state.

Employees who believe they are eligible for such assistance should follow these steps:

1. Complete the attached form and submit it to the Personnel Office;
2. Submit all documentation required to complete the county application form;
3. Complete state application form (as appropriate) with all necessary documentation;
4. Special conditions for applicants for Title I and Title II funds:
 - ❖ The applicant has submitted an application to the state for tuition reimbursement and has been approved as having all of the documentation required for reimbursement through the state tuition reimbursement funding system, but no state funds remain for reimbursement and the applicant has received an "Out of Funds" letter from the WVDE Office of Professional Preparation. This letter may be taken to the county Title I, Title II or Special Education programs Director/s for possible reimbursement.
 - ❖ The applicant has submitted all required documentation to the state for coursework that had an official ending date during the month of June, but the application was not received by the annual June 15 fiscal year deadline. However, if the application was received before the end of the next fiscal year, then the applicant will receive a "Coursework Ending in June" letter from the WVDE Office of Professional Preparation. This letter may be taken to the county Title I, Title II or Special Education programs for possible reimbursement.

The amount of funding available from funded Title I, Title II or Special Education county programs for assistance for tuition shall be dependent upon the amount of available funding received by Pendleton County and may vary from year to year.

The Director of Personnel and Directors of other programs contributing to the funding pool shall be designated to provide advice and assistance to professional personnel with regard to certification. Individuals may follow this link to the State Board website for application forms.
(<http://wvde.state.wv.us/certification/forms/Form36.pdf>)

Special Note: If funds are still available following the June 30 deadline for tuition reimbursement requests, the remaining funds may be expended to assist employees who met the application deadline and were partially reimbursed. Such payments shall be divided equally among the qualified applicants.

This policy is retroactive to July 1, 2015
(SBP 2320, 5202 and §18A-3-3a)

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PENDLETON COUNTY SCHOOLS
REQUEST FOR TUITION REIMBURSEMENT

Name of Applicant _____

Date Submitted _____ School _____

Teaching Assignment _____

Home Address _____

Home Telephone _____ Cell Phone _____

Email Address _____

College/University _____

Course Number _____ Course Credit Hours _____

Course Title _____

Requesting State Funds Under §18A-3-3a _____

Requesting Federal (Title I or Title II) or County Funds _____

Reason for Taking Course:

_____ Seeking Highly Qualified Teacher Status

_____ Meeting Title I or Title II requirements for instructors

Degree/Certification Sought _____

Total Hours for Which Previously Reimbursed (State or Federal) _____

_____ Cost for Class (Tuition/Fees) \$ _____ Anticipated Class Completion Date _____

Signature of Applicant _____ Date _____

Please make sure the following documentation is attached to this form. (Check all that apply)

_____ Out-of-Funds Letter from W.Va. State Department of Education

_____ Transcript/Grade Report showing a passing grade in the class

_____ Receipt showing payment for tuition and fees and \$0 balance

Central Office Only

Request Approved _____ Request Denied _____ Amount \$ _____

Reason Denied _____

Supervisor Signature _____ Date _____

Date Processed _____

(P) P.2.4. FBI Background Check

All applicants for initial licensure whose applications are received by the WVDE shall be fingerprinted by the West Virginia State Police or its designee. The fingerprints shall be analyzed by the state police for a state criminal history record check through the central abuse registry record and then forwarded to the Federal Bureau of Investigation for a national criminal history record check. Information contained in the central abuse registry or the FBI record may form the basis for the denial of a certificate for cause in accordance with W. Va. Code §18A-3-2a and §18A-3-10. The applicant must pay the cost of the background check.

Upon written consent to the state department by the applicant and within 90 days of the state fingerprint analysis, the results of the state analysis may be provided to the Pendleton County Board of Education without further cost to the applicant.

After an initial license has been issued by the West Virginia Department of Education (WVDE), it may require any licensee to be fingerprinted by the West Virginia state police in accordance with state board policy: *Provided*, That the licensee lived outside of the state of West Virginia for a period of one year or more since his or her licensure, or the WVDE or the school administrator has a reasonable belief that the licensee has not notified the school administrator of any felony conviction, conviction of any offense under chapter §61-8D-5 of this code (sexual abuse of a child), or offenses of similar nature to those in §61-8D-5 that have been established under any other state law or U.S. Law. The fingerprints may be analyzed by the West Virginia State Police for a state criminal history record check through the central abuse registry and then forwarded to the federal bureau of investigation for a national criminal history record check.

(WVC §18A-3-10)

Information maintained by the WVDE or a county board which was obtained for the purposes of W. Va. Code §18A-3-10 is exempt from disclosure as provided by W. Va. Code §29B-1-4. Disclosure or publication of information in a statistical or other form that does not identify the individuals involved or provide personal information is not prohibited.

(WVC §18A-3-10; SBP 5202)

Access to the West Virginia Central Abuse Registry

Amendments to §15-2C-1 and §15-2C-9 authorize the State Board of Education and “qualified entities” (county boards of education) to access the West Virginia Central Abuse Registry maintained by the State Police Criminal Identification Bureau. The registry may be utilized as part of the screening process for current and prospective employees, including the screening of contractors and vendors who have or may have unsupervised access to children.

In the event the Board wishes to verify its eligibility as a qualified entity, it shall apply to the West Virginia State Police on a form prescribed by that organization.

Once verified as a qualified entity by the West Virginia State Police, the Board shall keep all records necessary to facilitate a security audit by the West Virginia State Police and shall cooperate in such audits as the West Virginia State Police or other authorities may deem necessary. Such records include, but are not limited to, criminal history records; notification that an individual has no criminal history; internal policies and procedures articulating the provisions for physical security; records of all disseminations of criminal history information; and a current, executed qualified entity user agreement with the West Virginia State Police.

(WVC §15-2C-1 and §15-2C-9)

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(P) P.2.5. Applicant’s Response to an Offer of Employment

Applicants have seven days from the date employment is offered to notify the Superintendent of their acceptance or rejection of the offer. Failure to do so will result in the position being declared open and new applicants shall be contacted.

(P) P.2.6. Testing for Tuberculosis

School personnel found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the commissioner, approves a return to work.

The commissioner may require selective testing of students and school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

Note: "Commissioner" means the Commissioner of the Bureau for Public Health, who is the state health officer.

(WVC §16-3D-3)

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(P) P.2.7. Issuing Permits to Non-School Personnel Coaches

It is the policy of the Board to utilize school employees for coaching positions whenever possible; therefore, the Superintendent and school principals shall make every attempt to secure coaches from within the school or within the school system. In the event the Superintendent must recommend a non-school person for a middle or high school coaching position, he/she may petition the State Superintendent to issue a permit to the person who will be serving as either an extracurricular activity coach (sponsor) or an athletic coach. Such permits are subject to the following limitations:

- ❖ Such person shall be employed under a contract with the Pendleton County Board of Education which specifies the duties to be performed, which specifies a rate of pay equivalent to the rate of pay for professional educators in the district who accept similar duties as extra duty assignments and which provides for liability insurance associated with the activity: **Provided**, that such person shall not be considered an employee of the Board for salary and benefit purposes other than as specified in the contract;
- ❖ Such person completes an orientation program designed and approved in accordance with state board rules (SSAC provides the orientation program).

The Board further requires that all such employees receive and read carefully all county policies and regulations regarding the responsibilities of school personnel entrusted with the supervision of students. Such employees shall be required to submit FBI background check.

School personnel (including volunteer coaches) found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the commissioner, approves a return to work.

The commissioner may require selective testing of students and school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

Such extracurricular assignments are for one year only and must be reposted annually in the event that a currently employed certified professional educator should desire the job.

The above regulations applied to both paid and unpaid non-school personnel coaches.

Note: "Commissioner" means the Commissioner of the Bureau for Public Health, who is the state health officer.

(WVC §18A-3-2a)

(P) P.2.8. National Board Certification

The National Board for Professional Teaching Standards is an outgrowth of several studies conducted in the 1980's concerning the quality of American public education. The NBPTS seeks to identify and recognize teachers and professional support personnel who effectively enhance student learning and demonstrate the high level of knowledge, skills, abilities, and commitments reflected in the five core propositions.

- ❖ Teachers are committed to students and their learning;
- ❖ Teachers know the subjects they teach and how to teach those subjects to students;
- ❖ Teachers are responsible for managing and monitoring student learning;
- ❖ Teachers think systematically about their practice and learn from experience;
- ❖ Teachers are members of learning communities

The State Board of Education offers financial assistance to those teachers seeking NBTS and it also provides an annual salary supplement to those who achieve the certification (financial assistance to obtain the certification and annual salary supplement are subject to legislative appropriations).

The Pendleton County Board of Education supports this national and state effort to raise the level of the professional training of its teachers and encourages interested teachers to pursue their professional and personal goals. Additional information about NBPTS may be found at the website (www.nbpts.org) or by calling 1-800-22TEACH.

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(P) P.2.9. Teacher Mentoring Increment for Classroom Teachers with National Board Certification

An additional \$2,000 shall be paid annually to each classroom teacher who:

- ❖ Holds a valid certificate issued by the National Board for Professional Teaching Standards;
- ❖ Is employed to teach at a school designated as a persistently low performing school by the West Virginia Department of Education; and
- ❖ Is also assigned as part of their regular employment, to serve in a mentoring capacity for other teachers at the school.

The additional payment:

- ❖ Shall be in addition to any amounts prescribed in the applicable state minimum salary schedule;
- ❖ Shall be paid in equal monthly installments; and
- ❖ Shall be considered a part of the state minimum salaries for teachers.

For the purposes of this policy:

- ❖ "Persistently low performing school" means a school identified by the department as being among the lowest twenty percent of schools in the state in three-year aggregate mathematics and reading/language arts scores on the statewide summative assessment; and
- ❖ "Mentoring" means working under the direction of the principal to improve the professional practice knowledge and skills of other teachers employed at the school through on-site embedded professional development and other appropriate school building level approaches. Mentoring includes, but is not limited to, an assigned role in the comprehensive system for teacher induction and professional growth pursuant to §18A-3c-3, and may include working with other teachers to improve instruction at the school.

A national board certified teacher who becomes eligible for an additional payment under §18A-3c-3 remains eligible for five consecutive years of employment at the same school in the same assignment regardless of a subsequent change in the designation of the school as a persistently low performing school. The teacher may become eligible again at the same school if it continues to be persistently low performing or at a different persistently low performing school, but not sooner than five years from the beginning of a previous eligibility.

Nothing in this section permits continued eligibility if the certificate issued by the National Board for Professional Teaching Standards is no longer valid.

Notwithstanding any other provision of this chapter to the contrary, a county may use other funds, including federal and local funds, available to them to increase or provide other incentives for highly qualified teachers to teach at persistently low performing schools.

(WVC §18A-4-2c)

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Amended/Revised: October 4, 2004; October 19, 2005; September 20, 2006; September 25, 2007; August 26, 2008; March 10, 2009; January 12, 2010; October 18, 2011; August 21, 2012; October 1, 2013; 11/5/13; October 9, 2014; September 1, 2015; December 1, 2015; September 6, 2016; September 5, 2017; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.3. Employment of Service Personnel****Adopted: August 20, 2003****Last Review:****March 2018**

Service employees are important contributors to the educational program for Pendleton County students. The West Virginia Code defines service personnel as non-teaching employees not included in the meaning of teacher as defined in §18-1-1 of the Code. The Superintendent and his/her staff shall determine the number and kinds of service personnel positions needed to carry out the mission of the school system. The Superintendent shall recommend their employment to the Board. Service personnel shall meet all certification requirements for their job classifications and their working hours and pay scales shall meet the requirements of §18A-4-8 of the West Virginia Code.

(P) P.3.1. Vacancy Posting and Recruitment of Service Personnel

The Pendleton County Board of Education shall post and date notices of all job vacancies of established existing or newly created positions in conspicuous working places and on the Board's website for at least five working days.

It should be noted that those leaves of absence for more than 30 days requested in writing by the employee and granted in writing by the Board and to fill the position of a regular service employee who is on workers' compensation where the absence will extend beyond 30 days shall be posted as vacancies. These positions shall be posted and filled according to §18A-4-8b. Full-time service employees shall have priority over substitute employees in filling such vacancies. All other absences, even long-term absences, will be treated as "temporary absence" to be covered through rotation of substitute service personnel as prescribed by law.

The notice shall include the job description, the period of employment, the work site, the starting and ending time of the daily shift, the amount of pay and any benefits and other information that is helpful to the employees to understand the particulars of the job. The notice of a job vacancy in the aide classification categories shall include the program or primary assignment of the position (e.g., kindergarten aide, special education aide, other classroom aide, and transportation aide).

Job postings for vacancies made pursuant to this section shall be written to ensure that the largest possible pool of qualified applicants may apply

Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant.

All vacancies in existing or newly created positions shall be filled within twenty working days the closing date of the job posting for the position.

The factors the Board must use in comparing applicants for a service personnel position are:

- ❖ Seniority
- ❖ Qualifications
- ❖ Evaluations of past service

The Board may not declare a position vacant and post a job opening sooner than 10 days following the death of an individual employed in that position.

(WVC §18A-4-8b)

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(P) P.3.2. Promotion and Filling Vacancies

The Pendleton County Board of Education shall make decisions affecting promotions and the filling of any service personnel positions of employment or jobs occurring throughout the school year that are to be performed by service personnel on the basis of seniority, qualifications and evaluation of past service.

Qualifications means the applicant holds a classification title in his/her category of employment as provided in WVC §18A-4-8b and is given first opportunity for promotion and filling vacancies. Other employees then shall be considered and shall qualify by meeting the definition of the job title that relates to the promotion or vacancy, as defined in WVC §18A-4-8.

Any employee who has ever been regularly employed in a classification title is deemed fully qualified to fill that classification. Likewise, any employee who passes the competency test for a classification title shall be fully qualified to fill a position in that job classification. Qualified applicants shall be considered in the following order:

- ❖ Regularly employed service personnel who hold a classification title within the classification category of the vacancy;
- ❖ Service personnel who have held a classification title within the classification category of the vacancy whose employment has been discontinued (RIF) in accordance with this section and are on the preferred recall list;
- ❖ Regularly employed service personnel who do not hold a classification title within the classification category of vacancy;
- ❖ Service personnel who have not held a classification title within the classification category of the vacancy and whose employment has been discontinued (RIF) in accordance with this section;
- ❖ Substitute service personnel who hold a classification title within the classification category of the vacancy;
- ❖ Substitute service personnel who do not hold a classification title within the classification category of the vacancy; and
- ❖ New service personnel.

The Board shall notify any person who has applied for a posted job of the status of his or her application as soon as possible after the Board makes a hiring decision regarding the posted position.

Upon request, the Board shall show valid cause when an employee with the most seniority is not promoted or employed in the position for which he/she applied.
(WVC §18A-4-8b)

Definition of a Promotion:

A promotion means any change in employment that the service person considers an improvement to his or her working circumstance within the classification category of employment.

- ❖ A promotion includes a transfer to another classification category or place of employment if the position is not filled by an employee who holds a title within that classification category of employment.
- ❖ Each class title listed in WVC §18A-4-8 is considered a separate classification category of employment for service personnel, except for those class titles having Roman numeral designations, which are considered a single classification of employment:
 - The cafeteria manager class title is included in the same classification category as cooks;
 - The executive secretary class title is included in the same classification category as secretaries;
 - Paraprofessional, autism mentor and Braille or sign language specialist class titles are included in the same classification category as aides; and
 - The mechanic assistant and chief mechanic class titles are included in the same classification category as mechanics.
- ❖ When changes in assignments are necessary within a school, the assignment of an aide to a particular position within a school is based on seniority within the aide classification category if the aide is qualified for the position.
- ❖ When changes in assignments are necessary within a school, the assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification category.

(WVC §18A-4-8b)

(P) P.3.2.1. Priority Service Personnel Placement Following Consolidation or Merger Of Two or More Grades or Buildings

In the event that a merger or consolidation of two or more grades or buildings is proposed, all Pendleton County public school service personnel shall vote to determine whether those affected by the closing shall have priority in filling the new positions. Voting procedures for determining priority placement in the event of a merger or consolidation shall be as follows:

- ❖ A secret ballot election shall be held at each school or work site.
- ❖ The service personnel supervisor at each school or work site shall convey the results of the election to the Superintendent.
- ❖ The Superintendent shall tabulate and post all results prior to the notice requirements for reduction in force and transfer as outlined in sections two and seven, article two of this chapter. The total number of votes shall be tabulated separately for classroom teachers and for service personnel.
- ❖ If a majority approves, school service personnel in the school or schools to be closed have priority in filling new positions in the new or merged schools for which the school service personnel are qualified and meet the standards set forth in the job posting on the basis of seniority within the county.
- ❖ The most senior service person from the closed school or schools has priority in filling any position within his or her classification category. The second most senior service person from the closed school or schools then has priority in filling remaining vacancies and so on until all available positions are filled.
- ❖ If there are fewer new positions in the newly created school or merged school than there are school service personnel from the school or schools to be closed, the school service personnel who were not placed in the new positions retain the same rights as all other service personnel with regard to seniority, transfer and reduction in force.

A consolidation, for the purpose of this policy, means one or more schools are closed, or one or more grade levels are removed from one or more schools and the students are assigned to a new school. A merger, for the purpose of this policy, means one or more schools are closed or one or more grades levels are removed from one or more schools and the students are assigned to another existing school.

(WVC §18A-4-8f)

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(P) P.3.3. Background Check for Service Personnel

All service personnel shall be required to submit fingerprint cards to the West Virginia Department of Education and undergo a criminal background check by the Criminal Identification Bureau (CID). The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry. Information contained in the central abuse registry may form the basis for denying a bus driving position. The Pendleton County Board of Education will pay the cost of the background check.

Effective January 1, 2002, any applicant for an initial position of bus driver shall also be required to undergo a criminal background check by the FBI. The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry and then forwarded to the FBI for a national criminal record check. Information contained in the central abuse registry or the FBI record may form the basis for denying a bus driving position. The applicant must pay the cost of the FBI background check.

Upon written consent to the State Department of Education by the applicant and within 90 days of the state fingerprint analysis, the results of the state analysis may be provided to a county board of education without further cost to the applicant.

(WVC 18A-3-10)

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(P) P.3.4. Commercial Driver's License and Electrician License for School Personnel and Educational Sign Language Interpreter Certification

Bus Operators:

Employees engaged in work related activities that require the driving of a motor vehicle used in commerce to transport at least 16 passengers (including the driver) or property shall be required to hold a commercial driver's license (CDL) as a condition of employment. The Board shall reimburse the employee for any fees related to obtaining the CDL.

A bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

Electricians:

If the Board requires employees who perform electrical work to hold a license, it shall also pay the cost of such license.

An electrician previously licensed by the State Fire Marshal who did not renew his or her electrician's license may renew the license without retesting within three years of the date of the last renewal: Provided, That the electrician's license had not been revoked and that the applicant pays double the current fee if his or her license has been lapsed for two renewal periods, or triple the current fee if his or her license has been lapsed for three renewal periods.

Sign Language Interpreters:

The cost of certification renewal and satisfying the requirements of the West Virginia Registry of Interpreters shall be paid in full by the Board for any service person who is:

- ❖ Employed as an educational sign language interpreter I or II and is required to complete any testing, training or continuing education in order to renew or maintain certification at that level;
- ❖ Employed as an educational sign language interpreter I and is required to complete any testing, training or continuing education to advance to an educational sign language interpreter II; or
- ❖ Employed as a sign support specialist and is required to complete any testing, training or continuing education in order to advance to an educational sign language interpreter I or II.

For any service person required to hold certification as a condition of employment, any time devoted to acquiring or maintaining the certification, including instructional time and training, constitutes hours of continuing education for purposes of meeting the annual continuing education requirements in state board policy.

(WVC §18A-2-4)

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(P) P.3.5. Required Level of Education and Service Personnel Contracts

Before entering upon their duties all service personnel shall execute with the Board of Education a written contract in the form pursuant to state statutes and Pendleton County Board of Education regulations. Initial contracts of employment shall be designated as probationary contracts. Persons extended job offers shall return the contract of employment to the County Board Office within 30 days after receipt of the contract or they shall forfeit the right to employment.

Continuing contracts shall be granted to service employees who have completed three years of acceptable employment. Also, service employees holding a continuing contract with another county shall be granted a continuing contract upon completion of one year of successful employment if such employment is during the next succeeding school year or immediately following a leave of absence of one year or less.

All first time employees must have obtained a high school diploma or a General Education Development Certificate (GED) or they must be enrolled in a GED program, in which case, continued employment is contingent upon normal progress and completion of the GED.

(WVC §18A-2-5)

(P) P.3.6. Competency Testing for Service Personnel

Every person (new applicants or current employees) desiring to be placed in a service personnel position shall first pass the State competency exam for the area of employment desired. Competency tests are offered regularly at the South Branch Career and Technical Center and may be administered by Pendleton County school employees or employees of the South Branch Career and Technical Center. The Superintendent may, with the approval of the Board, elect to designate other locations within Pendleton County as testing sites.

- ❖ The competency test consists of an objective written or performance test, or both.
- ❖ A standard passing score is established by the state Department of Education for each test and is used by county boards.
- ❖ Applicants may request to take the written test orally. Oral test will be recorded mechanically and kept on file. The person administering the oral test may not know the applicant personally.
- ❖ The subject matter of the test shall be commensurate with the requirements of the job classification.
- ❖ Applicants who pass the test shall be deemed qualified to fill vacancies in the classification category.
- ❖ The test shall be given under uniform testing conditions.
- ❖ Applicants shall be notified of the date, time and place of the pre-test training and the competency test.
- ❖ Current employees seeking employment in another classification shall be excused from work, without loss of pay, to take the competency test.
- ❖ An applicant who does not pass the exam shall be given other opportunities to retake the exam when applying for another vacancy in the classification category.

(WVC §18A-4-8e)

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(P) P.3.7. Service Personnel Employment Policies and Regulations

Except where noted, service employees shall be subject to and benefit from the same personnel policies and regulations as professional employees. General personnel policies and regulations relative to evaluation, suspension, dismissal, retirement, and/or resignations, which are in effect for both service and professional personnel, are contained in the Pendleton County Policy Manual, sections *P. 8. Employment Actions* and *P. 13. Personnel Evaluation*.

Service personnel shall receive the State Basic Salary for their job classification and years of experience. The salary scale can be found in West Virginia Code §18A-4-8a.

Contracts with service personnel indicate the beginning and ending date for the year. Their supervisors shall determine specific time schedules and workload.

Employees accepting part-time employment in addition to their full-time employment by the Board shall be considered in violation of Board policy in the event such employment results in the employee reporting to work in a mentally and/or physically impaired condition.

SBP 4336 specifies that any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment. SBP 4336 further states that any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day's regularly scheduled afternoon run and immediately prior to the beginning of the next day's regularly scheduled morning run.

No service employee shall be permitted to become employed in more than one regular full-day position, nor more than two one-half day positions at the same time. This prohibition does not apply to extracurricular assignments or summer positions.

Personnel employed to perform tasks that involve the combination of two or more class titles are considered to be multi-classified. In this instance, the minimum salary scale shall be the higher pay grade of the class titles involved.

(WVC §16-3-4a; §18A-2-5; §18A-4-8a and §18A-4-8h)

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(P) P.3.8. Service Personnel Time Schedules

The Pendleton County Board of Education has adopted the policy that the normal workday for all service personnel shall be eight hours which includes a 30 consecutive minute duty-free lunch period. Service personnel are expected to observe assigned work hours. Failure to report for work or provide proper notification of absence may be considered willful neglect of duty and a pattern of such behavior could be grounds for suspension and/or dismissal.

Employees who find it necessary to utilize their personal leave days shall follow the guidelines established in File: (P) P.14.1. *Personal Leave Regulations*.

Employees wishing to redeem compensatory hours earned through an agreement with their immediate supervisor shall do so in accordance with the guidelines established in File: (P) P. 3.11. *Compensatory Time*.

"Dock Days" (days without pay) are not established by state code or state policy; therefore, they are not a right granted to employees. Such days are disruptive to the instructional process and shall only be granted by Pendleton County Schools for extenuating circumstances and only after prior approval by the immediate supervisor and the appropriate Central Office personnel.

Bus Operators:

Bus operators will be expected to devote the time necessary to perform their daily scheduled activities that include trips during the normal workday on a rotating basis (***Extra Duty Assignments***). The Superintendent or his/her designee may assign extra trips.

Generally speaking, a bus operator's work day will consist of the time necessary for their morning and afternoon runs to transport students to and from school, the extra time necessary for cleaning, gassing, pre-service inspections and inclement weather. Bus operators shall also be responsible for scheduling their buses for regular preventative maintenance at the bus garage.

The board recognizes that the time required for most bus operators to achieve their normal daily responsibilities will be less than the mandated eight-hour workday; however, it must be clearly understood that they remain obligated to be Board to complete other appropriately assigned duties during that time frame.

Each day, bus operators shall accurately record the actual hours worked in the following manner:

❖ **AM Run**

Start Time - Begins when your bus starts moving plus 15 minutes pre-trip.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **PM Run**

Start Time - Begins 15 minutes prior to school dismissal plus time needed to reach pick-up location.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **Extra-Curricular** (Assignments that are scheduled on a regular basis)

Start Time - Begins when the bus starts moving plus 15 minutes pre-trip.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **Extra-Duty** (Irregular assignments such as field trips, athletic, and band events)

Start Time - Begins 15 minutes prior to departure plus time to reach pick-up location.

End Time - Stops when you return to the pick-up location plus travel time to reach bus garage (or designated location) and 30 minutes for shut-down and cleaning.

Any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited or interfered with by any commitment as a result of any other employment.

Bus operators who accept Extra-Curricular assignments which cut across the normal lunch time shall be granted a 30 minute paid lunch period.

General Guidelines:

Special attention shall be given to the following service personnel work schedule issues:

- ❖ Service personnel who work three and one-half hours or less per day shall be paid one-half the amount indicated in the state minimum pay scale. Those who work more than three and one-half hours per day shall be paid the full amount required by state minimum pay scale if the employee's supervisor pre-approved the work.
- ❖ Service employees whose daily shift is from 6:00 p.m. to 5:00 a.m. shall be paid at least an additional ten dollars per month and one-half of that sum shall be paid with local funds.
- ❖ Custodians, aides, maintenance, office and school lunch employees required to work an interrupted work schedule shall be paid an additional amount equal to one-eighth of their salary as provided by their state minimum salary and any county supplement. Such additional salary shall be paid entirely from county funds. However, service employees who normally work a split-shift and who agree to work for another employee who does not have a split-shift will not receive the split-shift differential pay for those days worked.
- ❖ A service employee's schedule is considered to be interrupted if he/she does not work a continuous period in one day. Aides are not regarded as working an interrupted schedule when engaged exclusively in the duties of transporting students.
- ❖ Service employees required to work on a legal holiday shall be paid at the time and one-half rate.
- ❖ Service employees who work in excess of 40 hours in any week that contains a paid holiday shall be paid time and one-half for the additional time, and such extra pay shall come from county funds.
- ❖ Regular service employees who agree to extend their work week by working on a Saturday or Sunday shall be paid for at least one-half day of work and if the employee works more than three and one-half hours, he/she shall be paid for a full day if the work was preapproved by the employee's supervisor.
- ❖ No service personnel may have his/her daily work schedule changed during the school year without the employee's written consent. Likewise, the employee's daily work hours may not be changed to avoid the payment of time and one-half wages or the employment of an additional employee.
- ❖ A daily lunch recess of not less than 30 consecutive minutes shall be included in the normal eight-hour workday for all service employees.
- ❖ Service personnel who are requested by a supervisor to work beyond the 40-hour workweek may choose to perform the work for paid overtime and/or compensatory time.

The Board may not establish the beginning work station for a bus operator or transportation aide at any site other than a county board-owned facility with available parking without the written consent of the service person. The workday of the bus operator or transportation aide commences at the bus at the designated beginning work station and ends when the employee is able to leave the bus at the designated beginning work station, unless he or she agrees otherwise in writing. The application for or acceptance of a posted position may not be construed as the written consent referred to above.
(WVC §18A-4-8 and §18A-4-8a)

Because of the rural nature of Pendleton County, certain bus operators (who volunteer to do so) may be granted permission to take their buses home with them at the end of their assigned routes. In such instances, it is understood by both the Pendleton County Board of Education and the employee that the Board of Risk and Insurance Management liability coverage on the bus shall remain intact during the time it is parked at the employee's residence in the same manner it would be on Board property.

(P) P.3.8. 1.

**PENDLETON COUNTY BOARD OF EDUCATION
BUS OPERATOR'S BEGINNING AND ENDING WORK STATION
AGREEMENT FORM**

Owing to the extreme rural nature of the Pendleton County, the most efficient and cost effective manner in which to operate the transportation system is to grant permission to certain bus operators to take their buses home with them at the end of their assigned routes. This arrangement allows these specified operators to begin and end their work day at the location of their homes rather than a specified Board owned work site.

By completing the following form, bus operators who qualify to begin and end their work day at their home locations are verifying that they voluntarily agree to these working conditions.

It is understood by both the Pendleton County Board of Education and the employee that the Board of Risk and Insurance Management liability coverage on the bus shall remain intact during the time it is parked at the employee's residence in the same manner it would be on Board property.

I, _____, voluntarily agree to accept my assignment as operator for Bus #_____ with the understanding that I will begin and end each work day at the location of my home.

Bus Operator

Date

Transportation Supervisor

Date

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(P) P.3.9. Custodians Schedules

Custodians are responsible to the building principal and shall receive their instructions from him/her. Appropriate Central Office staff may also provide supervision and guidance. Custodians shall cooperate with the principal and teachers at all times, and shall employ tact and courtesy in all relationships. The principal and custodian shall develop and follow a regular cleaning schedule. The principal and custodian shall also determine said custodian's duties and responsibilities and they shall form the basis for supervision and evaluation of the custodian's performance. Assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification category.

The term of employment for custodians is determined by the tasks to be performed and the size of the school. Employment terms may range from 10 to 12 months per year.

Custodians are expected to be present to unlock and lock and generally supervise the care of the building at all extracurricular activities, whether they are school activities or outside group activities. They shall be compensated for time and work performed for outside groups.

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(P) P.3.10. Computing Overtime Pay

The purpose of these procedures is to ensure that the Pendleton County Board of Education complies with the overtime provisions of the Fair Labor Standards Act (FLSA), regulations of the U.S. Department of Labor, Wage and Hour Division, and all applicable state statutes and regulations related to the compensation of full-time and part-time employees.

General:

- ❖ All employees of the Board are expected to work a forty-hour workweek each week.
- ❖ Board employees may regularly and routinely be scheduled to work less than a 40-hour workweek; however, the Board retains the right to request an employee to perform additional duties up to 40 hours during a workweek without additional compensation.
- ❖ The length of the school day for licensed and professional staff will be a minimum of seven and one-half hours and will continue until professional responsibilities to students are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum.
- ❖ Work schedules for all non-professional employees will be defined by the Superintendent or, his/her designee, and will be consistent with the Fair Labor Standards Act, West Virginia statutes, and provisions of this policy.
- ❖ Non-exempt employees are not permitted to volunteer to perform services for or on behalf of the school system if the volunteer duties involve the same types of duties that the employees normally perform as a part of their regular duties for the school district.

Workweek:

- ❖ For purposes of the Fair Labor Standards Act, the workweek for all employees of the Board is defined as beginning at 12:00 a.m. Monday and ending at 11:59 p.m. Sunday.
- ❖ Working hours for all non-exempt employees of the Board under the Fair Labor Standards Act, including paraprofessionals, aides, secretaries, bus operators, and cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The classification of all employee positions of the Board, as to whether they are exempt or non-exempt for the provision of the Fair Labor Standards Act, are shown at the end of these procedures.

Attendance Expectations:

- ❖ All employees are expected to be present during their scheduled working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary actions, up to and including dismissal.
- ❖ Non-exempt employees who have not been granted prior approval by appropriate authority to work overtime may not arrive at their workstations earlier than their scheduled starting time and must leave their workstations at their scheduled ending time. Failure to comply with this requirement may result in disciplinary actions, up to and including dismissal.

Time and Attendance Reports:

- ❖ Every employee classified as service personnel is required to complete a time sheet for each week worked during the employee's employment term, reflecting the actual starting and ending times for each day worked and the total time worked. The employee and the employee's immediate supervisor will each sign the time sheet prior to its submittal in a timely manner to the payroll office.
- ❖ Employees classified as professional personnel are not required to file weekly time sheets, but must indicate days present and absent on the payroll report and initial the report.

Overtime:

- ❖ The Board discourages overtime work by non-exempt employees unless absolutely necessary.
- ❖ A non-exempt employee shall not work overtime without the expressed written approval of his/her supervisor. The request must be submitted in writing using the appropriate form. In an emergency situation, verbal approval may be granted; however, a written request must be submitted within 24 hours following the verbal approval.
- ❖ Supervisory personnel must monitor overtime use on a weekly basis to ensure that all overtime worked is necessary. With the mutual agreement of the employee and the immediate supervisor, as required by the provisions of West Virginia Code §§18A-4-8a (8) and 18A-4-8(d), work schedules may be adjusted within a workweek to preclude the need for overtime. This is considered an adjusted workweek and would not be recorded as compensatory time, as long as the hours worked during the workweek do not exceed 40. Approval of overtime shall be granted as follows:
 - School secretaries/custodians/aides/cooks
 - Up to five hours per week, approved by the principal
 - Over five hours per week, approved by the Superintendent
 - Transportation/maintenance supervisors/assistants/bus operators
 - Approved by the Superintendent
 - Central office secretaries/coordinators
 - Up to five hours per week, approved by the immediate supervisor
 - Over five hours per week, approved by the Superintendent
- ❖ In computing the 40-hour workweek for overtime purposes, only actual hours worked will be counted. Time taken off work on paid or unpaid leave, including personal, sick, or military leave, vacation, time off without pay, jury duty, or other absences from work, whether approved or unapproved, outside school environment days, and days canceled due to inclement weather (snow days) will not be counted as hours worked.
- ❖ Pursuant to the provisions of West Virginia Code §18A-4-8a(6), any service personnel who is required to work on any legal school holiday as described in West Virginia Code §18A-5-2, shall be paid at a rate of one and one-half times the employee's usual hourly rate.
- ❖ Pursuant to the provision of West Virginia Code §18A-4-8a (7), any full-time service personnel who is required to work in excess of his/her normal working day during any week which contains a school holiday shall be paid at a rate of one and one-half times the employee's usual hourly rate for the additional hours or fraction of additional hours worked.
- ❖ Pursuant to the provision of West Virginia Code §18-4-8(e), an employee whose regular work week is scheduled from Monday through Friday and agrees to perform any work assignments on a Saturday or Sunday is to be paid for at least one-half day of work for each day he or she reports for work, and if the employee works more than three and one-half hours on any Saturday or Sunday, the employee is to be paid for at least a full-day of work.

Note: In computing the overtime rate for a workweek in which this provision applies, only the actual hours worked on a Saturday or Sunday and the pay related to those hours will be included in the overtime computations. The pay for hours not actually worked will be paid at the employee's regular rate.

Computation of Overtime Pay:

- ❖ Overtime compensation will be paid for actual hours worked in excess of 40 during a given workweek.

- ❖ In computing the total number of overtime hours worked, time worked will be rounded to the nearest fifteen-minute increment. For example, one hour and 5 minutes will be rounded to one hour (1.0 hour) and one hour and 10 minutes will be rounded to 1 hour and 15 minutes (1 and $\frac{1}{4}$ hour).
- ❖ Overtime compensation will be paid at the rate of one and one-half times the employee's regular rate of pay for each hour worked in excess of 40 during a workweek. Generally, the regular rate will include all compensation earned by the employee during the workweek divided by the total number of hours worked.
- ❖ In situations where an employee performs two or more different duties during the workweek with differing regular compensation rates, such as his/her regular duty and an extra-curricular and/or extra-duty assignment, overtime compensation will be computed using one of the following methods:
 - Weighted average method – This involves calculating the employee's regular rate of pay for the workweek by taking the weighted average of all jobs performed during the workweek. To find the weighted average, determine the employee's total earnings for the week and divide this total by the total number of hours worked on all jobs. Once the weighted average has been determined, overtime will be calculated at one and one-half times this average.
 - Separate rates method – This involves Pursuant to the provision of West Virginia Code §18-4-8(e), an employee whose regular work week is scheduled from Monday through Friday and agrees to perform any work assignments on a Saturday or Sunday is to be paid for at least one-half day of work for each day he or she reports for work, and if the employee works more than three and one-half hours on any Saturday or Sunday, the employee is to be paid for at least a full-day of work.

Violations:

Any exempt or non-exempt employee, who violates any provision of the Board's overtime policy, or any regulations or procedures related thereto, may be subject to disciplinary actions, up to and including dismissal.

Exempted Employees:

Superintendent	Associate/Assistant Superintendent
Directors, Coordinators	Treasurer/CSBO
Administrative Assistant	Principals
Assistant Principals	Head Teacher
Teacher	Psychologist
School Nurse	Attendance Officer
Social Worker	Physical/Occupational Therapist
Audiologist	

Non-Exempt Employees:

Aide	Paraprofessional
Autism Mentor	Accountant/Auditor
Braille or Sign Language Specialist	Clerk
Secretary	Receptionist
Computer Technicians	Media Worker
Accounts Payable Supervisor	Payroll Supervisor
Audio Visual Technician	Maintenance Worker
School Bus Operator/Truck Driver	
(Fair Labor Standards Act; WVC §18A-4-8a)	

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PENDLETON COUNTY BOARD OF EDUCATION

PAID OVERTIME and/or COMPENSATORY TIME WORK AGREEMENT

Department: _____ Workweek: _____

Employee Name: _____

Supervisor: _____

Pursuant to the Fair Labor Standards Act (FLSA), the Pendleton County Board of Education has a policy of granting overtime pay or compensatory time to non-exempt employees for time worked in excess of 40 hours in any workweek. Overtime compensation will be paid at the rate of one and one-half times the employee's regular rate of pay for each hour worked in excess of 40 during a workweek. Compensatory time will be granted at a rate of one and one-half (1.5) hours for each hour of overtime worked. A copy of said policy has been provided to me.

I understand that I must obtain my supervisor's authorization to work overtime prior to working in excess of 40 hours in any workweek. I hereby agree to work overtime for the time period specified below:

Date: _____

Time In: _____

Time Out: _____

Total Hours of Overtime for this Date: _____

Total Hours of Compensatory Time for this Date: _____

Employee's Signature: _____

Supervisor's Signature: _____

This document must be attached to the employee's weekly time sheet.

(P) P.3.11. Compensatory Time

If it is agreeable with the employee, overtime work may be substituted for regular working hours during the normal workweek (compensatory time). However, compensatory time may only be granted in those instances when the employee's supervisor obtains prior approval from the Superintendent or his/her designee. Guidelines for granting and using compensatory time are as follows:

- ❖ Approved compensatory time shall be granted at the rate of one and one-half hours of compensatory time for each hour of overtime worked.
- ❖ A written agreement between the Board and employee exist prior to the performance of work and that agreement must be recorded in the employer's record of hours worked.
- ❖ Employees may accumulate a maximum of 40 hours of compensatory time at any particular time during the fiscal year.
- ❖ Employee shall schedule the use of compensatory time with the supervisor granting the compensatory time.
- ❖ Compensatory time may not be redeemed during the opening and closing two weeks of school.
- ❖ Compensatory time must be taken before an employee may use any personal leave, annual leave, or leave without pay.
- ❖ The Board reserves the right to refuse the use of compensatory time if such use would unduly disrupt the employee's job duties.
- ❖ Employees may be disciplined for failure to comply with the Board's compensatory time procedures.
- ❖ In all cases, compensatory time must be used prior to the end of the fiscal year (June 30). If an employee is unable to use all compensatory time earned during the allotted time due to the work requirements, he/she will receive compensation for the unused compensatory time at his/her current regular hourly rate of pay,
- ❖ At the termination of employment, unused compensatory hours will be paid at a rate of compensation not less than:
 - The average regular rate received by such employee during the last three years of service; or
 - The final regular rate received by such employee, whichever is higher.

Adjusted Work Week (Flex Time)

Normally, the Board can make adjustments to an employee's regular work schedule during a workweek in order to accomplish a specific task and yet not have the employee work in excess of 40 hours during the week. Further, the Board may allow an employee to adjust his or her regular workday to accommodate a medical or other appointment without utilizing sick or personal leave. (For example, an employee who normally works from 8:00 a.m. until 4:00 p.m. may work from 8:30 a.m. to 4:30 p.m. in order to attend a medical appointment.) This is described as an adjusted workweek, or is sometimes referred to as flex time. Flex time should be viewed as just one means of utilizing compensatory time while accommodating the needs of Pendleton County employees. Substitutes may not be requested when an employee is granted flex time.

This practice is not prohibited under the FLSA, however, West Virginia Code §18-4-8(d) states that no service employee, without his or her agreement, may be required to report for work more than five days per week and no part of any working day may be accumulated by the employer for future work assignments, unless the employee agrees thereto.

Furthermore, West Virginia Code §18A-4-8a(8) states that no service employee may have his or her daily work schedule changed during the school year without the employee's written consent and the employee's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

In addition, West Virginia Code §18A-4-8a(9) states that the minimum hourly rate for an employee performing an extra duty assignment, as defined in West Virginia Code §18A-4-9b, shall be no less than one seventh of the employee's daily salary for each hour the employee is involved in performing the extra-duty assignment.

(WVC §18-4-8; §18A-4-8a; §18A-4-8a1 FLSA)

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(P) P.3.12. Supervisory Aides

Within the framework of hiring practices in Pendleton County, principals may designate aides in the school who agree to exercise supervisory authority and stand in the place of parents and exercise such authority and control over students as is required of a teacher. Such appointments shall be on the basis of seniority and the duties to be performed must be clearly defined.

The terms and conditions of the agreement shall be in writing, signed by both parties and may include additional benefits.

The authority of a supervisory aide does not extend to suspension or expelling students, does not permit corporal punishment and does not allow these aides to perform instructional duties as a teacher or substitute teacher. However, supervisory aides may supervise students undergoing in-school suspension if the instructional duties required by this assignment are limited solely to handing out and collecting class work.

Supervisory aides shall receive a salary not less than one pay grade above the highest pay grade they hold at the time of appointment. They may not be required to perform non-instructional duties for an amount of time greater than that performed by other aides in the school unless the aide and the Board mutually agree to the assignments. Supervisory aides shall have the option of agreeing to supervise students and of renewing related assignments annually. Should an aide elect not to renew the previous agreement to supervise students, the salary of the aide shall revert to the pay grade specified in the state salary schedule.

(WVC §18A-5-8)

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(P) P.3.13. Guidelines for Contract Bus Drivers

From time to time it may be appropriate and necessary for the Pendleton County Board of Education to employ contract bus drivers to ensure the safe and efficient transportation of students. Drivers employed to fulfill these duties shall be required to comply with the guidelines and requirements outlined in the following pages.

- ❖ All contract bus drivers will complete a Daily Report Form (see attached copy) instead of the combined monthly report form as found in the manual for regular drivers.
- ❖ The rate of mileage reimbursement shall be at least the lesser of, and not more than the greater of, the federal standard mileage rate or the rate authorized by the Travel Management Office.
- ❖ Mileage will be paid from the first pickup point of a drivers route to the school/bus transfer and directly back to the first pickup point on the route. Mileage will be paid for both morning and evening runs. If the entire route is not covered, then only that section that is run will be reported for pay purposes. If a contract driver is a regular employee of the school board and drives to his/her regular place of employment, he/she will not be paid mileage back to the first pickup point in addition to his/her loaded miles.
- ❖ No mileage will be paid for travel other than the regular route.
- ❖ Payment for transporting students will be made to contract drivers monthly based upon a flat rate
- ❖ Contract Drivers must have a Class D driver's license.
- ❖ Contract drivers must meet the requirements and guidelines listed below to qualify as a contract bus operator.
- ❖ Contract drivers will be responsible for notifying their supervisor when a substitute driver is necessary. The contract driver must supply a vehicle for the substitute. Under extenuating circumstances, if a vehicle is not available, their supervisor must be contacted immediately.

Training Requirement:

Contract drivers shall complete a 24-hour training course which is designed to introduce said drives to the various aspects of their assignments. The program shall be internet based and shall include, but is not limited to, the following:

- ❖ Accidents and emergencies ----- 2 hours
- ❖ Detecting hazards ----- 1 hour
- ❖ Emergency driving techniques ----- 1 hour
- ❖ Loading/unloading procedures ----- 1 hour
- ❖ Passenger control----- 1 hour
- ❖ Railroad/highway crossings ----- 1 hour
- ❖ School bus operator rules and responsibilities -----1 hour
- ❖ School bus transportation policies and regulations ---1 hour
- ❖ Defensive driving
 - -- Driving----- 2 hours
 - On the road ----- 2 hours
 - Road awareness ----2 hours
 - Safety ----- 2 hours
 - Sharing the road--- 2 hours
 - Traffic lanes----- 1 hour
 - Turning ----- 2 hours
- ❖ Bullying identification and Prevention ----- 1 hour
- ❖ Sexual harassment awareness----- 1 hour

Medical Examinations:

Contract drivers shall be required to undergo a physical examination in the manner prescribed in (P) P.4. *Employee Medical Examinations*. They shall also be required to complete a tuberculosis test in compliance with (P) P.3.15. *Testing for Tuberculosis*.

Drug and Alcohol Testing:

Contract drivers shall be required to be tested for the following substances: 1) Marijuana; 2) Cocaine; 3) Opiates; 4) Phencyclidine (PCP); 5) Amphetamines; 6) Alcohol.

Contract drivers are not required to hold a CDL; however, they will be included in the same pool of regular drivers who must submit to random drug and alcohol testing as defined in P.5.5. *Required Alcohol and Controlled Substances Testing*. The procedure for testing contract drivers shall be as follows:

Pre-employment Testing:

Prior to the first time a driver performs safety-sensitive functions, the driver shall be required to undergo testing for alcohol and controlled substances.

Random Periodic Testing:

The Pendleton County Board of Education reserves the right to conduct drug and alcohol testing on contract drivers on a random, unannounced basis at least in the same manner it tests regular and substitute bus drivers.

- ❖ Drivers shall be tested for alcohol or controlled substances at various times on an unannounced, random basis.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of safety-sensitive driver positions.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of safety-sensitive driver positions or such other percentage rate as is published by the DOT Federal Highway Administration in the Federal Register.

- ❖ The selection of drivers for random alcohol and controlled substances testing shall be made by the scientifically valid method of a computer-based random number generator that is matched with drivers' Social Security numbers.
- ❖ A driver may only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- ❖ If an employee (driver) has not been chosen through a scientifically valid method within a three year period, the Pendleton County Board of Education may request the employee to submit to a drug and alcohol test.

Post-accident Testing:

As soon as practicable following an accident, the contract driver shall be tested for alcohol and controlled substances

Reasonable Suspicion Testing:

The Board's determination that reasonable suspicion exists to require the driver to undergo an alcohol or controlled substances test must be based on specific, contemporaneous, clear observations concerning the appearance, behavior, speech or body odors of the driver. The observation may include indications of the chronic and withdrawal effects of controlled substances.

The testing of contract drivers shall be conducted by the same service providers that tests regular drivers, but under a separate contract.

FBI Background Check:

Contract drivers shall be required to undergo an FBI background check in compliance with (P) P.3.3. *FBI Background Check for Bus Drivers*. The applicant must pay the cost of the background check.

Vehicle Inspection:

The vehicle to be used to transport students to and from school must be inspected and approved by a certified Department of Motor Vehicle State Inspector annually. In addition said vehicle shall undergo two preventive maintenance inspections during the course of the school term (six month intervals from the date of the state inspection).

Liability Insurance:

Contract drivers will be responsible for providing an inspected and approved automobile with adequate insurance coverage. Effective the 2008-2009 fiscal year, contract drivers must verify liability coverage in the amount of \$1,000,000. The required insurance may be purchased privately or it may be purchased pursuant to §18-5-19 through the State Board of Risk and Insurance Management.

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(P) P.3.13.1.

CONTRACT DRIVERS MONTHLY REPORT

Drivers Name: _____ Bus #: _____ Date: _____

Report for _____ School Month Beginning _____
and Ending _____

School or Regular Driver Served _____
(Report only for those days in which you are to receive payment for services)

[illegible]

1. Gallons of gas used this month: _____
2. Emergency Drill _____ Date: _____ Location: _____
3. Total number of students enrolled: _____

The above information is correct to the best of my knowledge:

Date Received: _____
Date Paid: _____

Signed:_____

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(P) P.3.14. Testing for Tuberculosis

School personnel found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the commissioner, approves a return to work.

The commissioner may require selective testing of students and school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

Note: *"Commissioner" means the Commissioner of the Bureau for Public Health, who is the state health officer.*

(WVC §16-3D-3)

(P) P.3.15. Employment of Transportation Supervisor

After July 1, 2010, all persons employed for the first time as a Supervisor of Transportation or in a multi-classification position that includes this title shall have five years of experience working in the transportation department of a county board. Experience working in the transportation department shall consist of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief mechanic or in a clerical position within the transportation department.

(WVC §18A-4-8(i)(80))

(P) P.3.16. Service Personnel Itinerant Status

Itinerant status means a service person that does not have a fixed work site and may be involuntarily reassigned to another work site. A service person is considered to hold itinerant status if s/he has bid upon a position posted as itinerant or has agreed to accept this status. A county board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students.

A service person with itinerant status may be assigned to a different work site upon written notice 10 days prior to the reassignment without the consent of the employee and without posting the vacancy. A service person with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the county board shall post and fill, pursuant to §18A-4-8b, all positions that have been filled without posting by a service person with itinerant status.

A service person that is assigned to a beginning and ending work site and travels at the expense of the county board to other work sites during the daily schedule shall not be considered to hold itinerant status.

(WVC §18A-4-8)

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(P) P.3.17. Bus Operator Certification

A school bus operator certificate may be issued to a person who has attained the age of 21, completed the required training set forth in State Board rule (SBP 4336), has a high school diploma or GED and has met the physical requirements and other criteria to operate a school bus set forth in State Board rule.

Notwithstanding any other provision of §18A-4-8e to the contrary and notwithstanding any rules of the school board concerning school bus operator certification in effect on March 10, 2012, the certification test for school bus operators shall be required as follows, and school bus operators shall not be required to take the certification test more frequently:

- ❖ For substitute school bus operators and for a school bus operators with regular employee status but on a probationary contract, the certification test shall be administered annually;
- ❖ For a school bus operators with regular employee status and continuing contract status, the certification test shall be administered triennially; and
- ❖ For substitute school bus operators who are retired from a county board and who at the time of retirement had 10 years of experience as a regular full-time bus operator, the certification test is shall be administered triennially.

(WVC §18A-4-8e)

(P) P.3.18. Revocation of Bus Operator Certification

The State Superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any bus operator for any of the following causes:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Conviction of or guilty plea or plea of no contest to a felony charge;
- ❖ Conviction of or guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificates.

Of the causes for certificate revocation listed above, the following causes constitute grounds for revocation only if there is a rational nexus between the conduct of the bus operator and the performance of the job:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificate.

The certificate shall be automatically revoked if the bus operator is convicted under §61-8D-3 or §61-8D-5 §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that requires the bus operator to register as a sex offender, or of any criminal offense which has as an element the distribution of a controlled substance: Provided, That should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this state or the United States, the bus operator's certificate shall be reinstated unless otherwise prohibited by law.

Also, WVC §17E-1-13 states that a bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

SBP 4336-West Virginia School Bus Transportation Policy and Procedures Manual also list several rules infractions which will lead to suspension for revocation of a person's bus certification. See section 19-Reasons for Suspension, Revocation or Non-renewal of Certification of School Bus Operators. Follow this link to [SBP 4336-West Virginia School Bus Transportation Policy and Procedures Manual](#).

The State Superintendent shall designate a review panel to conduct hearings on certificate revocations or denials and make recommendations for action by the State Superintendent.

It is the duty of any county superintendent who knows of any acts on the part of a bus operator for which a certificate may be revoked in accordance with §18A 4-8e (k) to report the same, together with all the facts and evidence, to the State Superintendent for such action as in the State Superintendent's judgment may be proper.

If a certificate has been granted through an error, oversight or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and State Board rules.

(WVC §17E-1-13; WVC §18A-4-8e(k); SBP4336)

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(P) P.3.19. Special Requirements for Autism Mentor

SBP 5314.01-Autism Mentor, effective May 13, 2013, mandates new standards for the service personnel class title "Autism Mentor".

Standards and Experience Requirements

- ❖ Meet the qualifications of "Aide III" as delineated in W. Va. Code §18A-4-8.
 - The Local Educational Agency (LEA) is responsible for verifying this standard and documentation is to be maintained in the aide's personnel file.
- ❖ Successful completion of a staff development program related to providing instructional supports to students with autism as determined by the West Virginia Department of Education (WVDE) and delineated in the WVDE's Guidelines for Best Practices Autism Spectrum Disorders: Services in West Virginia Schools.
 - The WVDE is responsible for verifying this standard.
 - For each hour of training completed, one-half point per hour will be awarded.
 - A minimum of 15 points (or 30 hours of training) must be earned and verified in order for a candidate to meet this requirement.
 - Training is required on the use of restraint and must include prevention and de-escalation techniques with alternatives to the use of restraint.
 - Training must have been completed within a three year period and documentation submitted to the Office of Special Programs for review and consideration. Training over three years old will not be considered.
 - Points awarded for this item will be determined by the Office of Special Programs after proper documentation of approved training is submitted to the WVDE.
 - The documentation shall, at a minimum, include the name of training, date of training, number of hours, agency providing training and shall include the signature of the training sponsor or designee.
 - Upon completion of the analysis of the documentation submitted, the employee and LEA personnel director will receive a letter verifying whether the state requirements for this standard have been met.
- ❖ Two (2) years of successful experience providing classroom instructional supports to a student(s) with autism under the supervision of a fully certified special education teacher.
 - The LEA is responsible for verifying this standard.
 - A year is defined as a minimum of 133 instructional days in any one school year, verified at the end of the school year.
 - A student must be an eligible student with autism for the time the aide provided instructional supports in order for the experience to be counted. The student's eligibility as a student with autism is determined and documented by the Eligibility Committee (EC) in accordance with W. Va. 126CSR16 West Virginia Board of Education Policy 2419: Regulations for the Education of Students with Exceptionalities. If a student had a change in EC determination to or from autism while the aide was providing instructional supports, the aide will receive credit only for experience during the time the student was an eligible student with autism as determined by the EC.
 - Dates for the time period for which credit for working with students with autism is requested must be documented.
 - Documentation of this standard is to be kept in the aide's personnel file.
- ❖ Physical ability and stamina necessary to complete all job tasks, including tasks related to ensuring student safety.
 - The LEA is responsible for verifying this standard.
 - Documentation of this standard is to be kept in the aide's personnel file.
- ❖ Upon completion of the requirements delineated in this policy and when standards have been verified as met, an aide is eligible to apply for the position of autism mentor.
 - To receive the autism mentor pay grade, an aide must be employed in an autism mentor position.

(SB) 5314.01) Link to [SBP 5314.01-Autism Mentor](#)

(P) P.3.20. State Approved Service Personnel Contract Format

Before entering upon their duties service personnel shall execute with the board a written contract which shall be in the following form:

"COUNTY BOARD OF EDUCATION
SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made and entered into this _____ day of _____, 20____, by and between THE BOARD OF EDUCATION OF THE COUNTY OF _____, a corporation, hereinafter called the 'Board,' and (Name and Social Security Number of Employee), of (Mailing Address), hereinafter called the 'Employee.'

WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County of _____ held at the offices of said Board, in the City of _____, _____ County, West Virginia, on the _____ day of _____, 19____, the Employee was duly hired and appointed for employment as a (Job Classification) at (Place of Assignment) for the school year commencing _____ for the employment term and at the salary and upon the terms hereinafter set out.

NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree as follows:

(1) The Employee is employed by the board as a (Job Classification) at (Place of Assignment) for the school year or remaining part thereof commencing _____, 19____. The period of employment is _____ days at an annual salary of \$_____ at the rate of \$_____ per month.

(2) The Board hereby certifies that the Employee's employment has been duly approved by the board and will be a matter of the board's minute records.

(3) The services to be performed by the Employee shall be such services as are prescribed for the job classification set out above in paragraph (1) and as defined in Section 8, Article 4, Chapter 18A of the Code of West Virginia, as amended.

(4) The Employee may be dismissed at any time for immorality, incompetency, cruelty, insubordination, intemperance or willful neglect of duty pursuant to the provisions of Section 8, Article 2, Chapter 18A of the Code of West Virginia, as amended.

(5) The Superintendent of the _____ County Board of Education, subject to the approval of the board, may transfer and assign the Employee in the manner provided by Section 7, Article 2, Chapter 18A of the Code of West Virginia, as amended.

(6) This contract shall at all times be subject to any and all existing laws, or such laws as may hereafter be lawfully enacted, and such laws shall be a part of this contract.

(7) This contract may be terminated or modified at any time by the mutual consent of the board and the Employee.

(8) This contract shall be automatically terminated if the Employee is convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that requires the Employee to register as a sex offender, or of any criminal offense which has as an element delivery or distribution of a controlled substance: Provided, That should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this state or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by law.

(9) This contract must be signed and returned to the board at its address of _____ within thirty days after being received by the Employee.

(10) By signing this contract the Employee accepts employment upon the terms herein set out.

WITNESS the following signatures as of the day, month and year first above written:

_____, (President, _____ County Board of Education) _____, (Secretary, _____ County Board of Education) _____, (Employee)"

The use of this form shall not be interpreted to authorize boards to discontinue any employee's contract status with the board or rescind any rights, privileges or benefits held under contract or otherwise by any employee prior to the effective date of this section.

Each contract of employment shall be designated as a probationary or continuing contract. The employment of service personnel shall be made a matter of minute record. The employee shall return the contract of employment to the county board of education within thirty days after receipt or otherwise he or she shall forfeit his or her right to employment.

Under such regulation and policy as may be established by the county board, service personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide, classroom aide and general aide, shall work under the direction of the principal and teachers to whom assigned.

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Amended/Revised: May 19, 2004; October 4, 2004; October 19, 2005; September 20, 2006; September 25, 2007; February 11, 2009; January 12, 2010; February 9, 2010; August 24, 2010; September 6, 2011; August 21, 2012; October 1, 2013; October 9, 2014; September 1, 2015; September 6, 2016; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.4. Employee Medical Examinations	Adopted: August 20, 2003 Last Review: March 2018

As prescribed by state law, certain Pendleton County Board of Education employees will be required to undergo medical examinations as a condition of employment (Superintendent and bus drivers/contract bus drivers). Bus drivers/contract bus drivers are also subject to routine annual medical examinations in order to retain their positions. The Pendleton County Board of Education shall pay the cost of routine medical examinations required as a condition of employment as defined in law, state regulation, or Board policy.

(WVC §21-3-17 and §18A-2-10)

Each year, the Board will solicit bids from area physicians to perform the required examinations. The Board will pay the cost of the physical performed by the successful bidder. Employees may choose to use a physician other than the successful bidder, but the reimbursement will be limited to \$20 over the amount charged by the successful bidder.

Bus Drivers/Contract Bus Drivers

Before entering into the discharge of his/her duties as a school bus operator/contract bus driver, the applicant shall have a physical examination as prescribed in SBP 4336. The result of the physical examination shall be recorded on a prescribed form and forwarded to the State Director of School Transportation. A copy of the report will become a part of the bus operator's/contract bus driver's permanent record in the county office. The original report of the physical examination shall govern eligibility. However, exceptions may be made in case of vision where corrective lenses remedy the condition and in the event the school authorities in charge feel that the original report is inaccurate or questionable. When questionable reports are received, the applicant may be required to take another physical examination by a physician or specialist designated by the County Superintendent of Schools. Bus operators/contract bus drivers will be required to undergo and pass an annual physical exam in order to maintain their certification and employment.

Effective May 21, 2014, the annual medical examination of bus operators must be conducted by a medical examiner listed on the National Registry of Certified Medical Examiners. Follow this link to the National Registry site for list of examiners in the Franklin area:

<https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

All school bus operators/contract bus drivers will be subject to pre-employment, random, post-accident, and reasonable suspicion testing for the use of certain controlled substances and alcohol under the regulations established by the U. S. Department of Transportation, Federal Highway Administration's implementation of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), including subsequent revisions or additions. The Board shall be responsible for payment of the cost of all such test. A full explanation of the Board's drug testing procedures may be found in *P.5. Transportation Employees Alcohol and Controlled Substance Testing* and *P.3.14. Guidelines for Contract Bus Drivers*. Follow this link to [SBP 4336-West Virginia School Bus Transportation Policy and Procedures Manual](#)

(WVC §16-3D-3 and SBP 4336)

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Amended/Revised: February 11, 2009; October 9, 2014

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.5. Transportation Employees' Alcohol and Controlled Substance Testing	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education has a vital interest in maintaining a safe, healthy and efficient work environment for its employees. Likewise, the Pendleton County Board of Education is committed to students, parents and the general public to operate its facilities safely and prudently. Consistent with these interests and according to the regulations promulgated by the United States Department of Transportation, Federal Highway Administration, pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Pendleton County Board of Education has adopted and implemented these Transportation Employees Alcohol and Controlled Substance Testing Procedures. These procedures create obligations and requirements over and above those articulated by the Pendleton County Board of Education Drug-Free Workplace policy.

(P) P.5.1. Employees Required to Undergo Testing

All employees of the Pendleton County Board of Education identified as "Driver" in these procedures will be tested for the following substances: 1) Marijuana; 2) Cocaine; 3) Opiates; 4) Phencyclidine (PCP); 5) Amphetamines; 6) Alcohol. The definition of "Driver" includes Contract Bus Drivers.

(P) P.5.2. Purpose

The purpose of these Transportation Employees and Controlled Substance Testing procedures are as follows:

- ❖ To establish and maintain a healthy and safe working environment for all of the employees of the Pendleton County Board of Education;
- ❖ To insure the reputation of the Pendleton County Board of Education and its employees as good, responsible citizens;
- ❖ To reduce the possibility of accidental injury to persons or property;
- ❖ To reduce absenteeism, tardiness, and indifferent job performance; and
- ❖ To insure the safety of all students transported on vehicles owned by Pendleton County.

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(P) P.5.3. Definitions:

- ❖ **Accident means:** An occurrence involving a commercial motor vehicle operating on a public road that results in:
 - A fatality; or
 - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damages as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; or
 - The driver receiving a citation under state or local law for a moving traffic violation arising from the accident; or
 - An occurrence involving a transportation employee that results in:
 - A fatality; or
 - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- ❖ **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- ❖ **Alcohol Concentration (or Content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters or breath as indicated by an evidential breath test.

- ❖ **Alcohol Use** means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- ❖ **Board** means the Pendleton County Board of Education.
- ❖ **Controlled Substance** has the meaning such term has under section 102(6) of the Controlled Substance Act (21 U.S.C. #802[6]) and includes all substances listed on schedules I through V of 21 C.F.R. part 1308 and West Virginia Code 60A-2-201 through 213, as they may be revised from time to time.
- ❖ **Commercial Motor Vehicle** has the same meaning such term has under 49 C.F.R. #382.107.
- ❖ **DOT** means the Department of Transportation.
- ❖ **Driver** has the same meaning such term has under 49 C.F.R. #382.107, and includes any person employed by the Board who operates a commercial motor vehicle including, but not limited to, the following persons employed by the Board: bus operator, substitute bus operator, chief mechanic, mechanic, assistant mechanic, truck drivers who hold a commercial driver's license (CDL), maintenance staff members who hold a CDL, school bus supervisors who hold a CDL, supervisor of maintenance and supervisor of transportation if either of these employees hold a CDL, and other employees of the Board who are required to hold a CDL to perform their jobs. In addition to the above employees of the Pendleton County Board of Education, other employees to be included in the drug and alcohol testing program will be those employees who hold a valid West Virginia certification as a bus operator license and may be transporting students in vehicles owned by the Board and/or state. In Pendleton County, "Driver" also includes "Contract Bus Drivers".
 - For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to the Board to drive a commercial motor vehicle.
 - For the purposes of post-accident testing only, the term "driver" includes any employee who operates a vehicle owned or leased by the Board.
- ❖ **Performing (a safety-sensitive function)** means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately able to perform any safety-sensitive function.
- ❖ **Safety-sensitive Function** has the same meaning such term has under 49 C.F.R. #382-107 and includes time spent waiting to be dispatched, time spent inspecting equipment or otherwise inspecting, servicing or conditioning any commercial motor vehicle, all driving time, all time spent in or upon any commercial motor vehicle, all time spent loading or unloading a commercial motor vehicle or attending a vehicle being loaded or unloaded, and all time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.
- ❖ **Substance Abuse Professional or SAP** means a licensed or certified psychologist, social workers, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

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(P) P.5.4. Prohibitions Relating to Alcohol and Controlled Substances

Prohibitions Related to Alcohol:

- ❖ All drivers are prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- ❖ All drivers are prohibited from being on duty or operating a commercial motor vehicle while they possess alcohol, unless the alcohol is manifested and transported as part of a shipment.
- ❖ All drivers are prohibited from using alcohol while performing safety-sensitive functions.
- ❖ All drivers are prohibited from performing safety-sensitive functions within eight hours after using alcohol.
- ❖ All drivers who are required to take a post-accident alcohol test pursuant to section (P) P.5.5. *Required Alcohol and Controlled Substances Testing* of these procedures are prohibited from using alcohol for eight hours following the accident, or until they undergo a post-accident alcohol test, whichever occurs first.

Prohibitions Relating to Controlled Substances:

- ❖ All drivers are prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except under the following circumstances:
 - The use is pursuant to the instructions of a physician who has advised the driver that the controlled substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle; and
 - The driver has notified the Board, in advance, of any such therapeutic drug use.
- ❖ All drivers are prohibited from reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.
- ❖ No driver shall refuse to submit to any alcohol or controlled substance test required by section
- ❖ (P) P.5.5. *Required Alcohol and Controlled Substances Testing* of these procedures. Any driver who refuses to submit to such tests shall be prohibited from performing safety-sensitive functions.
- ❖ Compliance with these procedures is a condition of employment with the Board. Any driver who violates any provision of these procedures or whose results of a required alcohol or controlled substances test preclude them from meeting the requirements of this policy shall be removed from the performance of safety-sensitive functions. In addition, the Superintendent shall initiate proceedings to terminate the employment of any driver who violates any provision of this policy or whose results of a required alcohol or controlled substances test preclude them from meeting the requirements of this policy.

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(P) P.5.5. Required Alcohol and Controlled Substances Testing

Pre-employment Testing:

- ❖ Prior to the first time a driver performs safety-sensitive functions, the driver shall be required to undergo testing for alcohol and controlled substances.
- ❖ No driver shall be permitted to perform safety-sensitive functions unless the driver had been administered an alcohol test with results indicating an alcohol concentration less than 0.02 and has received a controlled substance test result from the medical review officer indicating a verified negative test result.

Post-accident Testing:

- ❖ As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver shall be tested for alcohol and controlled substances if:
 - The surviving driver was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - In cases involving alcohol, the surviving driver receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident; or
 - In cases involving a controlled substance, the surviving driver receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident if the accident involved:
 - Resulted in bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- ❖ If a post-accident alcohol test is not administered within two hours following the accident, the Board shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a post-accident alcohol test is not administered within eight hours following the accident, the Board shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
- ❖ If a post-accident controlled substance test is not administered within 32 hours following the accident, the Board shall cease attempts to administer a controlled substance test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

- ❖ A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Board to have refused to submit to testing.
- ❖ A driver who is subject to post-accident testing shall, as soon as practicable following an accident involving a commercial motor vehicle, take the following action:
 - By telephone contact the Drug and Alcohol Testing Vendor, as designated by the Board;
 - Report to the designated location for testing; and
 - Notify his supervisor of the accident.
- ❖ The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances conducted by federal, state or local officials having independent authority for the test shall be considered to meet the requirements of this policy regarding post-accident testing, provided that such tests conform to applicable federal, state or local requirements and that the results of the tests are obtained by the Board.

Random Testing:

- ❖ Drivers shall be tested for alcohol or controlled substances at various times on an unannounced, random basis.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of safety-sensitive driver positions.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of safety-sensitive driver positions or such other percentage rate as is published by the DOT Federal Highway Administration in the Federal Register.
- ❖ The selection of drivers for random alcohol and controlled substances testing shall be made by the scientifically valid method of a computer-based random number generator that is matched with drivers' Social Security numbers.
- ❖ A driver may only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- ❖ If an employee (driver) has not been chosen through a scientifically valid method within a three year period, the Pendleton County Board of Education may request the employee to submit to a drug and alcohol test.

Reasonable Suspicion Testing:

- ❖ Drivers shall be required to submit to an alcohol test when the Board has reasonable suspicion to believe that the driver has violated the prohibitions of Subpart B, Sections 382.201 and 382.205 of the federal regulations.
- ❖ Drivers shall be required to submit to a controlled substances test when the Board has reasonable suspicion to believe that the driver has violated the prohibitions of Subpart, Sections 382.211 and 382.213 of the federal regulations.
- ❖ The Board's determination that reasonable suspicion exists to require the driver to undergo an alcohol or controlled substances test must be based on specific, contemporaneous, clear observations concerning the appearance, behavior, speech or body odors of the driver. The observation may include indications of the chronic and withdrawal effects of controlled substances.
- ❖ The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or board official who is trained in accordance with Section 382.603 of the federal regulations. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. Once reasonable suspicion is observed it becomes the responsibility of the Board to transport the driver to the collection site or to the station where alcohol testing is performed. A driver who is being tested must be relieved of his/her duties until the results are received from the BAT and/or MRO officers.
- ❖ Reasonable suspicion alcohol testing is authorized only if the observations required by these regulations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with these regulations. A driver may be directed by the Board to undergo reasonable suspicion alcohol testing only while the driver is performing safety-sensitive functions, or just after the driver has ceased performing such functions.

- ❖ If a reasonable suspicion alcohol test is not administered within two hours following the observations required by these regulations, the Board shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight hours following the observations required by these regulations, the Board shall cease attempts to administer an alcohol test and shall prepare and state in the record the reasons for not administering the test.
- ❖ Notwithstanding the absence of a reasonable suspicion alcohol test under this section, all drivers are prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02.
- ❖ Except as provided by the preceding paragraph, and/or by any independent authority, the Board shall take no action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use in the absence of an alcohol test.
- ❖ A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor or Board official who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

Return-to-Duty Testing:

Before an employer returns to the performance of safety-sensitive duties after engaging in conduct prohibited by this policy, he/she will be required to undergo an alcohol test with a result indicating an alcohol concentration level of less than 0.02 and a controlled substance test with a result indicating a verified negative result for controlled substance use.

Follow-up Testing:

Follow-up testing will be done with employees for whom it has been determined that they are in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances. The number and frequency of such follow-up tests shall be directed by the substance professional and consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing shall not exceed sixty (60) months from the date of the employees return to duty.

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(P) P.5.6. Testing Procedures

All alcohol and controlled substances testing conducted pursuant to these procedures shall comply with the regulations promulgated by DOT and set forth in 49 C.F.R., Part 40, as they may be revised from time to time.

Alcohol Testing Procedures:

- ❖ A trained Breath Alcohol Technician (BAT) who shall utilize an Evidential Breath Testing Device (EBT) approved by the National Highway Traffic Safety Administration shall conduct all alcohol testing conducted pursuant to these procedures.
- ❖ A BAT-qualified supervisor of a driver may conduct the alcohol test for that driver only if another BAT is unavailable to perform the test in a timely manner.
- ❖ Alcohol testing shall be conducted in a location that affords visual and aural privacy to the driver being tested, sufficient to prevent unauthorized persons from seeing or hearing the test results.
- ❖ The breath alcohol testing form promulgated by the DOT shall be used for all alcohol testing without modification.
- ❖ Blood alcohol testing shall be conducted only under such circumstances as may be permitted under DOT regulations.

Controlled Substances Testing:

- ❖ Controlled substances testing shall be conducted by way of the split sample method of urine collection. After the driver being tested has provided a urine sample of at least 45 ml, the sample must be split into two specimen bottles to be shipped in a single shipping container, together with the chain-of-custody form, to a DHHS-certified laboratory for analysis.
- ❖ The Board and the certified laboratory shall develop and maintain clear and well-documented procedures for collection, shipment and accessing of urine specimens, including an appropriate chain of custody form. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures.
- ❖ It is recognized that the Board has the right to request that the personnel administering urine collection take such steps as are necessary to detect tampering or substitution while maintaining individual privacy. If it is established that a driver's specimen has been intentionally tampered with or substituted by the driver or someone on his behalf, the driver will be subject to discharge.
- ❖ The result of the certified laboratory analysis is reviewed by a Medical Review Officer (MRO), who is a licensed physician responsible for receiving laboratory results generated by this policy and who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and other relevant biomedical information.
- ❖ If the test result of the primary specimen is positive, the driver may request that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the driver having been notified of a verified positive test result.

Action required by this policy as a result of a positive drug test (e.g., removal from performing safety-sensitive functions) is not stayed pending the result of the test of the split specimen. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the Board and the driver.

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(P) P.5.7. Handling of Test Results, Record Retention and Confidentiality

The Board shall maintain records of its alcohol misuse and controlled substance use prevention programs as provided below. Such records shall be maintained in a secure location with controlled access.

The Board shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed pursuant to these procedures and in accordance with 49 C.F.R., Section 382.403

The Board shall not release driver information that is contained in records that must be maintained under Section 382.401 of these procedures except as required by law or these procedures. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.

The Board must obtain, pursuant to a driver's written consent, any information concerning the driver that is maintained under an alcohol and controlled substances testing policy by the driver's previous employers. If feasible, this information must be obtained and reviewed by the Board before the employee performs safety-sensitive functions. If this is not feasible, the information should be obtained and reviewed as soon as possible, but in no case may an employee perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions unless the Board has received the requested information. Records shall be maintained in the following manner:

- ❖ Five year retention: The following records shall be maintained for a minimum of five years:
 - Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - Records of driver verified positive controlled substances test results;
 - Documentation of refusal to take required alcohol and/or controlled substances tests;
 - Driver evaluation and referrals;
 - Calibration documentation;

- Records related to the administration of the alcohol and controlled substance testing programs; and
- A copy of each annual calendar year summary.
- ❖ Two-year retention: Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).
- ❖ One-year retention: Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.
- ❖ Indefinite period: Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require training and for two years after ceasing to perform those functions.

The release of any information under this part must be in any written form such as a fax, letter or e-mail, which ensures confidentiality. The Board shall maintain a written, confidential record with respect to each past employer contacted.

(P) P.5.8. Training of Testers

The Board shall insure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing pursuant to Section 5.2(C) of this policy shall receive at least 60 minutes of training on alcohol misuse and receive an additional 60 minutes of training on controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

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(P) P.5.9. Defeating Drug/Alcohol Screening Tests

Criminal penalties may be imposed upon persons who:

- ❖ Knowingly sells, gives away, distributes or markets any substance or product in this state or transports such a substance or product into this state with the intent that the substance or product will be used to defeat a drug or alcohol screening test;
- ❖ Attempts to defeat a drug or alcohol screening test by the substitution of a false sample;
- ❖ Knowingly advertises for sale or distribution any substance or product the advertised purpose of which is to defeat a bodily fluid screening test for drugs or alcohol;
- ❖ Adulterates a bodily fluid sample with the intent to defeat a drug or alcohol screening test;
- ❖ Knowingly possesses adulterants for the purpose of defeating a drug or alcohol screening test; knowingly sells adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defeating a drug or alcohol screening test.

A person who violates a provision of §60A-4-412(a):

- ❖ For a first offense is guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000);
- ❖ For a second offense is guilty of a misdemeanor and, upon conviction, be fined not more than five thousand dollars (\$5,000); and
- ❖ For a third or subsequent offense is guilty of a misdemeanor and, upon conviction, be fined not more than ten thousand dollars (\$10,000) or confined in the regional jail for not more than one year, or both.

As defined in the code, "adulterate" means a substance that is not expected to be in human fluids but that is a concentration so high that it is not consistent with human bodily fluids, including, but not limited to:

- ❖ Bleach;
- ❖ Chromium;
- ❖ Creatinine;
- ❖ Detergent;

- ❖ Glutaraldehyde;
- ❖ Glutaraldehyde/squalene;
- ❖ Hydrochloric acid;
- ❖ Hydroiodic acid;
- ❖ Iodine;
- ❖ Nitrite;
- ❖ Peroxidase;
- ❖ Potassium dichromate;
- ❖ Potassium nitrate;
- ❖ Pyridinium chlorochromate; and
- ❖ Sodium nitrite.

(WVC §60-4-412 (a)(b))

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Amended/Revised: September 25, 2007; August 21, 2012

PENDLETON COUNTY BOARD OF EDUCATION**PRESCRIPTION AND OVER-THE-COUNTER MEDICATION POLICY****PURPOSE**

The National Transportation Safety Board (NTSB) issued a directive to the Federal Transit Administration (FTA) to educate service agencies on the potential safety risks associated with the use of prescription (Rx) and over-the-counter (OTC) medications by employees who perform duties requiring the transporting of students and other school personnel.

In the interest of complying with this directive and protecting employees and others, the Pendleton County Board of Education has developed this Rx/OTC policy. As such, all safety-sensitive employees must make sure that any prescribed drug, any over-the-counter medication, or combination of drugs being taken will not adversely impact their job performance. The employee must inform the prescribing medical practitioner of the employee's job duties performed and the medical practitioner must approve the medications to ensure that the employee's job duties can be performed safely.

APPLICABILITY

This policy applies to all by employees who perform duties as a bus operator, other duties which require a CDL and for professional personnel who may be transporting students to activities per the guidelines established in SBP 4336 and the Pendleton County Board of Education. The procedure set forth herein applies only to medications that are to be taken or that would have an effect while at work.

PRESCRIPTION MEDICATIONS

The appropriate use of legally prescribed medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any prescription medication with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing the job duties identified above any time their ability to safely perform their job duties is adversely impacted by the use of a prescription medication.

- ❖ A legally prescribed drug means the employee has a prescription or other written approval from a medical practitioner for his/her use of a drug in the course of medical treatment. The written statement must include the employee's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
- ❖ The misuse or abuse of prescription medications is prohibited. Examples of misuse and/or abuse include:
 - Use of a medication that is not prescribed by the employee.
 - The employee exceeds the prescribed dosage.
 - Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
 - The use of any prescription medications that adversely impacts the employee's ability to safely perform his/her assigned duties.

The Pendleton County Board of Education requires that all bus operators, other CDL holders and professional personnel who transport students per SBP 4336 obtain a statement from their medical practitioner for each medication prescribed indicating whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the Director of Transportation where it will be kept in the employee's confidential medical file.

OVER-THE-COUNTER MEDICATIONS

The appropriate use of over-the-counter (OTC) medications is not prohibited. However, the employee has the responsibility to read all warning labels and contraindication notices and if necessary discuss the potential effects of any OTC medication with a medical practitioner or pharmacist including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing a safety-sensitive function any time his/her ability to safely perform their job duties is adversely impacted by the use of OTC medications.

- ❖ The misuse or abuse of OTC medications is prohibited. Examples of misuse and/or abuse include:
 - Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
 - The use of any OTC that adversely impacts the employee's ability to safely perform his/her job duties.
 - Using an OTC for other than its intended purpose.
 - Exceeding the recommended dosage.

The Pendleton County Board of Education requires that all employees bus operators, other CDL holders and professional personnel who transport students per SBP 4336 obtain a statement from their medical practitioner or pharmacist for each OTC used that has a warning label or caution that indicates that mental functioning, motor skills, or judgment may be adversely affected. As an example, the warning label might indicate: "May cause drowsiness. Use care when operating a car or heavy machinery." The statement should indicate whether the employee should be medically disqualified from performing safety-sensitive functions during the duration of the treatment. The statement must be provided to the Director of Transportation where it will be kept in the employee's confidential medical file.

MEDICAL DISQUALIFICATION

Ultimately, the employee is the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to inform the medical practitioner/pharmacist of performance altering side effects and request medical disqualification from performance of their duties. The employee is encouraged to discuss/consider alternative treatments that do not have the performance altering side effects.

An employee will be medically disqualified from the performance of safety-sensitive functions if the medical practitioner/pharmacist determines that the side effects of the medication being taken pose a potential threat to the safety of co-workers, the public and/or the employee.

The medical practitioner/pharmacist determination is subject to review by another practitioner at the discretion of the Superintendent. The verifying practitioner may consult with the original medical practitioner/pharmacist to obtain additional information as necessary. Based on the information provided, the county's physician may determine that the employee should be medically disqualified. The county physician's decision will be deemed final.

The medical practitioner/pharmacist statements and any other medical information obtained through this process are confidential information and will be maintained in confidential medical files in the Pendleton County Board of Education Personnel Office.

PROCEDURAL GUIDELINES

The employee has the responsibility to assess his/her fitness for duty while using Rx/OTC prescription medication. As such, the employee has the following responsibilities:

- ❖ The employee has the responsibility to discuss the potential effects of any OTC drug with a medical practitioner or pharmacist, including any adverse impact on the safe performance of their job duties. The employee is encouraged to discuss with his/her medical practitioner/pharmacist alternative treatments that do not have performance altering side effects.
- ❖ The employee has the responsibility to inform the medical practitioner/ pharmacist of performance altering side effects experienced and request medical disqualification from the performance of safety-sensitive job duties.

- ❖ The employee must have medical practitioner/pharmacist determine if he/she should be medically disqualified from the performance of safety-sensitive job duties based on the side effects of the OTC. The employee must subsequently request the medical practitioner/pharmacist to complete a statement indicating whether or not the employee should be medically disqualified, and if so, the duration of the disqualification.
- ❖ Employees are required to provide the medical practitioner/pharmacist statement in a sealed envelope to the Director of Transportation. The envelope should be sealed and marked confidential.
- ❖ The employee must notify their immediate supervisor of the duration of his/her medical disqualification. The employee will be immediately removed from duty.
- ❖ Employees will be allowed to use their accumulated sick leave, personal time, and/or vacation for the duration of the medical disqualification.

The Pendleton County Board of Education will periodically publish a list of medications that are of the greatest concern. The list will be provided as a guide only and should not be considered all-inclusive. Use of the list to identify potential problem medications does not exempt the employee from the process as defined herein, but should be used to trigger more in depth discussions with the medical practitioner/pharmacist.

CONSEQUENCES OF POLICY VIOLATION

An employee who fails to report the use of an Rx/OTC medication or who performs safety-sensitive functions when his/her performance is being adversely impacted by an OTC medication will be subject to the following discipline.

Failure to report (1st Offense).....	Written Reprimand
Failure to report (2nd Offense).....	Two work days without pay
Performance of safety-sensitive function when Adversely impacted by OTC medication	Five work days without pay
Falsification of medical practitioner/pharmacist Statement	Discharge

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.6. Employee Contracts and Compensation Plans	Adopted: August 20, 2003 Last Review: March 2018

All personnel shall execute with the Board of Education a written contract in the form pursuant to state statutes and Pendleton County Board of Education regulations before entering upon their duties.

Consistent with West Virginia Code, all new employees serve a probationary period during their first three years of employment (Professional and Service Personnel). In addition to newly certified teachers and service personnel, the Pendleton County Board of Education receives applications from the following sources and their contract status upon employment shall be as follows:

1. Applicants who hold a Continuing Contract from another county and enter into employment in Pendleton County shall be issued a Probationary Contract; however this person shall be granted continuing contract status upon completion of one year of acceptable employment if the employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.
2. Applicants, who have had a break in their employment in Pendleton County and subsequently are reemployed by county, shall be issued a Probationary Contract regardless of their status at the time they resigned from their previous position. These applicants cannot be treated the same as a person holding a continuing contract from another county because the reemployment would not be during the next succeeding school term.
3. Out-of-state applicants who meet certification requirements may be granted a Probationary Contract and nothing more.

It should also be noted that WVC §18A-2-2 has authorized the Board, when necessary to facilitate the employment of employable professional personnel and prospective and recent graduates of teacher education programs who have not yet attained certification, to execute a contract with such persons upon the condition that the certificate is issued to the employee prior to the beginning of the employment term in which the employee enters upon his or her duties.

Initial contracts of employment shall be designated as probationary contracts that shall be one-year contracts during the three-year probationary period. Contracts awarded following the probationary period are continuing contracts.

Any teacher who fails to fulfill his/her contract with the Board, unless prevented from doing so by personal illness or other just cause or unless released from his/her contract by the Board, or who violates any lawful provision of the contract, is disqualified to teach in any other public school in the state for a period of the next ensuing school year and the State Department of Education or Board may hold all papers and credentials of the teacher on file for a period of one year for the violation: Provided, That marriage of a teacher is not considered a failure to fulfill, or violation of, the contract. In addition, the State Department to report the disqualification in the National Association of State Directors of Teacher Education Certification database system.

(WVC §18A-2-2 and §18A-2-6)

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(P) P.6.1. Contract Procedures

Probationary Contracts:

Consistent with West Virginia Code, all new employees serve a probationary period during their first three years of employment. A probationary teacher's contract shall be for a term of not less than one nor more than three years, one of which shall be for completion of a beginning teacher internship pursuant to the provisions of WVC §18A-3-2b, if applicable. For those employees who will receive a probationary contract for the second or third years the following steps are to be completed:

- ❖ The immediate supervisor should recommended the employee to Superintendent;
- ❖ The Superintendent recommends the employee to the Board; and

- ❖ The Board approves the employee.
- ❖ If a person severs his/her connection with the board of education and returns at a later date, the probationary period must be served again.

Employees who wish to resign as of the close of the school year may do so by delivering a written resignation to the Board on or before **May 1**.

Professional Continuing Contracts; How they are Issued and Terminated:

If, after three years of such employment, the teacher who holds a professional certificate, based on at least a bachelor's degree, has met the qualifications for a bachelor's degree and the county board enter into a new contract of employment, it shall be a continuing contract, subject to the following:

- ❖ Any teacher holding a valid certificate with less than a bachelor's degree who is employed in a county beyond the three year probationary period shall upon qualifying for the professional certificate based upon a bachelor's degree, if reemployed, be granted continuing contract status; and
- ❖ A teacher holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if the employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.
- ❖ The employee must receive the recommendation of the Superintendent to the Board; and the employee must receive the approval of the Board.
- ❖ If applicable, the teacher must have successfully completed a beginning teacher's internship.
- ❖ Tenure contracts are awarded only for employment, not position.
- ❖ A person on a legal leave of absence maintains contract status in existence at the time of granting the leave if the leave extends for one year or less.

The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, unless and until terminated, subject to the following:

- ❖ A continuing contract may not be terminated except:
 - By a majority vote of the full membership of the Board on or before **May 1** of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the Board prior to the board's action on the termination issue; or
 - By written resignation of the teacher on or before **May 1** to initiate termination of a continuing contract.
- ❖ The termination shall take effect at the close of the school year in which the contract is terminated; and
- ❖ The contract may be terminated at any time by mutual consent of the Board and the teacher.

Nothing in the law affects the powers of the Board to suspend or dismiss a principal or teacher pursuant to WVC §18A-2-8.

A continuing contract does not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and pupil-teacher ratios

(WVC §18A-2-2)

Continuing Contract Status for Service Personnel; How it is issued and Terminated:

After three years of acceptable employment (**Probationary Period**), each service personnel employee who enters into a new contract of employment with the Board shall be granted continuing contract status.

A service employee holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if such employment is during the next succeeding school year or immediately following an approved leave of absence which extends no more than one year.

The continuing contract of any such employee shall remain in full force and effect except as modified by mutual consent of the Board and the employee, unless and until terminated with written notice, stating cause or causes, to the employee, by a majority vote of the full membership of the Board before **May 1** of the then current year, or by written resignation of the employee on or before that date.

The affected employee has the right of a hearing before the board, if requested, before final action is taken by the board upon the termination of such employment.

(WVC §18A-2-6)

(P) P.6.2. Compensation Guidelines

The salary schedule for regular teachers and service personnel shall be the current State basic mandated schedule. All regular teachers and service personnel shall be placed on the appropriate level and step for their job classification and experience. However, personnel will not be paid for years of experience and degree level until such experience and degree level have been verified and a certificate has been received from the West Virginia Department of Education.

Effective July 1, 2019, each classroom teacher providing math instruction in the teacher's certified area of study for at least 60 percent of the time the teacher is providing instruction to students shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

Effective July 1, 2019, each classroom teacher certified in special education and employed as a full-time special education teacher shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(WVC §18A-4-1 thru 5b; §18A-2-13)

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(P) P.6.2.1. Pupil/Teacher Ratio Supplemental Pay

As per W. Va. Code §18-5-18a, county boards of education shall provide sufficient personnel, equipment, and facilities as well ensure that each classroom does not exceed the following enrollment guidelines in Chart VI taken from SBP 2510, Section 7.6.

Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject area and/or grade levels.

Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades four through six who has more than 25 pupils shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers or 25 for teachers of grades 4-6 for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Chart VI: Maximum Teacher Pupil Ratios		
Grade	Maximum Enrollment	Exceptions
Pre-K One ECCAT is required	20	0 <i>Includes classrooms having two or more grades that includes Pre-K</i>
Kindergarten One ECCAT is required for enrollments of 11 or more	20	3 additional with compensation <i>Includes classrooms having two or more grades that includes Kindergarten</i>
Grades 1-3	25	0 <i>Includes classrooms having two or more grades that includes grades 1-3</i>
Grades 4-6	25	3 additional with compensation

Chart VII: Additional Exemptions to Maximum Teacher Pupil Ratios	
Physical Education Grades 5-6 when in a middle school setting	Maximum Enrollment is at the discretion of the county
Choral and band/orchestral music	Maximum Enrollment is at the discretion of the county

(WVC §18-5-18a and SBP 2510)

W. Va. Code §18-5-18a states: “the state superintendent is authorized, consistent with sound educational policy, (a) to permit on a statewide basis, in grades four through six, more than twenty-five pupils per teacher for the purposes of instruction in physical education” Accordingly, for 5th and 6th grade physical education classrooms located in a middle school, counties are given the discretion to determine the maximum number of students permitted per class taking into consideration health, safety, and instructional needs of students.

The number of split-grade classrooms may not exceed the number in existence as of January 1, 1983.

The Pendleton County Board of Education shall utilize the following guidelines to implement the requirements of §18-5-18a:

- ❖ A teacher entitled to such pay shall begin receiving the pay on the first day that the enrollment exceeds the ratios established by the state code.
- ❖ Such extra pay shall be applied to personal leave days, holidays, and other non-instructional days.
- ❖ Teachers are not eligible for extra pay when class rosters fall within state guidelines but the teachers unilaterally combine students for team teaching or large group sessions that leads to an instructional session that exceeds the ratio limits.
- ❖ Art teachers, general music teachers, physical education and library-media specialists are also entitled to extra compensation when student enrollments exceed the state mandated maximums.
- ❖ Teachers will be paid extra compensation when special education students are included in the classroom and that inclusion causes the enrollment to exceed the mandated pupil-teacher ratios. The teacher’s extra pay will be prorated on the basis of the number of class periods the pupil-teacher ratio exceeds the mandated level.
- ❖ Teachers will be compensated only for those classroom “sessions” that exceed the maximum pupil-teacher ratio which means that the extra compensation will be prorated according to the number of class session that exceed the limit. (Departmentalized situation)
- ❖ Moving the fifth and sixth grade classes from a self-contained configuration to a middle or junior high school configuration does not exempt those grades from the pupil-teacher ratio requirements of §18-5-18a.
- ❖ Teachers of a self-contained classroom will be compensated when the maximum pupil-teacher ratio is exceeded even if pullouts throughout the day keep the actual number of students at any one time in the classroom within the limits set by the state code.
- ❖ Student absences on any given day do not affect the compensation of the classroom teacher. Enrollment, not attendance is the determinant.

- ❖ Teachers will not be compensated while on an unpaid leave of absence.
- ❖ The legislature has not set and pupil-teacher ratio standards for grades 7-12.

Substitute teachers will not receive the extra compensation for working in a classroom that exceeds the pupil-teacher ratio for the first 30 days of such assignment. However, they will receive the extra compensation beginning on the 31st day.

(WVC §18-5-18a)

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(P) P.6.2.2. Service Personnel Salary Supplement for Advanced Training

Pendleton County Schools will add a supplement to the monthly pay scale of each service employee who earns college hours or comparable credit obtained in a trade or vocational school as approved by the state board of education. The supplement for additional training beyond a high school or a G.E.D. shall be awarded according to the language contained in §18A-4-8a of the WV Code. The supplement shall be granted to any service employee who obtains either or a combination of the following:

- ❖ College hours from an accredited institution of higher education, verified by an official transcript of course work completed. An accredited institution is a college or university accredited: (1) by the official accrediting agency of the state, in which the institution is located, and: (2) by one of the six regional accrediting agencies recognized by the national Commission on Accrediting (Middle States, New England, Northwest, North Central, Southern, and Western associations), the American Association of Bible Colleges, the Association of Independent Colleges and Schools or the Association of Theological Schools, to award degrees at a stipulated level, i. e., Bachelor's Degree, master's degree, and/or doctorate degree.
- ❖ Equivalent contact hours of training from an approved trade, vocational technical, business or similar institution approved by a state or national institutional or specialized accrediting agency or the Bureau of Apprenticeship and Training, U S Department of Labor. (Each fifteen contact hours or training obtained from an approved trade, vocational, technical, business or similar institution shall be equivalent to one semester hour of college credit

Transcripts or grade reports should be sent to the county board of education office for verification of training and assignment of credit.

(WVC §18A-4-8a)

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(P) P.6.2.3. Salary Increments for Central Office and School Level Administrators

The minimum salary increments for principals and assistant principals are established by the legislature. These salary increments are based on the number of teachers supervised by these individuals. Assistant principal increments are fifty percent of those granted to the principal. Salaries for administrative personnel who are employed beyond the minimum employment term shall be at the same daily rate as the salaries for the minimum employment period. Salary increments for central office administrators shall reflect their job responsibilities.

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(P) P.6.3. Professional and Service Personnel Extracurricular Assignments and Compensation

Extracurricular assignments for professional and service personnel shall mean, but are not limited to, any activities that occur at times other than regularly scheduled working hours and which occur on a regularly scheduled basis. Such activities include coaching, chaperoning, escorting, providing support services or caring for the needs of students. All service personnel assignments except those regular position assignments defined in §18A-4-8 and extra-duty assignments defined in §18A-4-8b shall be considered extracurricular assignments.

The assignment of teachers and service personnel to extracurricular assignments shall be made only upon mutual agreement of the employee and the Superintendent or his/her designated representative, subject to Board approval.

The employee and the Superintendent or his/her designee subject to Board approval, shall mutually agree upon the maximum number of hours of service to be performed in each school year for each extracurricular assignment. The terms and conditions of the agreement shall be in writing and signed by both parties.

Service personnel extracurricular assignments shall be made on the basis of seniority in a particular category of employment. The employee with the greatest seniority will be given priority in accepting extracurricular assignments followed by fellow employees on a rotating basis, according to their seniority, until all employees have had an opportunity to perform similar assignments. The cycle is then repeated. Alternative procedures approved by the Board and two thirds of the employees in the affected classification may be utilized to make extracurricular assignments.

Examples of Extracurricular Duties

- ❖ Coaching positions are extracurricular (which the law requires that the number of hours be placed in all these contracts).
- ❖ Bus operator who might drive the after school activity bus from the HS with students on regular basis in the late evening. Filled per 18A-4-8b (seniority).
- ❖ Bus operator who might transport kids on specific days/times to a tri-county vocational school for instruction between the morning and afternoon run.
- ❖ Extracurricular contracts for aides to ride buses in the am and pm, which would be before and after their classroom aide duties.

The employee's contract of employment shall be separate from the extracurricular assignment agreement and shall not be conditioned upon the employee's acceptance or continuance of any extracurricular assignment proposed by the Superintendent, his/her designee or the Board. Service personnel fulfilling an extracurricular assignment during the previous school year shall have the option of retaining the assignment if it continues to exist in succeeding years.

A written statement from the principal of each school will be submitted to the Superintendent when the assignments are completed verifying that a coach, or other employee, has completed his/her assignment for the year and requesting payment for these services.

Generally, coaches whose teams are not competing in tournament games will not be permitted to be absent from their teaching assignment to attend any such games without use of personal leave time. However, the head coach of a sport may attend State tournaments without the use of personal leave provided they secure coverage for their classes without cost to the Board of Education. In all situations the principal must approve the absence.

The Pendleton County Board of Education has adopted the Standard Assignment Agreement Form developed and recommended by the West Virginia Department of Education.

(WVC §18A-4-16)

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(P) P.6.3.1. Restrictions on School Administrators holding Coaching Assignments

Pendleton County School employees, who hold a principal or assistant principal position, shall not be permitted to also hold an athletic coaching position.

It is the Board's belief that both administrative and coaching assignments require strong leadership, great focus on the purpose and goals of the school system, the expenditure of enormous amounts of energy and dedication to the welfare of our students. It is unlikely that any one individual can, on a consistent basis, be successful in more than one such assignment at a time.

Further, it is the Board's belief that its administrative leaders will be most effective in providing a broad range of services to the students and community when they are free to concentrate on providing leadership, supervision, support and guidance to those who choose to direct students in athletics and other extra-curricular activities.

The Superintendent, when presented with unusual circumstances, may recommend to the Board that an employee holding an administrative position be permitted to act as an assistant coach on a short-term basis.

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(P) P.6.4. Service Personnel Extra Duty Assignments

Extra-duty assignments are defined as irregular jobs that occur periodically or occasionally such as, but not limited to, field trips, athletic events, proms, banquets and band festivals. The minimum hourly rate of pay for extra duty assignments shall be no less than one seventh of the employee's daily total salary for each hour the employee is involved in performing the assignment and such payment shall be from local funds. The employee's daily rate is determined to be the daily rate for the employee's current job even if the job is not as a bus operator. (See also (P) T.1.5. *Guidelines for Curricular and Extracurricular Trips*)

Service personnel extra duty assignments shall be made on the basis of seniority in a particular category of employment. The employee with the greatest seniority will be given priority in accepting extra duty assignments followed by fellow employees on a rotating basis, according to their seniority, until all employees have had an opportunity to perform similar assignments. The cycle is then repeated. Alternative procedures approved by the Board and two thirds of the employees in the affected classification may be utilized to make extracurricular assignments.

Example: A bus operators receives an assignment, on a seniority based rotation, to take students to football games, etc. **No contract is necessary.**

(WVC §18A-4-8a and §18A-4-8b)

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(P) P.6.5. Regulations for Snow Days

School Level:

Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease, conditions of weather or any other calamitous cause over which the board has no control.

The time lost by such school closings may not be counted as days of employment and may not be counted as meeting a part of the requirements of the minimum term of 180 days of instruction. A school employee's pay per pay period may not change as a result of a school closing not being counted as a day of employment, and the employee shall be paid the same amount during any pay period in which a school closing occurs that the employee would have been paid during the pay period if a school closing had not occurred. Employees will be expected to report for work on all rescheduled employment days.

Generally speaking, substitutes will not receive pay for snow days; however, if a substitute is working in a position for longer than 30 days, s/he will follow the above guidelines.

Alternate Work Schedules for Professional and Service Personnel

The Superintendent shall have the administrative discretion to create alternate work schedules for professional and service employees whose contracts extend beyond 200 days and for those employees s/he considers critical to the safe and efficient operation of the various services of the school system during any closure of school for inclement weather (i.e. custodians and school principals). Such alternate schedules will be implemented in accordance with Fair Labor Standards and all state codes regarding employee contracts.

(P) P.6.6. Employees Separated from Payroll before Paydays

Whenever the Pendleton County Board of Education discharges an employee, it shall pay the employee's wages due for work that the employee performed prior to the separation of employment on or before the next regular payday on which the wages would otherwise be due and payable: Provided, That fringe benefits, as defined in §21-5-1, that are provided an employee pursuant to an agreement between the employee and employer and that are due, but pursuant to the terms of the agreement, are to be paid at a

future date or upon additional conditions which are ascertainable are not subject to this subsection and are not payable on or before the next regular payday, but shall be paid according to the terms of the agreement. For purposes of this section, "business day" means any day other than Saturday, Sunday or any legal holiday as set forth in §2-2-2 of the code.

Payment may be made in person in any manner permissible under §21-5-3, through the regular pay channels or, if requested by the employee, by mail. If the employee requests that payment under this section be made by mail, that payment shall be considered to have been made on the date the mailed payment is postmarked.

In the event an employee intends to resign his/her position at the conclusion of the school term, and such employee wishes to submit an early letter of resignations as a courtesy to the Board of Education, he/she shall be instructed to indicate the effective date of the resignation as June 30 of the current year. June 30 shall be recognized as the day of separation and all wages due the employee shall be dispersed as prescribed by law.

If the Board fails to pay an employee wages as required under WVC §21.5-4, it, in addition to the amount which was unpaid when due, is liable to the employee for two times that unpaid amount as liquidated damages. Every employee shall have a lien and all other rights and remedies for the protection and enforcement of his or her salary or wages, as s/he would have been entitled to had he or she rendered service therefore in the manner as last employed.

(WVC §21-5-4)

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(P) P.6.7. Salary Bonus for Classroom Teachers with National Board Certification

Pendleton County teachers who have completed requirements for certification by the National Board for Professional Teaching Standards (NBPTS) shall receive an annual bonus in accordance with the following provisions:

- ❖ Three thousand five hundred dollars (\$3,500) shall be paid annually to each classroom teacher who holds a valid certificate issued by the National Board of Professional Teaching Standards for the life of the certification, but in no event more than ten years for any one certification.
- ❖ A classroom teacher who renews the NBPTS Certification must re-apply to the state for the annual salary supplement renewal (\$3,500) for the life of the renewed certificate, but in no event more than ten years for any one certification.
- ❖ The payments:
 - Shall be in addition to any amounts prescribed in the applicable state minimum salary schedule;
 - Shall be paid in equal monthly installments; and
 - Shall be considered a part of the state minimum salaries for teachers.

For initial certification, one-half of the certification fee shall be paid for reimbursement once to each teacher who submits satisfactory evidence to the West Virginia Department of Education of enrollment in the program for the National Board for Professional Teaching Standards certification as verified by the National Board for Professional Teaching Standards. The remaining one-half of the certification fee shall be paid for reimbursement once to each teacher who submits satisfactory evidence to the West Virginia Department of Education of completion of the National Board for Professional Teaching Standards certification, as verified by the National Board for Professional Teaching Standards. Teachers who achieve National Board for Professional Teaching Standards certification may be reimbursed a maximum of six hundred dollars (\$600) for expenses actually incurred while obtaining the National Board for Professional Teaching Standards certification.

For renewal certification, each teacher who completes the National Board for Professional Teaching Standards certification renewal process shall be reimbursed for the renewal certification fee. Completion of the certification renewal process means the submission of satisfactory evidence to the West Virginia Department of Education of the successful renewal of the ten-year certification as verified by the National Board for Professional Teaching Standards.

Funding for reimbursement of the initial certification fee and expenses actually incurred while obtaining the National Board for Professional Teaching Standards certifications and funding for reimbursement of the renewal certification fee shall be administered by the state department of education from an appropriation established for that purpose by the Legislature. If funds appropriated by the Legislature to accomplish the purposes of this subsection are insufficient, the state department shall prorate the reimbursements for expenses and shall request of the Legislature, at its next regular session, funds sufficient to accomplish the purposes of this subsection, including needed retroactive payments.

Professional personnel may not be paid a salary supplement pursuant to the provisions of both WVC §18A-4-2a and §18A-4-2b. Employees are entitled to only one \$3,500 supplement regardless of the number of Board Certifications.

(WVC §18A-4-2a; SBP 5202 §126-136-23)

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(P) P.6.8. Salary Supplement for Professional Personnel with National Board Certification in Speech-Language Pathology, Audiology or Counseling, School Psychology, or School Nursing

In addition to any amounts prescribed in the applicable state minimum salary schedule, effective 7-1-06, any professional personnel who hold national certification or other credential as provided in WVC §18A-4-2b must be paid an annual salary supplement of two thousand five hundred dollars (\$2,500). The payment is:

- ❖ To be made in equal monthly installments;
- ❖ To be considered a part of the state minimum salaries for teachers; and
- ❖ To continue for the life of the certification, or for ten years for any one certification, whichever first expires.

Effective the first day of July, two thousand six, professional personnel employed as speech-language pathologists, audiologists, counselors, school psychologists or school nurses are eligible upon enrollment for reimbursement for one-half of the fee for certification in accordance with this section. In addition, these personnel are eligible upon attainment of the certification for reimbursement of the remainder of the application fee plus other expenses actually incurred toward attainment of the certification, not exceeding six hundred dollars (\$600), upon approval by the Department of Education.

No more than 115 speech-language pathologists, audiologists and counselors, school psychologists and school nurses combined total, are eligible for reimbursement in any one fiscal year.

For the school year beginning the first day of July, 2008, the number of speech-language pathologists, audiologists, counselors, school psychologists and school nurses paid the annual salary supplement provided for in WVC §18A-4-2b may not exceed the number of speech-language pathologists, audiologists and counselors eligible to be paid the annual salary supplement under the provisions of this section in effect during the school year beginning the first day of July, 2007, by more than 115 qualified recipients, and the total amount of qualified recipients may not increase thereafter by more than 115 in each subsequent fiscal year.

The state board shall promulgate a legislative rule establishing criteria for selection of the individuals eligible for reimbursement and a salary supplement in accordance with the code. The selection criteria shall prioritize the length of time the certification has been held and the years of experience of the holder in determining eligibility.

Payment of the supplement and reimbursement provided in WVC §18A-4-2b is subject to legislative appropriation; therefore nothing in the code requires any appropriation, or any specific level of appropriation, by the Legislature.

Additional information regarding the reimbursement of fees and expenses may be found in SBP 5202, §126-136-23.

Professional personnel may not be paid a salary supplement pursuant to the provisions of both WVC §18A-4-2a and §18A-4-2b. Employees are entitled to only one \$2500 supplement regardless of the number of Board Certifications.

(WVC §18A-4-2b)

(P) P.6.9. Service Employee Volunteer Services at School Functions

The Board is establishing the following procedures to allow service employees to support the school community by contributing their time to perform volunteer services in the same fashion as parents and other community citizens.

Service employees may perform volunteer services which have no relationship to their regular work assignment (i.e. ticket takers, chaperoning after hours events, etc.). It is understood in the instances where a school may pay community volunteers a nominal amount for their services, service employees may receive the same compensation. However, under no circumstances will the volunteer services of service employees be considered eligible for compensation under the Fair Labor laws.

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Amended/Revised: December 21, 2005; September 20, 2006; August 26, 2008; January 12, 2010; February 9, 2010; August 2, 2011; September 6, 2011; October 1, 2013; November 5, 2013; October 9, 2014; September 1, 2015; September 6, 2016; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION

P. PERSONNEL – PROFESSIONAL AND SERVICE

File: P.7. Employee Fringe Benefits

Adopted: August 20, 2003

Last Review:

March 2018

All professional and service personnel are entitled to the following fringe benefits in addition to personal leave that is described in Pendleton County regulations (P) *P.14.1. Personal Leave Regulations*.

(P) P.7.1. Worker's Compensation

The Pendleton County Board of Education shall administer Workers' Compensation claims and employee leave in accordance with all applicable statutes, rules, regulations, procedures, and local policies. When an employee sustains a work-related injury, he/she must notify his/her principal or supervisor as soon as possible, **but no later than the next workday**. The employee's principal/supervisor must submit an Employee Accident Report (State Department Form) to the Director of Safety and Health as soon as possible, but **later than the next workday**. In order to expedite the processing of claims of work-related injury, the Business Manager shall assist the Director of Health and Safety with the paperwork and accident investigations as appropriate. Accident forms are available in the office of the Director of Safety and Health and the local school office. The persons processing these accident reports shall also consult (P) *R.7.5 Injury to Visitors on School Property* and (P) *R.9.4. Injury to Volunteers/Chaperones on School Property*, to ensure the proper response to any and all injuries on school property.

An employee who sustains a work-related injury and is on Workmen's Compensation benefits must also submit an Election of Options form to the board of education's payroll office within three working days of the date of the injury. The Election of Option form will designate the employee's choice of receiving either Temporary Total Disability (TTD) benefits only for the period of absence from work, personal leave compensation, or a combination of both. The payroll office shall attach the original Election of Option form to the Employer's Report of Injury form (WC-3) and forward both to the Workers' Compensation Division.

An employee who is incapacitated and unable to submit the Election of Option form shall be granted accrued personal leave then accrued annual leave, if the employee is entitled to annual leave, after exhausting personal leave. An Election of Option Form must be completed by an appropriate individual on behalf of the employee as prescribed by the employer.

If a previous compensable Workers' Compensation claim is reopened after the effective date of this policy and additional TTD benefits are paid, the procedures outlined in these procedures will be in effect and the employee must complete a new Election of Option form.

Election to Receive TTD Benefits Only:

An employee may elect to receive TTD benefits only by selecting Option I on the Election of Option form. The employee will not receive leave compensation from the board of education, except for the initial period prior to receiving a benefit check from the Workers' Compensation Division.

- ❖ Employees of the Board shall continue to accrue seniority credit while receiving TTD benefits during absences from work due to a work-related, compensable injury, but do not accrue credit for years of experience.
- ❖ Personal leave shall accrue while an employee is absent from work receiving TTD benefits, pursuant to the provisions of West Virginia Code §18-4-10.
- ❖ Any legal school holidays, election days, other non-instructional days such as outside school environment (OS), continuing professional development (CE), and teachers-pupil-parent conferences (TP), and inclement weather days occurring during the period when TTD benefits only are being received, will NOT be paid.

When an employee elects to receive TTD benefits only, paid personal leave may be utilized only until the initial benefit check is received. When the initial TTD check is received, the employee must reimburse the Board the net value of personal leave benefits paid, according to the procedures presented in the *Accounting Procedures Manual for County Boards of Education* issued by the Office of School Finance. If payment is not made in full at the time the initial TTD check is received, the employee and the employing

agency shall complete the Assignment of Future Wages form. The number of days of paid leave shall be restored to the employee's leave balance as the repayments are made.

- ❖ Any employee who refuses to reimburse the net value of the paid personal leave shall be subject to disciplinary action and deductions from subsequent paychecks shall be made until the total amount of paid leave used is reimbursed. The deductions will be made in accordance with the West Virginia Division of Labor regulations on wage payments and collections.
- ❖ When leave is restored to an employee, appropriate adjustments shall be made by the Pendleton County Board of Education' payroll office to obtain credit for the Board's share of contributions for social security and retirement and for the deductions that were withheld from the employee's personal leave pay and to make any necessary adjustments in taxable wages, tax deductions, retirement contributions, FICA and Medicare deductions, and personal leave records.

Election to Receive Leave Compensation Only:

An employee may elect to receive compensation for accumulated personal leave only, or annual leave if requested by the employee, instead of TTD benefits by selecting Option 2 on the Election of Option form. The employee is treated the same as any other employee granted personal leave pursuant to West Virginia Code §18-4-10.

- ❖ Employees of the Board continue to accrue seniority credit while receiving leave compensation during absences from work due to a work-related, compensable injury, and accrue credit for years of experience.
- ❖ Any legal school holidays, election days, other non-instructional days such as outside school environment (OS), continuing professional development (CE), and teachers-student-parent conferences (TP), and inclement weather days occurring during the period when leave compensation is being received will be paid.

After an employee exhausts his/her accrued personal leave, and accrued annual leave if requested, the employee may start receiving TTD benefits during the remaining absence from work due to a work-related, compensable injury, pursuant to West Virginia Code §23-4-6. The employee is responsible for contacting the Workers' Compensation Division to make this request.

- ❖ Employees of the Board continue to accrue seniority credit while receiving TTD benefits during absences from work due to a work-related, compensable injury, but do not accrue credit for years of experience.
- ❖ Personal leave shall accrue while an employee is absent from work receiving TTD benefits, pursuant to the provisions of West Virginia Code §18-4-10.
- ❖ Any legal school holidays, election days, other non-instructional days such as outside school environment (OS), continuing professional development (CE), and teachers-student-parent conferences (TP), and inclement weather days occurring during the period when TTD benefits only are being received, will NOT be paid.

Election to Receive a Combination of TTD Benefits and Compensation for Accrued Leave:

An employee may elect to receive a combination of TTD benefits and compensation for accrued personal leave, or accrued annual leave if requested, by selecting Option 3 on the Election of Option form. The employee shall receive leave compensation only to the extent the leave compensation is required, when added to the TTD benefits, to equal the amount of gross wages regularly paid the employee.

Personal leave compensation equal to the employee's regular gross pay may be paid prior to the award of TTD benefits.

- ❖ If the personal leave compensation paid to the employee prior to the award of TTD benefits, when added to the TTD benefits, is in excess of the employee's regular gross pay, the excess payment shall be deducted from the his/her subsequent pay, according to the procedures presented in the *Accounting Procedures Manual for County Boards of Education* issued by the Office of School Finance. The employee and the employing agency shall complete the Assignment of Future Wages form. The number of days of paid leave shall be restored to the employee's leave balance as the deductions are made.

- ❖ Any employee who refuses to have the excess payment deducted from his/her subsequent pay until the total amount of the overpayment is recovered shall be subject to disciplinary action. Such deductions will be made in accordance with the West Virginia Division of Labor regulations on wage payments and collections.
- ❖ When leave is restored to an employee, appropriate adjustments shall be made by the Pendleton County payroll office to obtain credit for the Board's share of contributions for social security and retirement and for the deductions that were withheld from the employee's personal leave pay and to make any necessary adjustments in taxable wages, tax deductions, retirement contributions, FICA and Medicare deductions, and personal leave records.
The employee's accrued personal leave days shall be charged only for such days as equal to the amount of personal leave compensation required to compensate the employee at his/her regular gross rate of pay.
- ❖ Employees of the Board continue to accrue seniority credit while receiving leave compensation during absences from work due to a work-related, compensable injury, and may accrue credit for years of experience by use of accrued personal leave.
- ❖ Personal leave shall accrue while an employee is absent from work receiving TTD benefits, pursuant to the provisions of West Virginia Code §18-4-10.
- ❖ Any legal school holidays, election days, other non-instructional days such as outside school environment (OS), continuing professional development (CE), and teachers-student-parent conferences (TP), and inclement weather days occurring during the period when leave compensation is being received will be paid.

After an employee exhausts his/her accrued personal leave, and annual leave if requested, the employee may then receive TTD benefits only during the remaining absence from work due to the work-related, compensable injury, pursuant to West Virginia Code §23-4-6.

- ❖ Employees of the Board continue to accrue seniority credit while receiving TTD benefits during absences from work due to a work-related, compensable injury, but do not accrue credit for years of experience.
- ❖ Personal leave shall accrue while an employee is absent from work receiving TTD benefits, pursuant to the provisions of West Virginia Code §18-4-10.
- ❖ Any legal school holidays, election days, other non-instructional days such as outside school environment (OS), continuing professional development (CE), and teachers-student-parent conferences (TP), and inclement weather days occurring during the period when TTD benefits only are being received, will NOT be paid.

Nothing in this policy prohibits an employee from electing to request a medical leave of absence without pay instead of using personal/annual leave, even if an employee will not be receiving TTD benefits. For example, if an employee is absent from work for only three calendar days due to a work-related, compensable injury, the employee is not eligible for TTD benefits. The employee may, if desired, choose not to use personal leave and instead, request a medical leave of absence without pay.

Return to Work Notice:

Workers' Compensation Form WC309, Return to Work Notice, must be completed by the employing agency and be forwarded to the Workers' Compensation Division when the employee returns to work, regardless of which of the preceding options the employee elected. The employee must fulfill the requirements of (P) P.7.1.1. *Return to Work Policy* which will guide them through the process of rejoining the work force in Pendleton County following their absence for a work related injury.

Discriminatory Practices:

West Virginia Code §23-5A-1 et seq. provides that an employer shall not terminate an injured employee while the employee is absent from work due to a work-related, compensable injury and is receiving or is eligible to receive TTD benefits, unless the injured employee has committed a separate dischargeable offense.

- ❖ A separate dischargeable offense shall mean misconduct by the injured employee wholly unrelated to the injury or the absence from work resulting from the work-related, compensable injury.

- ❖ A separate dischargeable offense shall not include absence resulting from the injury or from the inclusion or aggregation of absence due to the injury with any other absence from work. It shall be a discriminatory practice for an employer to fail to reinstate an employee who has sustained a work-related, compensable injury to the employee's former position of employment, upon demand for such reinstatement, provided that the position is available and the employee is not disabled from performing the essential duties of the position, with or without accommodations.
- ❖ If the former position is not available, the employee shall be reinstated to another comparable available position with duties the employee is capable of performing. A comparable position shall mean a position that is comparable in wages, working conditions, and, to the extent reasonable practicable, duties to the position held at the time of injury.
- ❖ A written statement from a medical professional approving the injured employee's return to regular employment shall be prima facie evidence that the employee is able to perform his/her duties.

In the event that neither the former position nor a comparable position is available, the injured employee shall have a right to preferential recall to any job which the employee is capable of performing which becomes available after the employee notifies his/her employer that reinstatement is desired.

The right of preferential recall shall be in effect for one year from the day the injured employee notifies the employer that reinstatement is desired. The employee must provide the employer with a current mailing address during the one-year period.

Follow this link to [SBP 5612-Workers' Compensation Benefits](#)

(WVC §18-4-10; §18A-1-1; §18A-2-2a; §23-2-1; 23-4-6; §23-5A-1 and SBP 5612)

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(P) P.7.1.1. Return to Work Policy

It is the policy of the Pendleton County Board of Education to provide our workers injured on the job with the best possible recovery program so that they can return to work with minimal emotional and financial disruption in their lives. The Board endorses a Return to Work (RTW) program that provides a unified effort to return injured workers to their regular assignments as soon as possible. The goal of this policy is to increase productivity and our employee's sense of security, while reducing premium costs and temporary disability payments. The employee's health and safety shall be a priority in the implementation of a return to work plan.

The RTW program is limited to employees who have been injured on the job and who are undergoing active medical and rehabilitative treatment. Modified duty will continue until the employee is determined to have reached Maximum Medical Improvement as it relates to the work related injury or released to his/her regular job duties by the treating physician, whichever occurs-first.

An employee returning to work from a non-work related, non-compensable injury/surgery/illness must be able to perform all essential job functions. Documentation from their treating physician must be provided to the Personnel Department prior to their return to their work location. (Reference Pendleton County Policy File: P.14. Personal Leave and Vacation Policy and File: P.15 . Leave of Absence Policy for additional information on leave options available to employees)

An employee (who is recovering from a work related, compensable injury) participating in the Board's RTW program may be placed in a temporary transitional work assignment. A temporary transitional work assignment may be in another building, and hours scheduled may be modified to meet the needs of the temporary assignment. Reasonable accommodations include modifications to the work environment or to the manner in which the job is performed. Possible types of accommodations may include, but not limited to, making facilities more accessible, modifying the job, modifying work schedules, altering equipment, or participating in job-related training as determined the employee's supervisor and Safety Director.

An employee's participation in the program will not exceed a period of three months. Employees with permanent or indefinite work restrictions will be evaluated to determine if they can perform, with or without reasonable accommodation, the essential functions of their regular position.

Alternative and modified job assignments will be structured to meet the physical capabilities and therapy needs of the injured worker where feasible. Information from physicians and other medical professionals

and supervisors will be utilized to ensure that an employee recovering from an injury can perform the essential functions of their job based on restrictions set by the treating physician. Participants involved in the RTW program are identified below, along with their respective responsibilities. Success of the Board's RTW program depends on all employees, including administrators, teachers, other professionals, and service personnel understanding and adhering to the roles and responsibilities outlined in this policy.

Responsibilities

Employer

- ❖ Establish clear, consistent return to work policies and procedures.
- ❖ Provide all employees with orientation/training on return to work policies and procedures.
- ❖ Ensure that return to work policies and procedures are followed.
- ❖ Report all workers' compensation claims in a timely manner.
- ❖ Inform medical providers of the Board's RTW program.
- ❖ Follow up with medical providers and employees regarding prescribed therapy and recovery process.
- ❖ Utilize Alternative Duty Job Bank Worksheets when necessary to structure alternative and modified job assignments.

Immediate Supervisor

- ❖ Understand and adhere to return to work policies and procedures.
- ❖ Ensure that employees receive a thorough RTW program orientation and that they understand return to work policies and procedures.
- ❖ Report and file accident/injury reports.
- ❖ Forward medical status and medical documentation for injured employee to the Office of Safety & Loss Control when received.

Injured Employee

- ❖ Report all injuries, no matter how slight, to your immediate supervisor in accordance with Section Two of the Safety - Accident Reporting. Procedures
- ❖ Inform your medical provider of the Board's Return to Work program.
- ❖ Return to work following medical treatment and report to your immediate supervisor. If it's not medically possible to return to work, report to your supervisor immediately following your medical evaluation. Report your medical status and provide documentation to your supervisor within 24 hours following any related medical evaluations.
- ❖ Report to work in your job assignment with accommodation if necessary. Understand that refusal of an offer of return to work with accommodation will jeopardize your workers' compensation and other benefits.
- ❖ Follow your medical provider's recommendation with respect to established work restrictions, limitations, therapies, and physical capacities on and off the job.
- ❖ Return to your normal work assignment as soon as your medical provider deems it is safe.

Supervisor Training and Responsibilities

It is essential that Board's school administrators and supervisors understand and follow through with practice and enforcement of the Return to Work policies and procedures. They must understand and fulfill their roles and responsibilities in implementation and maintenance of the program. They must have in-depth knowledge of RTW in order to accurately and thoroughly communicate the policies and procedures to employees.

The key elements of administration/supervisor RTW orientation/training

- ❖ What is Return to Work?
- ❖ Why do we do it?
- ❖ (P) P.7.1.1. Return to Work Policy
- ❖ Administration/supervisor responsibilities

- ❖ Illness/injury reporting process (Accident Reporting Policy)

- ❖ Employee responsibilities

Training for the proper implementation of the Return to Work Procedures will be conducted annually for central office supervisors, secretaries and school principals prior to the opening of the school term. Central Office supervisors will be trained or receive refresher reminders of the procedures during the annual meetings for the preparation of opening the school term. Principals will receive training or refresher reminders of the procedures during the first principals' meeting prior to the opening of the school term.

Employees who file an accident report which may involve Workers' Compensation will be given a packet of information pertaining to the filing of a claim and instructions about completing the procedures necessary to receive this benefit. The instructions shall be given by the Benefits Coordinator or his/her designee.

The Return to Work Program should assist in the employee's recovery as well as being productive and economically feasible for the Board of Education. The employee's health and safety shall be the first priority in the decision process. The Return to Work Program will be applied fairly and consistently to all employees. Employees will receive the normal wage for the time worked.

The Benefits Coordinator, or designee, will remain in contact the employee and also communicate with the medical provider during the employee's absence from work (Approval for communication with the medical provider will initiate upon signing the **Return to Work Employee Agreement of Understanding and Compliance**). Upon receipt of the completed **Medical Report for Injured Worker of Pendleton County Schools** verifying the need for transitional/modified duty, the Benefits Coordinator, or designee, and the employee's direct supervisor will develop and recommend to the Superintendent a plan consisting of transitional duties. The employee's normal work duties may be modified to accommodate the employee, as well as meet the needs of the employee's worksite. A cost-benefit analysis will be used in the decision process. Each case must be reviewed and duties reassessed a minimum of every twenty (20) workdays or sooner, if issues arise.

Rehabilitation referrals should be considered for those cases that involve extended lost time.

Any employee released to return to transitional duty and refuses to return to work, may have their benefits terminated by Workers Compensation.

The Pendleton County Board of Education *Return to Work Procedural Handbook* will be used as an avenue to implement this policy.

Workers' Compensation and internally created forms related to Return to Work Procedures are available in the Business Office.

Enforcement

An employee, who violates any provision of Pendleton County Policy (P) P.7.1.1. Return to Work Policy B.4.8 Return to Work, or any regulations or procedures related thereto, may be subject to the following incremental disciplinary steps:

- ❖ Documented conference with immediate supervisor
- ❖ Formal written reprimand from immediate supervisor
- ❖ Five-day suspension without pay by the Superintendent and approval of the Raleigh County Board of Education
- ❖ Dismissal

[Home](#)

(P) P.7.1.1.1.

Pendleton County Schools

Return to Work Procedural Handbook

PENDLETON COUNTY SCHOOLS

Return to Work Program

Employee Agreement of Understanding and Compliance

Under this policy, every effort will be made to return employees to work in accordance with the legislative requirements mandated by the School Laws of West Virginia.

All employees who have cause to report an accident or injury to their immediate supervisor will receive assistance in following the Return to Work Procedures followed by Pendleton County. Employees who file an accident report which may involve Workers' Compensation will be given a packet of information pertaining to the filing of a claim and instructions about completing the procedures necessary to receive this benefit.

The Return to Work Program should assist in the employee's recovery as well as being productive and economically feasible for the Board of Education. The employee's health and safety shall be the first priority in the decision process. The Return to Work Program will be applied fairly and consistently to all employees. Employees will receive the normal wage for the time worked.

All employees are required to file an **Internal Accident Report** with their immediate supervisor as soon as possible, **but no later than the next workday** of an accident/injury occurring. If the employee seeks medical attention for an injury that occurred on the job, the employee must notify the Benefits Coordinator, or designee, within twenty-four (24) hours of the initial doctor/hospital visit.

The Benefits Coordinator, or designee, will contact the employee and also communicate with the medical provider (Approval for communication with the medical provider will initiate upon signing this document). The employee's normal work duties will be modified to accommodate the employee as well as arrangements to meet the needs of the employee's worksite.

The Benefits Coordinator, or designee, and the employee's direct supervisor will immediately develop a plan consisting of transitional duties. This plan shall be submitted to the Superintendent for approval by the Board of Education. A cost-benefit analysis will be used in the decision process. Each case must be reviewed and duties reassessed periodically, but minimally every twenty (20) working days.

Rehabilitation referrals should be considered for those cases that involve extended lost time.

Any employee released to return to transitional duty and refuses to return to work, may have their benefits terminated by Workers Compensation.

Employee's Signature

Date

Signature required and this document is to be filed in the employee's personnel folder in the Board of Education Office. Questions regarding this document should be directed to the Benefits Coordinator, or designee.

**Pendleton County Schools
58 Walnut Street P.O. Box 888
Franklin, WV 26807
(304) 358-20007**

Superintendent:
Douglas Lambert

Board Members:
J.D. Wilkins – Board President
Rick Gillespie - Vice-President
Betty Kimble
Sonny O'Neill
Teresa Heavner

Insert Date

To: Medical Providers

Re: Workers Compensation Injuries of Pendleton County School Employees

The Pendleton County Board of Education recognizes that our employees are an important factor to the success of the school system. Providing a learning and workplace environment that is safe and healthy for students and employees is a focal point. The Pendleton County Board of Education has established a Return-to-work policy to assist our employees after an accident resulting in injury.

The purpose of the policy is to promote and support the return of employees who are injured on the job to work as soon as they are medically able and in compliance with the personnel laws of the State of West Virginia. The Pendleton County Board of Education recognizes that early involvement with medical providers is essential in facilitating an injured employee's restoration to active duty.

Enclosed is a Medical Report form that the Board finds essential in returning our employees back to work when modified duty to enable the employee to return to work is required. Please complete this form (as appropriate) and fax it to me when the employee is discharged from your care to return to work. (FAX (304) 358-2936)

Transitional/Modified duties may be available for an employee and will be based upon recommendations from physicians, physical therapists and rehabilitation companies. If it is determined that such recommended duties can be aligned with successful operation of the worksite, and within compliance with the personnel laws of West Virginia, every effort will be made to return the employee to work under the recommendations submitted.

The Board invites you to visit all departments and schools when if you desire such a visit. Visiting the departments and schools would allow you to see the job tasks and make a determination for injured employees.

If you should have any further questions, please feel free to call me at (304) 358-2207. Thank you in advance for your cooperation.

Sincerely,

J.P. Mowery
Coordinator of Benefits
Pendleton County Schools
jmowery@access.k12.wv.us

**Medical Report for Injured Worker of Pendleton County Schools
When Modified Duty is Required**

1. EMPLOYEE/EMPLOYER INFORMATION:

Injured Worker _____ Home phone: _____

Position/Job Title: _____ Date of Injury __/__/__ Time: _____

NOTE TO TREATING PHYSICIAN AND EMPLOYEE:

Pendleton County Schools will make every possible effort to accommodate any medically necessary physical restrictions and provide the employee with transitional or modified work when needed in compliance with the personnel laws of the State of West Virginia.

2. MEDICAL INFORMATION REPORT: To Be Completed By Medical Provider

Diagnosis/Treatment: _____

Medication(s) _____

Patient Released To: ____ Normal Duty ____ Transitional/Modified Duty

Beginning: Date: __/__/__ Time: _____

If the employee is released on Transitional/Modified duty status the following restrictions will apply until __/__/__, following which the employee may be expected to return to normal duty status.

CHECK ALL THAT APPLY:

___ No Lifting/Carrying over: (Specify) _____ pounds.

___ No squatting or kneeling: ___ No driving ___ Needs to sit/stand as needed.

___ May not work with: () Left () Right () Arm () Foot () Leg for ____ days.

___ May work part-time for: _____ hours per day for ____ days and/or ____ weeks.

___ Patient/Employee is totally restricted from working until: (Date) __/__/__.

___ A follow-up visit is needed with: Dr. _____ (Date) __/__/__

___ Other (Specify): _____

Special Patient Instructions: _____

Physician's Name Physician's Signature __/__/__ ()
Date Phone Number

FAX completed report to: Pendleton County Board of Education (304)-358-2936 ATTN: J.P. Mowery

**Pendleton County Schools Transitional Duty Job Description
And Acknowledgement of Work Capabilities**

Date: ____/____/____

Employee: _____

Job Title: _____

Type of Injury: _____

Restrictions (May continue on back of this form, but all parties must initial.): _____

Transitional-Duty Job Description (May continue on back of this form, but all parties must initial.):

I understand the transitional duties assigned to me. The transitional duties will be reevaluated periodically. I further understand that it is my responsibility not to exceed these guidelines without specific medical authorization.

I agree that if management asks that I perform duties which would violate my work capabilities, I will immediately advise my assigned supervisor or designee of my physical capabilities concerning the requested duties.

I understand and will adhere to the Pendleton Board of Education's Return to Work Policy and procedures.

Employee Signature _____ Date
____/____/____

Supervisor Signature _____ Date
____/____/____

Benefits Coordinator _____ Date
____/____/____

Occupational Physical Requirements

The following are brief descriptions of the general job description and physical requirements for various positions within the school system. These physical requirements are included in the job descriptions for employees and should be taken into consideration when determining if the employee can return to work in an unrestricted or modified/transitional capacity.

Administrator

This individual must supervise professional and service personnel as well as students. Frequently stand, sit and walk as well as occasionally climb, kneel and bend. Work period of 8 hours per day.

Bus Driver

Drive a bus on the public roads and supervise children. Must be able to frequently sit and occasionally stand, walk, climb, kneel and bend. Must be able to raise the hood of the bus, lift **50** lbs. and tolerate extreme temperature ranges. Must pass a physical and eye exam. Work hours are 3.5 to 8 per day.

Clerical Staff

Maintain office, process paperwork. Must frequently stand, sit, walk, kneel and bend as well as occasionally climb. May be required to lift/carry supplies and materials up to **10** pounds for short distances. Work hours are 3.5 to 8 per day.

Cook

Prepare and serve meals, receive and store foods and clean kitchen/dining area. Must be able to stand/walk continuously and kneel/bend frequently. Must also climb occasionally. May be required to lift or carry food storage/pans of weight up to 25 pounds for various distances not exceeding 50 feet. Work hours are 3.5 to 8 per day.

Custodian

Clean facility, minor repair and grounds keeping duty. Must frequently stand, bend, kneel, walk and climb as well as occasionally sit. May be required to lift/carry cleaning supplies up to 80 pounds for various distances. Must stand on a step ladder and work with both hands over head. Work hours are 3.5 to 8 per day.

Maintenance

Repair and renovate facilities. This individual must frequently stand, sit, walk, climb, kneel and bend. May be required to carry tools/materials up to 80 pounds for various distances. Must be able to work with both arms over head. Work hours are 8 per day. Must possess a valid driver's license.

Mechanic

Repair buses, light trucks and cars. Must frequently stand, walk, climb, kneel and bend also occasionally sit. This individual may be required to lift/carry parts, tools and equipment up to 120 pounds for short distances. Work hours are 8 per day.

Teachers

These employees will be teaching and supervising students, and they must frequently stand, sit, walk and occasionally climb, kneel or bend. They may be required to lift/carry small equipment and materials up to 5 pounds for short distances. Work hours are 8 per day.

Classroom Special Education Aides

These employees work with students, and they must frequently stand, sit, walk and occasionally climb, kneel or bend. They may be required to lift/carry small equipment and materials up to 10 pounds for short distances. They may also be required to lift/restrain/transfer students. Work 3.5 to 8 hours per day.

(P) P.7.2. Social Security

Social Security coverage of employees of the Board of Education is provided in conformity with federal and state law. Information concerning benefits can be secured from the Office of the Social Security Administration.

(P) P.7.3. Unemployment Compensation

Pendleton County Schools participates in the Unemployment Compensation program for public employees. This benefit, through the West Virginia Department of Employment Security, assures that an eligible claimant who is out of work through no fault of his/her own will have some income available to meet necessary expenses until new employment can be secured. This is made possible through employer contributions at no cost to the employee.

Overpayment of Benefits

Effective on and after July 1, 2012 if an employer has failed to furnish to the commissioner on or before August 31 of each year the wage information for all past periods necessary for the computation of the contribution rate, the employer's rate shall be, if it is immediately prior to July 1, less than seven and five-tenths percent, increased to seven and five-tenths percent.

Effective July 1, 2012, a contributory employer's account shall not be relieved of charges relating to a payment from the Fund if the department determines that:

- ❖ The erroneous payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and
- ❖ The employer or agent has established a pattern of failing to respond timely or adequately to such requests.

(WVC §21A-5-7)

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(P) P.7.4. Health Insurance Program

The Board provides employees health and basic life insurance benefits through the Public Employees Insurance Agency (PEIA). PEIA provides a general employee benefit insurance program, which includes hospital, surgical, major medical, prescription drug, and basic life and accidental death.

General Information Concerning PEIA:

Coverage under these programs is limited to \$1 million lifetime for health and \$10,000 of life insurance coverage. Employees may purchase up to an additional \$500,000 of life insurance coverage. Premiums are established by PEIA and paid monthly.

School Board employees are eligible to be covered under the plans offered if they are full-time employees (working regularly at least 20 hours per week). There are restrictions on how and when employees may enroll and make changes in coverage. Please read all parts of the PEIA Summary Plan Description carefully before you enroll.

Long-term substitutes shall be eligible to receive PEIA benefits. Long-term substitute" means a substitute employee who fills a vacant position that the Superintendent expects to extend for at least 30 consecutive days and is either:

- ❖ Listed in the job posting as a long-term substitute position of over 90; or
- ❖ Listed in a job posting as a regular, full-time position and:
 - Is not filled by a regular, full-time employee; and
 - Is filled by a substitute employee.

However, for purposes of PEIA coverage, a retired employee who is hired as a substitute to fill a vacant position is not considered to be a long term substitute entitled to coverage.

A long-term substitute who is continuously employed for at least one 133 instructional days during an instructional term, and until the end of that instructional term, is eligible for PEIA benefits until the first day of September following that instructional term: Provided, however, That a long-term substitute employed fewer than one 133 instructional days during an instructional term is eligible PEIA benefits only during such time as he or she is actually employed as a long-term substitute.

[WVC § 5-16-2-(3); §18a-1-1(l)]

The Section 125 Plan allows employees to save tax dollars when paying health and life insurance premiums. Employees' participation in the plan is automatic unless you decline to participate during open enrollment.

Leaves of Absence:

Medical Leave (Non-Workers' Compensation): Any employee who is on a medical leave of absence due to an injury or illness that is not covered by Workers' Compensation is eligible to continue coverage subject to the following:

- ❖ The medical leave must be approved by the employer;
- ❖ The employee and employer must continue to pay their respective proportionate shares of the premium cost;
- ❖ The employer is obligated to pay its share only for a period of one year, after which the employee may be required to pay the full cost of coverage; and
- ❖ Each month the employee must submit to the employer a physician's statement certifying that the employee is unable to return to work.

Medical Leave (Workers' Compensation): Any employee who is on a leave of absence and is receiving temporary total disability benefits from Workers' Compensation is entitled to continue PEIA coverage until he/she returns to work.

The employer and employee must continue to pay their respective proportionate shares of the premium cost for as long as the employee receives temporary total disability benefits.

Personal Leave: An employee may continue insurance coverage while on a personal leave of absence approved by the Board. The employee shall be responsible for payment of both the employer and employee monthly premiums during such a personal leave. Teachers and service employees who are returning from an approved leave of absence of one year or less shall be restored to the same benefits, which they had at the time of the approved leave of absence

Family Leave: An employee may continue insurance coverage during an approved family leave. Employees should contact the benefit coordinator for further details regarding the federal Family and Medical Leave Act (FMLA).

Military Leave: Employees on military leave with pay, health and life insurance benefits will generally continue without interruption, as long as the employee is on the payroll.

An employee who is on an approved military leave of absence **without pay**, due to an active call of duty from the President, is entitled to continue health and life benefit coverage for as long as premium payments are made. The employee is responsible for paying the employee share of the premium costs for each month during the military leave of absence, and the Governor's Executive Order No. 19-01 requires the Board to pay its share. Upon return from a military leave, if there has been a lapse in coverage, the employee may generally reinstate the same health and/or life insurance benefits without penalty.

Surviving Spouse and Dependent Participation

A surviving spouse and dependents of a deceased employee, who was either an active or retired employee participating in the plan just prior to his or her death, are entitled to be included in any group insurance coverage provided under this article to which the deceased employee was entitled, and the spouse and dependents shall bear the premium cost of the insurance coverage. The finance board shall establish the premium cost of the coverage.

(West Virginia Public Employees Insurance Act [§5-16-13])

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(P) P.7.4.1. Measurement Periods for Determining Full-Time Employee Status under The Affordable Care Act

Pursuit to federal guidelines, the Pendleton County Board of Education adopts the following resolution to assure its compliance with the requirements of the Affordable Care act as they relate to the identification of all full-time employees within the school system as a means of determining their eligibility for a qualifying health insurance plan.

RESOLUTION ADOPTING MEASUREMENT PERIODS FOR DETERMINING FULL-TIME EMPLOYEE STATUS UNDER THE AFFORDABLE CARE ACT – April 15, 2014

WHEREAS the Patient Protection and Affordable Care Act (“ACA”) includes Employer Shared Responsibility provisions that impose tax penalties on large employers that fail to offer Affordable, Minimum Value coverage under a qualifying health plan to substantially all full-time employees and their dependents by January 1, 2015, or, if later, by the first day of the plan year in 2015;

WHEREAS it is the intent of the Pendleton County Board of Education (“Board”) to minimize exposure to such penalties by offering coverage under a qualifying health plan to substantially all full-time employees and their dependents, as set forth in this Resolution;

WHEREAS the ACA defines a full-time employee as one working on average at least 30 service hours per week or 130 service hours per calendar month;

WHEREAS an hour of service is defined as (1) each hour for which an employee is paid, or entitled to be paid, for the performance of duties for the employer, and (2) each hour for which an employee is paid, or entitled to be paid, on account of a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence;

WHEREAS final federal regulations permit the following methods to be used to determine hours of service: (1) counting actual hours of service (required for hourly non-exempt employees); (2) using a days-worked equivalency method, whereby an employee is credited with eight hours of service for each day for which the employee would be credited with at least one hour of service if counting actual hours; or (3) using a weeks-worked equivalency method, whereby an employee is credited with forty hours of service for each week for which the employee would be credited with at least one hour of service if counting actual hours;

WHEREAS it is sometimes uncertain whether employees working variable hours will satisfy the 30 service hours per week requirement (“variable hour employees”);

WHEREAS large employers may determine the full-time status of variable hour employees by determining the average number of service hours performed by such employees over a certain measurement period;

WHEREAS the ACA permits the following measurement periods to be used to determine the service hours of variable hour employees and to determine the length of time during which full-time variable hour employees may elect to be covered under the applicable health plan:

Standard Measurement Period – a period lasting between 3 and 12 months during which an employer may look back to determine the number of service hours worked by a variable hour employee.

Stability Period – a period lasting at least six months or as long as the Standard Measurement Period, whichever is longer. An employee who satisfies the service hours requirement during the Standard Measurement Period must be covered under the health plan for the duration of the Stability Period, regardless of whether the employee satisfies the service hour requirement during the Stability Period (unless such employee is terminated during the Stability Period).

Administrative Period – a period lasting up to 90 days that separates the Standard Measurement Period and the Stability Period. The Administrative Period will overlap with the prior Stability Period. During this time, it will be determined which variable hour employees worked on average 30 service hours per week or 130 service hours per calendar month during the Standard Measurement Period, and such employees will be offered the opportunity to enroll in the applicable health plan.

NOW THEREFORE BE IT RESOLVED that the Board of Education of PENDLETON COUNTY, West Virginia, consistent with federal law, hereby adopts the following method for determining hours of service during a measurement period:

Effective May 1, 2014, the Board will count actual hours worked by hourly employees (whether exempt or non-exempt), and will credit each employee with one hour of service for each hour the employee actually works and for each hour the employee is entitled to be paid.

Effective May 1, 2014, the Board will use the days-worked equivalency method for all *salary exempt* employees, and will credit each employee with eight hours of service for each day on which the employee would be credited with at least one hour of service if counting actual hours. In the event an employee works in excess of eight hours in a single work day, he or she will be credited with such excess hours in addition to the eight hours normally credited.

BE IT FURTHER RESOLVED that the Board of Education of PENDLETON COUNTY, West Virginia, consistent with federal law, hereby adopts the following measurement periods for existing variable hour employees:

Effective May 1, 2014, Standard Measurement, Administrative, and Stability periods for ongoing variable hour employees are hereby approved and set as follows:

Standard Measurement Period: May 1, 2014 to April 30, 2015;

Administrative Period: May 1, 2015 to June 30, 2015;

Stability Period: July 1, 2015 to June 30, 2016

The same periods set forth above will apply for subsequent years unless modified by the Board.

Breaks in employment lasting at least four consecutive weeks during which an employee is not credited with an hour of service will be excluded from the Standard Measurement Period. Such employment breaks will not be counted when determining whether an employee averaged the requisite 30 service hours per week.

BE IT FURTHER RESOLVED:

That with respect to the initial eligibility periods of newly hired variable hour employees (those hired after May 1, 2014); the following Initial Measurement, Administrative, and Stability periods are hereby approved and set as follows:

Initial Measurement Period: A period of 11 months which shall begin the first day of the first month following the employee's start date;

Initial Administrative Period: A period of 30 days to begin immediately after the Initial Measurement Period;

Initial Stability Period: A period of 12 months to begin immediately after the Initial Administrative Period.

Newly hired variable hour employees will transition to the Standard Measurement, Administrative and Stability Periods and may be subjected to two different overlapping measurement periods during this transition.

BE IT FURTHER RESOLVED:

That the Board may at any time amend or terminate this Resolution for any reason, including but not limited to changes or termination to address changes to the federal guidance relied upon in the course of adopting this Resolution. Specifically, should guidance permit large employers to delay implementation of the Employer Shared Responsibility provisions of the ACA until a later date, it is the intent of the Board to amend the measurement periods contained herein so that coverage provided to full-time employees and their dependents would begin no later than the date required by law.

Adopted by the PENDLETON COUNTY BOARD OF EDUCATION, this 15th day of April, 2014, by:

Superintendent

Board of Education President

(P) P.7.5. Retirement Plan

The 2008 Special Legislature Session resulted in a significant change in the retirement options available to school employees. Prior to that session, school employees were divided into two groups for retirement benefits: 1) The Teachers' Defined Benefit Retirement System (TDBS) and 2) The Teachers' Defined Contribution System (TDCRS). The new legislation allowed the merging of these two competing plans based upon the desires of school employees across the state. All school employees are now participating in one of the following plans.

Special Note: Full-time employees who work fewer than 40 hours per week must report to work each day of the work week to be considered a full-time employee for retirement benefit purposes.

(WVC §18-7A-13; §18-7A-13a; §18-7A-14; §18-7B-3; §18-7B-7; §18-7B-7a; §18-7B-8; §18-7D-1 thru 11)

TEACHERS' DEFINED BENEFITS RETIREMENT SYSTEM (TDBS)

The State Teachers' Retirement System (TRS) was established on July 1, 1941 for the purpose of providing retirement benefits for teachers and school service personnel. This plan remained in effect until July 1, 1991. The TRS was reopened for employees hired after July 1, 2005 and it was merged with TDCRS July 1, 2009. The current TDBS is a defined benefit plan in which an active member contributes 6% of his or her gross monthly salary into the retirement plan. The employer contributes an additional 15% of the member's gross monthly salary into the plan for employees hired before July 1, 2005 and 7.5% for employees hired for the first time on or after July 1, 2005.

TIER I

**RETIREMENT BENEFITS FOR EMPLOYEES/MEMBERS EMPLOYED
PRIOR TO JULY 1, 2015**

In order to qualify for regular retirement benefits, a member of TRS must meet eligibility requirements. A member who is currently in covered employment may:

- ❖ Retire with full benefits at age 60 with 5 or more years of service all of which shall be actual, contributory ones..
- ❖ Retire with full benefits at age 55 with 30 or more years of service.
- ❖ Retire with full benefits at any age with 35 or more years of service.
- ❖ Retire with reduced benefits before age 55 with at least 30 but less than 35 years of service.

A member with 5 or more years of contributing service who terminates employment prior to retirement, but does not withdraw his or her employee contributions, will be eligible for retirement benefits at age 62, or at age 60 with 20 years of contributing service.

Upon retirement in the TDBS plan, members must apply to the State Retirement Board for their benefits and select one of the benefit payment options available to them. Retirement benefits are based on two percent of the average of the member's five highest fiscal years of total earnings from covered employment during the member's last fifteen years of service.

Utilization of Accrued Sick and Annual Leave at Retirement

A Tier I member who is currently participating as an employee in the Public Employees Insurance Agency (PEIA) plan may elect to use unused annual/vacation and/or sick leave toward an increase in retirement benefits, on the basis of two days of retirement service credit for each day of unused annual/vacation and/or sick leave over the average annual contract period. Such days will constitute additional service in the computation of the member's retirement annuity. The additional credited service shall not be used in meeting initial eligibility for retirement criteria. Lump sum payments of annual/vacation leave shall not be used in the computation of retirement benefits under TRS.

In the alternative to increasing retirement benefits, members who currently participate in a PEIA insurance plan may be permitted to use unused annual/vacation and sick leave days at the time of retirement to purchase health insurance under the PEIA. Please contact PEIA for further information. Unused leave cannot be used for both options.

TIER II

RETIREMENT BENEFITS FOR EMPLOYEES/MEMBER EMPLOYED ON OR AFTER JULY 1, 2015

In order to qualify for regular retirement benefits, a Tier II member of TRS must meet eligibility requirements. A Tier II member who is working in covered employment at the time of retirement may:

- ❖ Retire with full benefits at age 62 with 10 or more years of service.
- ❖ Retire with reduced benefits at age 60 with 10 or more years of service.
- ❖ Retire with reduced benefits at age 57 with 20 or more years of service.
- ❖ Retire with reduced benefits at age 55 with at least 30 years of contributing service, excluding purchased military service.

A member with 10 or more years of service who terminates employment prior to retirement, but does not withdraw his or her employee contributions, will be eligible for deferred retirement benefits at age 64, or at age 63 with 20 years of contributing service, excluding purchased military service.

Upon retirement in the TDBS plan, members must apply to the State Retirement Board for their benefits and select one of the benefit payment options available to them. Retirement benefits are based on two percent of the average of the member's five highest fiscal years of total earnings from covered employment during the member's last fifteen years of service.

Utilization of Accrued Sick and Annual Leave at Retirement

For those persons who first become members of the retirement system on or after July 1, 2015, accrued annual or sick days may not be applied to acquire additional credited service.

If employees were hired on or after July 1, 2001, or if they had a lapse in coverage during this period, they are not eligible for extended employer-paid insurance upon retirement.

TEACHERS' DEFINED CONTRIBUTIONS RETIREMENT SYSTEM (TDCRS)

All Board employees hired after July 1, 1991, and before July 1, 2005, were required to participate in the Teachers' Defined Contribution System (TDCRS) retirement program. All employee contributions are tax deferred. Members contribute 4.5% of their gross compensation and the Board contributes 7.5% of covered members' gross compensation to the retirement plan, for a total of 12% annually.

Each employee in the TDCRS system chooses investment options and may make changes throughout the year. Employees are eligible to participate from the date of employment.

Employees qualify for full benefits at age 55 with at least 12 years of service in the system. Employee contributions are fully vested and employer contributions and earnings vest with the member as follows:

- ❖ One-third after six years;
- ❖ Two-thirds after nine years;
- ❖ One hundred percent after twelve years; and
- ❖ Members are fully vested at death or disability.

Special Note: Members of this group were permitted to change to the TDBS plan during the window of opportunity provided by the legislative action mentioned previously. The deadline for members to change their retirement plan was June 30, 2009. Members who elected to remain in the TDCRS plan will continue on until retirement. No new members may be added to this group.

Sick and Annual Leave at Retirement

Members are not eligible to apply accrued annual or sick to acquire additional credited service. Members who currently participate in a PEIA insurance plan may be permitted to use unused annual/vacation and sick leave days at the time of retirement to purchase health insurance under the PEIA. Please contact PEIA for further information.

CREDIT FOR SERVICE IN PUBLIC EMPLOYMENT IN ANOTHER STATE

Members of the Public Employees Retirement System may substantiate that they have been employed in public employment in another state in which case they may receive credited service not to exceed five years for that employment. However, the employee may not receive credit if:

- ❖ He/she is vested or entitled to be vested in the retirement system of the other state and
- ❖ He/she is entitled to service credit in the other state for the period for which he/she seeks credited service in West Virginia.

Credit for service from another state may not be used to meet West Virginia legibility requirements for retirement or vesting. Employees entitled to the credit must contribute to the Retirement System the actuarial equivalent of the amount, which would have been contributed, by the employee and employer if the employee had been covered during the period of retroactive service credit, plus earnings on that amount.

(WV Code §5-10-15b(a).

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(P) P.7.6. Section 125 Flexible Benefits (Cafeteria) Plan

The Board offers a Section 125 Plan that allows employees to choose from a medical reimbursement plan and a dependent day care expense reimbursement plan. Participation in this plan allows employees to save tax dollars when paying health and life insurance premiums. Participation in the Section 125 Plan is determined during open enrollment.

Employee contributions to the plan are made on a pre-tax basis. Employees may allocate specified amounts of monthly salary or wages for the reimbursement of medical care expense or dependent day care expenses, or both. The rules for the plan provide that participant's elections are irrevocable for the plan year, except for a change in family status.

Eligible insurances, including PEIA, are also eligible to be included in the Section 125 Plan. Representatives of the Board approved Section 125 Plan will make determinations regarding which insurances qualify for inclusion.

The medical reimbursement plan may be used to reimburse employees for eligible medical expenses incurred for treatment of employees, their spouse and eligible dependents. Eligible medical expenses include deductible and coinsurance amounts under a group health plan, such as PEIA, charges that are in excess of the amount reimbursed under a group health plan, and charges that are not covered by a group health plan such as dental and vision care. A more complete description of eligible expense is included in the Section 125 Plan booklet.

The dependent day care reimbursement plan allows employees to receive reimbursement for dependent day care expenses incurred by the employee or spouse to work or look for work. A more complete description is available in the Section 125 Plan booklet.

(P) P.7.7. Payroll Deductions for Other Employee Benefits

The Board also offers payroll deductions for private commercial insurance, investment and other employee benefit and complete information about those benefits may be obtained in the payroll office. See also *F.6. Payroll Procedures and Deductions* and *(P) R.6.3. Solicitation by Agents* for additional information about private and commercial insurance and investment deductions.

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(P) P.7.8. Employee Job-Sharing

Both professional and service personnel may enter into job sharing agreements with the Pendleton County Board of Education. Job sharing arrangements are subject to the following provisions:

- ❖ Job sharing arrangements must meet all the requirements relating to posting, qualifications and seniority;
- ❖ Shall provide insurance coverage to the one employee mutually agreed upon by the employees participating in that arrangement; and

- ❖ May not provide insurance benefits of any type to more than one of the job-sharing employees, including any group plan available under the State Public Employees Insurance Act;
- ❖ Each job-sharing agreement shall be in writing on a form prescribed and furnished by the county board. The agreement shall designate specifically one employee only who is entitled to the insurance coverage. Any employee who is not designated is not eligible for state public employees insurance coverage regardless of the number of hours he or she works
- ❖ The Board and the participating employees must consider issues such as retirement benefits and termination of the job sharing agreement any other issues the parties consider appropriate. The job-sharing agreement may not cause the retirement system to incur a cost in excess of the cost that would be incurred if a single employee were filling the position.

(WVC §18-5-13)

(P) P.7.9. Early Notification of Retirement

State Funded Retirement Bonus:

State code {§18A-2-2(g)} provides for a \$500 bonus to classroom teachers who provide written notification to the Pendleton County Board of Education on or before **March 1** of the school year of their intention to retire from their positions at the conclusion of the current school year. Classroom teachers are defined in §18A-1-a of the code as those professional educators who have a direct instructional or counseling relationship with students, spending the majority of their time in this capacity. This has been interpreted by State Superintendent Interpretations of 1996 and 2006 to mean teachers in elementary and secondary programs (pre-kindergarten through 12th grade), including speech language pathologists, counselors, and librarians.

"At the conclusion of the school year" has been interpreted to mean that the classroom teacher must complete his/her employment term for the current school year and not work the first day of the employment term of the following school year. Consequently, classroom teachers are eligible for the bonus if they retire anytime during the summer break, as long as it is before the first employment day of the next school year. They are NOT eligible for the bonus if they must work any days as a regular employee during the next school year to be eligible for retirement.

The position of a classroom teacher providing written notice of retirement pursuant to WVC §18-2-2(g) may be considered vacant and the Board may immediately post the position as an opening to be filled at the conclusion of the school year. If a teacher has been hired to fill the position of a retiring classroom teacher prior to the start of the next school year, the retiring classroom teacher is disqualified from continuing his or her employment in that position. However, the retiring classroom teacher may be permitted to continue his or her employment in that position and forfeit the early retirement notification payment if, after giving notice of retirement in accordance with WVC 18-2-2(g), s/he becomes subject to a significant unforeseen financial hardship, including a hardship caused by the death or illness of an immediate family member or loss of employment of a spouse. Other significant unforeseen financial hardships shall be determined by the Superintendent on a case-by-case basis. This subsection does not prohibit a county school board from eliminating the position of a retiring classroom teacher.

This payment shall not be counted as part of the final average salary for the purpose of calculating retirement.

[WVC §18A-2-2(g)]

County Funded Retirement Bonus:

The Board recognizes that loyal employees sometimes find that they need to extend their employment a few days into a new school year in order to be eligible for retirement benefits. Therefore, it shall be the policy of the Board to extend the \$500 bonus to teachers who submit a written notification of their intent to retire by no later than October 1 of the new school year. This notification must be received prior to **March 1** of the current school term which will allow the Board sufficient time to recruit a replacement for the retiring teacher. This extension DOES NOT apply to personnel who are not eligible for retirement, but just simply wish to resign. The cost of the bonus shall come from county funds.

Notifications must be presented to the county board for acceptance, and this shall be done as soon as practical after the **March 1** deadline. Upon acceptance by the county board, the eligible individuals are to be paid the \$500 bonus through normal payroll procedures, with the exception that the bonus is not subject to retirement withholdings. The actual payment of the bonus will be paid as soon as practical after the Board's acceptance of the notification. The Board, however, will take action to recover the bonus should an individual either leave employment prior to the agreed upon date of retirement or change his/her mind and decide not to resign or retire. In this latter case, the individual would need to submit a request to the board and receive board approval for this change.

This payment shall not be counted as part of the final average salary for the purpose of calculating retirement.

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Amended/Revised: October 4, 2004; December 21, 2005; September 25, 2007; January 12, 2010;
September 6, 2011; August 21, 2012; October 1, 2013; October 9, 2014;
September 1, 2015; September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION

P. PERSONNEL – PROFESSIONAL AND SERVICE

File: P.8. Employment Actions

Adopted: August 20, 2003

Last Review:

March 2018

The Pendleton County Board of Education believes that a strong working relationship between itself and its employees begins with fairness and honesty in making and carrying out all employment actions. The following guidelines are intended to assure that the Pendleton County Board of Education meets its legal requirements in making decisions about personnel matters and to assure that its employees' rights in these matters are protected.

(P) P.8.1. Assignment, Transfer and Promotion

All initial assignments and subsequent transfers or promotions of personnel are made upon the recommendation of the Superintendent in cooperation with the Directors and subject to the approval of the Board of Education. In the case of transfers, the following procedures shall be followed:

- ❖ In all cases, the Superintendent on or before **April 1** must notify employees in writing if they are being considered for transfer or are being transferred.
- ❖ Only those employees whose consideration for transfer or intended transfer is based upon known or expected circumstances that will require the transfer may be notified of an impending transfer.
- ❖ Employees so notified may request, in writing, written reasons for the transfer. The statement of reasons shall be delivered to the employee within 10 days of the receipt of the request.
- ❖ Within 10 days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board.
- ❖ The hearing on the proposed transfer shall be held on or before **May 1**. At the hearing, the reasons for the proposed transfer must be shown.
- ❖ At a meeting on or before **May 1** the Superintendent must provide the Board with a list of employees to be considered for transfer for the ensuing year. An employee who was not provided notice and an opportunity for a hearing pursuant to the code may not be included on the list. All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting.

The list of those recommended for transfer shall be included in the minutes of the meeting and all persons included in the list must be notified in writing and the notice shall be delivered within ten days following the board meeting with written receipt notification documented by the Superintendent, and the notice shall state the person is being recommended for transfer and subsequent assignment and the reasons for therefor.

The provisions of this section respecting hearing upon notice of transfer is not applicable in emergency situations where the school building becomes damaged or destroyed through an unforeseeable act and which act necessitates a transfer of the school personnel because of the aforementioned condition of the building.

Notwithstanding other provisions of §18A-2-7, when actual student enrollment in a grade level or program, unforeseen before **May1** of the preceding school year, permits the assignment of fewer teachers or service personnel to or within a school under any pupil-teacher ratio, class size or caseload standard established in §18-5-18a or any policy of the state board, the Superintendent, with board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such pupil-teacher ratio, class size or caseload standard.

- ❖ Before any reassignment may occur pursuant to this subsection of the code, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the county board to state the reasons for his or her objections, if any, prior to the board voting on the reassignment.
- ❖ Except as otherwise provided immediately above, the reassignment may be made without following the notice and hearing provisions of this section, and at any time during the school year when the conditions of this subsection are met: Provided, **That the reassignment may not occur after the last day of the second school month.**

- ❖ A professional employee reassigned under this subsection shall be the least senior of the surplus professional personnel who holds certification or licensure to perform the duties at the other school or at the grade level or program within the school.
- ❖ A service employee reassigned under this subsection shall be the least senior of the surplus personnel who holds the same classification or multi-classification needed to perform the duties at the other school or at the grade level or program within the same school.
- ❖ No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment under this subsection.

Notwithstanding any other provision of the code to the contrary, where the total number of classroom teaching positions in an elementary school does not increase from one school year to the next, but there exists in that school a need to realign the number of teachers in one or more grade levels, kindergarten through six, teachers at the school may be reassigned to grade levels for which they are certified without that position being posted: Provided, That the employee and the county board mutually agree to the reassignment.

Notwithstanding any other provision of this code to the contrary, upon recommendation of the principal and approval by the classroom teacher and county board, a classroom teacher assigned to the school may at any time be assigned to a new or existing classroom teacher position at the school without the position being posted.

It is understood that in the interest of school organization and student benefit, the principal may recommend a change in a teaching assignment so long as such change does not remove a teacher from his/her certification fields. Changes in teacher subject and/or grade level assignments shall be made only after conferring with the affected personnel.

(WVC §18A-2-7; §18A-4-7a)

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(P) P.8.1.1 Limitations on Voluntary Transfer of School Employees to Posted Vacant Position after the Twentieth Day Prior to Beginning of Instructional Term.

The Legislature finds that it is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any one grade level or course during the instructional term. Therefore, it is the intent of the Legislature that the filling of positions through transfers of personnel from one professional position to another after the twentieth day prior to the beginning of the instructional term should be kept to a minimum in accordance with the following:

- ❖ After the twentieth day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the county during that instructional term unless the person holding that position does not have valid certification;
- ❖ The person may apply for any posted, vacant positions with the successful applicant assuming the position at the beginning of the next instructional term;
- ❖ Professional personnel who have been on an approved leave of absence may fill these vacancies upon their return from the approved leave of absence; and
- ❖ The county board, upon recommendation of the superintendent may fill a position before the next instructional term when it is determined to be in the best interest of the students.

The Legislature finds that it is not in the best interest of students with autism or with an exceptionality whose IEP requires one-on-one services, or students in the early childhood years, to have multiple teachers, mentors, aides, paraprofessionals, interpreters or any combination thereof during the instructional term. Therefore, it is the intent of the Legislature that after the twentieth day prior to the beginning of the instructional term, filling positions through transfers of personnel from one position to another be kept to a minimum for autism mentors and aides who work with students with autism and for paraprofessionals, interpreters, early childhood classroom assistant teachers and aides who work with students with exceptionalities whose IEPs require one-on-one services, in accordance with the following:

- ❖ After the twentieth day prior to the beginning of the instructional term, a service person may not transfer to another position in the county during that instructional term, unless he or she does not have valid certification, if the service person is employed and assigned as an autism mentor or

aide who works with students with autism, or as a paraprofessional, interpreter, early childhood classroom assistant teacher, or aide who works with a student with an exceptionality whose IEP requires one-on-one services;

- ❖ The aide, autism mentor, paraprofessional, interpreter or early childhood classroom assistant teacher may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term; and
- ❖ The county board, upon recommendation of the superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students.

Except as provided in subsection (b) of this section, after the twentieth day prior to the beginning of the instructional term, a service person may transfer to another position of employment one time only during any one half of the instructional term, unless otherwise mutually agreed upon by the service person and the county superintendent, or the superintendent's designee, subject to county board approval. During the first year of employment as a service person, a service person may not transfer to another position of employment during the first one half of the instructional term unless mutually agreed upon by the service person and county superintendent, subject to county board approval, except as follows:

- ❖ Upon return from an approved leave of absence, a service person may fill a vacant position for which he or she is qualified or holds valid certification;
- ❖ A service person may apply for a posted, vacant position at any time. The successful applicant for the position may not assume the position until the beginning of the next one half of the instructional term; and
- ❖ Extracurricular assignments for school bus operators pursuant to section sixteen, article four of this chapter are exempt from the requirements of this subsection.

(WVC §18A-2-7B)

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(P) P.8.2. Reduction in Force Professional Personnel

Reductions in the professional work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation of schools, or other factors beyond the control of the Board.

Whenever a county board is required to reduce the number of professional personnel in its employment, the selection of the employee to be properly notified and released from employment pursuant to the provisions of 18A-2-2 **shall be based upon seniority, certification, licensure and performance evaluations.**

The provisions of this subsection are subject to the following:

- ❖ In the event of a reduction in force, a county board of education may properly notify and release from employment pursuant to the provisions of §18A-2-2 any classroom teacher with unsatisfactory evaluations for the previous two consecutive years regardless of years of service instead of release from employment of less senior classroom teachers with satisfactory performance evaluations;
- ❖ All persons employed in a certification area to be reduced who are employed under a temporary permit shall be properly notified and released before a fully certified employee in such a position is subject to release;
- ❖ Notwithstanding any provision of this code to the contrary, for any vacancy in an established, existing or newly created position that, on or before March 1, is known to exist for the ensuing school year, upon recommendation of the superintendent, the board shall appoint the successful applicant from among all qualified applicants. All employees subject to release shall be considered applicants for the positions for which they are qualified and shall be considered before posting such vacancies for application by nonemployees;
- ❖ An employee subject to release shall be employed in any other professional position where the employee is certified and was previously employed or to any lateral area for which the employee is certified, licensed or both, if the employee's seniority is greater than the seniority of any other employee in that area of certification, licensure or both;

- ❖ If an employee subject to release holds certification, licensure or both in more than one lateral area and if the employee's seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, the employee subject to release shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification, licensure or both; and
- ❖ If, prior to **August 1** of the year, a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the county board in its sole and exclusive judgment, the board shall rescind the reduction in force or transfer and shall notify the released employee in writing of his or her right to be restored to his or her position of employment. Within five days of being so notified, the released employee shall notify the board, in writing, of his or her intent to resume his or her position of employment or the right to be restored shall terminate. Notwithstanding any other provision of this subdivision, if there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

Reduction in Classroom Teaching Positions in Elementary Schools

Notwithstanding any other provision of the code to the contrary, where the total number of classroom teaching positions in an elementary school does not increase from one school year to the next, but there exists in that school a need to realign the number of teachers in one or more grade levels, kindergarten through six, teachers at the school may be reassigned to grade levels for which they are certified without that position being posted: Provided, That the employee and the county board mutually agree to the reassignment.

Reductions in classroom teaching positions in elementary schools shall be determined pursuant to the considerations set forth in the Board's policy regarding employee qualifications during a reduction in force and shall be processed as follows:

- ❖ When the total number of classroom teaching positions in an elementary school needs to be reduced, such reduction shall be made on the basis of qualifications with the least qualified classroom teacher being recommended for transfer; and
- ❖ When a specific grade level needs to be reduced and the least qualified employee in the school is not in that grade level, the least qualified classroom teacher in the grade level that needs to be reduced shall be reassigned to the position made vacant by the transfer of the least qualified classroom teacher in the school without that position being posted: provided, however, that the employee is certified and/or licensed and agrees to the reassignment

Notice to Employee of Impending Reduction In Force

Prior to **May 1** of the current year, affected professional employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board on or before **May 1** to terminate their contract at the close of the school year for lack of need. Such notice shall be limited to those teachers whose consideration for dismissal is based upon known or expected circumstances that require the action. The cause or causes for the termination shall be included in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process.

(WVC §18A-2-2 and §18A-4-7a)

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(P) P.8.2.1. Lateral Positions/Areas for Professional Personnel

Under the provisions of W V. § 18A-4-7a, positions which meet the definition of "classroom teacher", as defined in §18A-1-1, will be deemed as lateral positions during a reduction in force of professional personnel, subject to appropriate certification and/or licensure and seniority.

"Classroom teacher" means a professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity.

As required by W. Va. Code § 18A-4-7a, the Board hereby finds that other professional positions shall be considered lateral positions during a reduction in force as stated and explained below. In making these findings, the Board may give consideration to the rank of each position in terms of title; nature of responsibilities; salary level; and certification, licensure or both; along with the days in the period of employment.

School Level Administrator Reduction in Force Flow Chart

The position of Elementary School Principal shall be considered lateral to the position of Elementary School Principal.

The position of Middle School Principal shall be considered lateral to the position of Middle School Principal.

The position of High School Principal shall be considered lateral to the position of High School Principal.

The position of Assistant Elementary School Principal shall be considered lateral to the position of Assistant Elementary School Principal.

The position of Assistant Middle School Principal shall be considered lateral to the position of Assistant Middle School Principal.

The position of Assistant High School Principal shall be considered lateral to the position of Assistant High School Principal.

Head Teacher/Interventionist

Head Teacher/Athletic Director

Special Note: In the event that a middle school principal or assistant principal position (under the terms of §18A-4-7a) becomes like that of a high school principal or assistant principal, this policy will be adjusted to establish laterality between those positions.

Elementary and secondary administrators are never lateral for purposes of reduction in force "bumping."

Central Office Administrators/Specialists Reduction in Force Flow Chart

Director Curriculum./Instruction shall be lateral to Director Curriculum./Instruction

Director of Human Resources & Student Services shall be lateral to Director of Human Resources & Student Services

Director of Administrative & Support Services shall be lateral to Director of Administrative & Support Services

Business Manager/Treasurer shall be lateral to Business. Manager/Treasurer

Director Child Nutrition shall be lateral to Director Child Nutrition

Technology Systems Specialist (TSS) shall be lateral to Technology Systems Specialist (TSS)

School Nurse shall be lateral to School Nurse

Guidance Counselors shall be lateral to Guidance Counselors. (Guidance Counselors are also lateral to Classroom Teachers if properly certified).

Speech and Language Pathologists shall be lateral to Speech and Language Pathologists

Limitations and Definitions

1. Displaced employees are not entitled to "bump" vertically;
2. Employees may not secure a promotion through the "bumping" process.
3. Lateral movement (bumping) does not permit an employee to select a position to his/her liking. The "bump" must be applied to the least senior employee in the certification field identified in the RIF.

4. "Bumping" does not occur outside the Reduction in Force (RIF) context. Transfers are just that, and seniority plays no role in the transfer process.
5. Employment in a position where previously employed – Means the employment of a professional employee in a classification of employment of previous employment as contrasted with employment in an exact position of previous employment.
6. "Administrative Seniority" means the number of school years, or fractions thereof, which an employee has been employed as either an assistant principal, principal or central office administrator and subject to holding administrative certification or license. Employment in an administrative position for the full 200 day employment term for teachers in a school year shall be deemed to be employed in such position for a full school year.

An administrator at any level who is subject to a reduction in force but does not have a lateral move available to him/her must be placed in any other professional position where he/she was previously employed or is certified if his/her seniority is greater than the seniority of any other employee in that area of certification or licensure, including a teaching position, in accordance with §18A-4-7a and other codes.

To the extent that the list above does not address a specific non-teaching professional/administrative position, the Board shall consider such position lateral to other positions on the basis of the rank of each position in terms of title; nature of responsibilities; salary level; certification, licensure or both; and days in the period of employment.

WVC §18a-4-7A)

G. O'Dell Dengiss v. Lincoln County Board of Education Docket No. 98-22-053 (May 28, 1998)

Sue Anderson v. Webster County Board of Education Docket No. 04-51-301 (May 25, 2005)

Nancy Tonkery v. Marion County Board of Education Docket No. 05-24-233 (September 20, 2005)

Superintendent Interpretation February 2, 2006

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(P) P.8.2.2. Professional Personnel Preferred Recall List

All professional personnel whose lesser qualifications, as determined by county board policy, with the county board is insufficient to allow their retention by the county board during a reduction in workforce shall be placed upon a preferred recall list. As to any professional position opening within the area where they had previously been employed or to any lateral area for which they have certification, licensure or both, the employee shall be recalled on the basis of qualifications if no regular, full-time professional personnel, or those returning from leaves of absence with greater qualifications apply for and accept the position

The board shall annually notify professional personnel on the preferred list of the job application procedures on any websites used to advertise vacancies. The notice shall be sent by certified mail via the U.S. Postal Service to the last known address of the employee, and it shall be the duty of each professional person to notify the board of continued availability annually of any change in address, or of any change in certification, licensure or both.

Each notice shall be posted in conspicuous working places for all professional personnel to observe for at least five working days which may include any website maintained by the county board.

WVC §18A-2-2; §18A-4-7a; §18A-4-8b and §18A-4-8g)

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(P) P.8.2.3. Professional Qualifications As Defined by the Pendleton County Schools

Just as in the filling of vacancies, the Pendleton County Board of Education shall make decisions about a reduction in force on the basis of the employee with the highest qualification. In judging qualifications for a reduction in the number of professional positions of employment, the Board shall utilize the same 11 criteria that govern the assessment of candidates for posted positions.

Consideration shall be given to each of the following:

- ❖ Seniority;
- ❖ Appropriate certification, licensure, or both;

- ❖ Amount of experience relevant to the position or, in the case of a classroom teaching position, the amount of teaching experience in the required certification area;
- ❖ The amount of course work, degree level, or both in the relevant field and degree level generally;
- ❖ Academic achievement;
- ❖ In the case of a principal or classroom teaching position, certification by the National Board for Professional Teaching Standards;
- ❖ Specialized training relevant to performing the duties of the job;
- ❖ Past performance evaluations conducted pursuant to §18A-2-12 and §18A-3C-2 of this code or, in the case of a classroom teacher, past evaluations of the applicant's performance in the teaching profession;
- ❖ Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged;
- ❖ In the case of transfer or recall to a classroom teaching position, the recommendation of the principal of the school at which the applicant will be performing a majority of his or her duties; and
- ❖ In the case of transfer or recall to a classroom teaching position, the recommendation, if any, resulting from the process established pursuant to the provisions of §18-5A-5 of this code by the faculty senate of the school at which the employee will be performing a majority of his or her duties;

The Board shall determine the appropriate weight to apply to each of the criterion when assessing an employee's qualifications during a reduction in force.

Special Note: The Board shall consider the criteria set forth above only after considering personnel whose last performance evaluation conducted pursuant to §18A-2-12 or §18A-3C-2 of the code, as applicable, is less than satisfactory.

(P) P.8.3 Reduction in Force for Service Personnel

Reductions in the service personnel work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation of schools, or other factors beyond the control of the Board.

Prior to **May 1** of the current year, affected service employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board before **May 1** to terminate their contract at the close of the school year. The cause or causes for the reduction in force shall be stated in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process. All decisions by county boards concerning reduction in work force of service personnel shall be made on the basis of seniority. Seniority is determined by the length of time an employee has been employed within a certain classification.

If a county board is required to reduce the number of service personnel within a particular job classification, the following conditions apply:

- ❖ The employee with the least amount of seniority within that classification or grades of classification is properly released and employed in a different grade of that classification if there is a job vacancy;
- ❖ If there is no job vacancy for employment within that classification or grades of classification, the service person is employed in any other job classification which he or she previously held with the county board if there is a vacancy and retains any seniority accrued in the job classification or grade of classification.
- ❖ Multi-classified employees are subject to reduction in force in any category of employment contained within their multi-classification title based upon the seniority accumulated within that category of employment. Multi-classified employees who are reduced in force in one classification category shall retain employment in any of the other classification categories that they hold within their multi-classification title.

Rescinding a reduction in force:

After a reduction in force or transfer is approved, but prior to **August 1**, a county board in its sole and exclusive judgment may determine that the reason for any particular reduction in force or transfer no longer exists.

- ❖ If the board makes this determination, it shall rescind the reduction in force or transfer and notify the affected employee in writing of the right to be restored to his or her former position of employment.
- ❖ The affected employee shall notify the county board of his or her intent to return to the former position of employment within five (5) days of being notified or lose the right to be restored to the former position.
- ❖ The county board may not rescind the reduction in force of an employee until all service personnel with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment as provided in this section.
- ❖ If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification category of the service person who was subject to reduction in force, the position of the released service person shall be posted and filled in accordance with this section.

(WVC §18A-2-6; §18A-4-8b and §18A-4-8g)

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(P) P.8.3.1 Service Personnel Preferred Recall List

All service personnel whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force are placed upon a preferred recall list and shall be recalled to employment by the county board on the basis of seniority.

A service person placed upon the preferred recall list shall be recalled to any position openings by the county board within the classification(s) where he or she had previously been employed, to any lateral position for which the service person is qualified or to a lateral area for which a service person has certification and/or licensure.

A service person on the preferred recall list does not forfeit the right to recall by the county board if compelling reasons require him or her to refuse an offer of reemployment by the county board.

The county board shall notify all service personnel on the preferred recall list of all position openings that exist from time to time. The notification shall be sent annually, with written receipt notification documented by the superintendent, and shall list instructions to access job postings on any website maintained by or available for the use of the county board.

A position opening may not be filled by the county board, whether temporary or permanent, until all service personnel on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.

A service person released from employment for lack of need as provided in §18A-2-6 and §18A-2-8a is accorded preferred recall status on **July 1** of the succeeding school year if he or she has not been reemployed as a regular employee.

(WVC §18A-4-8b)

(P) P.8.4. Reduction in Force – Multi-County Vocational Center

Reductions in work force in the center or employment by the center or county board shall be made in accordance with the provisions of §18A-4-7a and §18A-4-8a: Provided, That only years of employment within the multicounty vocational center shall be considered for purposes of reduction in force within the center.

(WVC §18A-4-8c)

(P) P.8.5. Non-renewal of Probationary Employees

At a meeting of the Board to be held on or before **May 1** of each year, the Superintendent shall provide to the Board a written list of all probationary employees he/she recommends to be rehired for the ensuing school year. The Board shall act upon the Superintendent's recommendations at that same meeting. The Board's action shall be recorded in the minutes of the meeting.

All probationary employees who are not recommended for reemployment must be notified thereof in writing, by certified mail, return receipt requested, within 10 days following the board meeting. Within 10 days after receiving written notice thereof, probationary employees who have not been recommended for rehiring may request a statement of the reasons for not having been rehired and may request a hearing before the Board. Such hearing shall be held at the next regularly scheduled meeting of said Board or at a special meeting of the Board called within 30 days of the request for a hearing. At the hearing, the reasons for not rehiring such employee must be shown.

(WVC §18A-2-1, §18A-2-7 and §18A-2-8a)

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(P) P.8.6. Employee Resignations

Teachers and service employees who hold a continuing contract and who wish to resign as of the close of the school year may do so by submitting their request to the Superintendent within a time frame that will allow Board action on or before **May 1**. The Board must accept resignations presented on or before this date.

All other resignations shall be tendered to the Superintendent in writing and should include the reasons for resigning and the specific date the resignation is effective.

In accordance with recommendations of the West Virginia State Board of Education, resignations submitted between July 1 and July 15 by teachers under contract for the ensuing year will be accepted; however, resignations received after July 15 shall be subject to acceptance or rejection by the Board upon the recommendation of the Superintendent.

A copy of the resignation shall be forwarded to the employee's immediate superior.

(WVC §18A-2-2; §18A-2-6)

(P) P.8.7. Suspension and Dismissal of School Personnel

The Superintendent has the authority to suspend school personnel for temporary periods of time pending a hearing upon charges filed by the Superintendent with the Board of Education. This temporary period of suspension shall not exceed 30 days unless extended by the Board and may be with or without pay.

Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, a finding of abuse by the Department of Health and Human Resources in accordance with §49-1-1 et seq. of this code, the conviction of a misdemeanor or a guilty plea or a plea of nolo contendere to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation pursuant to §18A-2-12 of this code. The charges shall be stated in writing served upon the employee within two days of presentation of the charges to the board.

The affected employee shall be given an opportunity, within five days of receiving the written notice, to request, in writing, a level three hearing and appeals pursuant to the provisions of §6C-2-1 et seq. of this code, except that dismissal for a finding of abuse or the conviction of a felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grounds for a grievance proceeding. An employee charged with the commission of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse may be reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges.

The Pendleton County Board of Education has the duty and authority to provide a safe and secure environment in which students may learn and prosper; therefore, it may take necessary steps to suspend or dismiss any person in its employment at any time should the health, safety, and welfare of students be jeopardized or the learning environment of other students has been impacted.

It shall be the duty of any county superintendent to report any employee suspended or dismissed in accordance with this section, including the rationale for the suspension or dismissal, to the state superintendent. The state superintendent shall maintain a database of all individuals suspended or dismissed for jeopardizing the health, safety, and welfare of students, or for impacting the learning environment of other students. The database shall also include the rationale for the suspension or dismissal. The database shall be confidential and shall only be accessible to county human resource directors, county superintendents, and the state superintendent.

In all cases of suspension, termination or dismissal, the employee's rights to substantive and procedural due process shall be safeguarded by the Board of Education.

Special note: The contract of service personnel shall be automatically terminated if the Employee is convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that requires the Employee to register as a sex offender, or of any criminal offense which has as an element delivery or distribution of a controlled substance: Provided, That should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this state or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by law.

(WVC §18A-2-6; §18A-2-7 and §18A-2-8)

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(P) P.8.8. Due Process Rights of School Personnel

All employees who have been charged with misconduct leading to a suspension or dismissal action by the Board are guaranteed due process rights under the Fourteenth Amendment of the United States Constitution and §18A-2-8 of the West Virginia Code. Those rights include the following:

- ❖ Fair and reasonable notice of the charges in writing within two days of the charges being presented to the Board;
- ❖ Within five days of receiving the notice, the employee may request a hearing before the Board or he/she may request a Level IV grievance hearing;
- ❖ Fair opportunity to prepare for a hearing;
- ❖ Prompt and fair hearing;
- ❖ Impartial tribunal (Board is presumed impartial unless the defendant can prove otherwise);
- ❖ Legal Counsel;
- ❖ Cross examination of all witnesses;
- ❖ Call witnesses;
- ❖ Access to evidence;
- ❖ Right to an official record of proceedings (for appeals); and
- ❖ The right of appeal.

(14th Amendment and WVC §18A-2-8)

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(P) P.8.9. Termination or Dismissal of Employees Holding Continuing Contracts

In all instances where the Board seeks to terminate the contract of professional or service personnel or seeks to dismiss them under the provisions of §18A-2-2 and §18A-2-6, the following procedure should be followed:

- ❖ Regarding the termination of a teacher's continuing contract, §18A-2-2 provides in pertinent part as follows:

The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, unless and until terminated (1) by a majority vote of the full membership of the Board on or before **May 1** of the then current year, after written

notice, served upon the teacher, return receipt requested, stating cause or causes, and an opportunity to be heard at a meeting of the Board prior to the Board's action thereon, or (2) by written resignation of the teacher before that date.

Such termination shall take effect at the close of the school year in which the contract is so terminated.

The contract may be terminated at any time by mutual consent of the school board and the teacher.

- ❖ Regarding the termination of continuing contracts of service personnel, §18A-2-6 provides in pertinent part as follows:

“After three years of acceptable employment, each service employee who enters into a new contract of employment with the Board shall be granted continuing contract status. The continuing contract of any such employee shall remain in full force and effect except as modified by mutual consent of the school board and the employee, unless and until terminated with written notice, stating cause or causes, and an opportunity to be heard at a meeting of the Board before **May 1** of the then current year, or by written resignation of the employee before that date.”

Notwithstanding any other provisions of law, the Board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

A continuing contract does not operate to prevent the Board from dismissing professional and service employees based upon the lack of need for their services pursuant to the provisions the reduction in force statute [see (P) P.8.2. *Reduction in Force Professional Personnel* and (P) P. 8.3. *Reduction in Force Service Personnel*].

In all cases of termination or dismissal, the employee's rights to substantive and procedural due process shall be safe-guarded by the Board of Education.

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Amended/Revised: October 4, 2004; September 25, 2007; January 12, 2010; August 21, 2012;
October 1, 2013; September 6, 2016; September 5, 2017; September 3, 2019;

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.9. Professional Conduct and Responsibilities	Adopted: August 20, 2003 Last Review: March 2018

Teachers are professionals and teaching is a complex task with many duties inherent in the task itself. It is the responsibility of each member of the educational arena to maintain a high quality of professionalism.

(P) P.9.1. Professional Performance and Responsibilities

- ❖ Respect the dignity of each student as an individual and attempt to gain adequate understanding of student needs, interests, abilities, aptitudes, temperament and environmental influence as a basis on which to meet those needs with fairness and courtesy;
 - ❖ Refrain from using classroom privileges and prestige to promote personal gain, selfish interest, partisan politics or sectarian religious views;
 - ❖ Keep the records and information concerning individual students confidential;
 - ❖ Strive to help each student develop sound moral and intellectual foundations;
 - ❖ Be responsible for the discipline of students in the classroom at all times and maintain a high standard of conduct and good rapport with students;
 - ❖ Be professionally and personally responsible for the order and progress of classes for which authority, direction and supervision has been given;
 - ❖ Aid in curriculum construction and revision when needed;
 - ❖ Participate in in-service training programs and assist in planning such programs;
 - ❖ Adjust instruction to meet the needs and abilities of individual students;
 - ❖ All employees shall be expected to participate in meetings and committee work that may be specified by their principal, supervisor, or the Superintendent. Such meetings and committees should be a cooperative effort and reflect democratic procedures;
 - ❖ Be responsible for neatness and care of the assigned classroom, furniture, fixtures and supplies;
 - ❖ Report to the principal any neglect on the part of the custodians;
 - ❖ Submit promptly reports that may be required;
 - ❖ Keep an accurate record of the attendance of assigned students;
 - ❖ Give a receipt for the collection of all funds;
 - ❖ Conduct school affairs through recognized channels of the school system and the profession;
 - ❖ Refrain from unprofessional acts that impede school policies once agreed on by administrators and teachers;
 - ❖ Seek continued professional growth and efficiency;
 - ❖ Seek to establish friendly and cooperative relationships between home and school; and
 - ❖ Attend and participate in professional educational meetings.
- (WVC §18A-5-1; §18A-5-5 and SBP 5310)

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(P) P.9.2. Employee Code of Conduct

The Pendleton County Board of Education recognizes that the capabilities and conduct of all school employees greatly affect the quality of education provided to its students. The Board further believes that all school employees should be intrinsically motivated by the importance of the job that they do. The purpose of the Employee Code of Conduct is to establish appropriate standards of conduct for all school personnel.

These regulations require that school employees respond immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse, and/or violence or any other code of conduct violation that impacts negatively on students in a manner that effectively addresses incidents, deters future incidents, and affirms respect for individuals.

"Employee" shall include all school personnel employed by the Pendleton County Board of Education whether employed on a regular full-time basis or otherwise. All school employees shall:

- ❖ Exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance.
- ❖ Contribute, cooperate, and participate in creating an environment in which all employees/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development.
- ❖ Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination.
- ❖ Create a culture of caring through understanding and support.
- ❖ Immediately intervene in any code of conduct violations, which has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person.
- ❖ Demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior.
- ❖ Comply with all Federal and West Virginia laws, policies, regulations and procedures.

All county employees shall receive professional development regarding the implementation of these regulations. Follow this link to [SBP 5902-Employee Code of Conduct](#).

(WVC §18-2E-5 and SBP 5902)

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(P) P.9.3. Reporting Suspected Child Abuse and Neglect

The purpose of these procedures is to protect the best interests of any child who may be subjected to abuse or neglect in the home, the school, or any other environment. West Virginia's abuse and neglect laws are very specific about the duties and responsibilities of all school personnel regarding the reporting of suspected incidents of abuse or neglect. The following is a summary of these laws and regulations as they relate to school personnel.

Definitions

- ❖ Child - any person under 18 years of age.
- ❖ Abuse serious physical injury or attempted serious physical injury; any sexual molestation.
- ❖ Neglect - failure to provide necessary food, clothing, shelter, medical care or educational opportunity.

Mandatory Reporting of Abuse and Neglect

- ❖ Mandatory Reporters include all school personnel, Board approved volunteers, volunteer coaches and non-school personnel paid coaches who have reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources.
- ❖ In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.
- ❖ Any person required to report under WVC §49-2-803 shall also immediately notify the person in charge of the school facility or designee who may supplement the report or cause an additional report to be made.
Notifying a person in charge, supervisor, or superior **does not** exempt a person from his or her mandate to report suspected abuse or neglect.
- ❖ The Superintendent shall provide all employees (including substitutes) with a written statement setting forth the requirements contained in this section and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement.

- ❖ Nothing in this policy is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf.
- ❖ Personnel, who in good faith, submits a report of suspected abuse or neglect shall be immune from any civil or criminal liability that might otherwise arise from their actions.
- ❖ Any person required to report cases of children suspected of being abused and neglected may take or cause to be taken, at public expense, photographs of the areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child. Any photographs or X rays taken shall be sent to the appropriate child protective service as soon as possible.
- ❖ The provisions of this section are not applicable to persons under the age of 18.

Failure to Report; Penalty

Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by §49-2-809 to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction, shall be confined in jail not more than ninety days or fined not more than \$5,000, or both fined and confined.

Any person, official or institution required by this article to report a case involving a child known or suspected to be sexually assaulted or sexually abused, or student known or suspected to have been a victim of any non-consensual sexual contact, sexual intercourse or sexual intrusion on school premises, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months or fined not more than \$10,000, or both.

(WVC §49-2-801; §49-2-803; §49-2-803(3); §49-2-809; §49-2-810; §49-2-812)

(P) P.9.4. Bill of Rights and Responsibilities for Students and School Personnel

The Legislature has declared that the mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood. Democratic citizenship and productive adulthood begin with standards of conduct in schools; therefore, schools should be safe havens for learning with high standards of conduct for students which emphasize that rights necessarily carry responsibilities. The enumerated rights and responsibilities for students and school personnel are defined as:

- ❖ The right to attend a school and ride a bus that is safe, orderly and drug free;
- ❖ The right to learn and work in a school that has clear discipline codes with fair and consistently enforced consequences for misbehavior;
- ❖ The right to learn and work in a school that has alternative educational placements for violent or chronically disruptive students;
- ❖ The right to be treated with courtesy and respect;
- ❖ The right to attend a school and ride on a bus that is free from bullying;
- ❖ The right to support from school administrators when enforcing discipline policies;
- ❖ The right to support from parents, the community, public officials and businesses in their efforts to uphold high standards of conduct; and
- ❖ The responsibility to adhere to the principles in this Bill of Rights and Responsibilities for Students and School Personnel, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

(WVC §18A-5-1c)

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(P) P.9.5. Electronic Mail, Social Media and Networking

The Pendleton County Board of Education requires that all communications between and among employees and students be appropriate and in accordance with state law and/or school board policy. All electronic or any other communications by employees with students at any time shall be professional and consistent with the standards and curriculum of the school system.

The Board is aware that unacceptable published content and/or inappropriate communication between parties may adversely affect the reputations and careers of students and educators. Pendleton County School employees are expected to be role models and must recognize that once electronic communications and information are posted or published online, a digital imprint is created and is nearly impossible to retract. Therefore, it is the intent of Pendleton County Schools to make all employees and students aware of the expectations and procedures of the school system in regard to the proper use of all telecommunication devices and computers when communicating with others.

This regulation is not intended to limit the proper use of technology as an effective teaching tool. Employees are expected to use technology and web-based resources to support learning and enhance instruction. The use of technology resources for instructional purposes may require online collaboration between students and/or the teacher. All web-based resources and communication tools must be used in a safe and responsible manner.

Employees are required to comply with state code and all policies and regulations, directives and guidance, procedures, and practices of the school division regarding any communications with students, parents, and staff.

Any Pendleton County School employee who has a reason to suspect that inappropriate communication is occurring between an employee and student or among employees shall report the matter immediately to their principal/immediate supervisor.

(WVC §18-2E-7; SBP 2460)

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(P) P.9.6. Employee/Student Fraternization

The relationship between Pendleton County School's staff members and students should be one of professional cooperation and respect. Staff members must set appropriate boundaries with students and conduct themselves in a manner that will maintain professional relationships with students at all times. It is the policy of the Board of Education to prohibit any type of close personal relationship between a school staff member and a student that may reasonably be perceived as unprofessional, including, but not limited to the perception of a dating relationship.

It is also the policy of the Board of Education to prohibit any type of sexual relationship, sexual contact, or sexually-nuanced behavior between a staff member and an enrolled student without regard to the student's age.

School staff is defined as the following:

- ❖ any individual employed by the Pendleton County Schools, including any student teachers, practicum students and fieldwork students;
- ❖ employees of contractors or agencies and independent contractors; and
- ❖ Board approved volunteers.

Student is defined as any individual enrolled in the Pendleton County Schools.

Prohibited Behavior

Staff members are prohibited from engaging in any of the following types of conduct, regardless of whether the conduct occurs on or off school property or whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.

- ❖ engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;
- ❖ fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the staff person as more than a teacher, administrator, or advisor;

- ❖ initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs. Electronic and online communications with students, including those through personal accounts, should be accessible to supervisors and should be professional in content and tone;
- ❖ socializing with students outside of class time for reasons unrelated to any appropriate purpose; and
- ❖ providing alcohol (regardless of age) or drugs — either prescription or illegal (except for those provided in accordance with district policy on medication administration to students).

The prohibition extends to students of the opposite sex or the same sex as the staff member and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

Reporting Procedures

Any person with knowledge or suspicion of an improper relationship between a staff member and a student must immediately report the conduct to the school administration or the Superintendent's Office. Nothing in this paragraph is intended to relieve mandated reporters of their obligations under West Virginia law to report suspected child abuse. (See File: (P) P.9.3. *Reporting Suspected Child Abuse and Neglect*)

The Pendleton County Board of Education shall promptly investigate all reasonable allegations of prohibited staff/student relationships. The Board shall utilize the investigation procedures followed for complaints of sexual harassment within the school system (File: P.21. *Racial, Sexual, Religious, Ethnic Harassment and Violence*).

Disciplinary actions for employees may include, but are not limited to warning, suspension, immediate discharge and revocation of licensure. Personnel suspensions and dismissals would be pursuant to File: (P) P.8.7. *Suspension and Dismissal* and File: (P) P.8.8. *Due Process Rights of School Personnel*. (WVC §18-2E-5; §18-5-13; §18A-5-1c; §61-8D-5 and SBP 5902)

(P) P.9.7. Solicitation of Minors by Use of a Computer

Any person over the age of eighteen, who knowingly uses a computer to solicit, entice, seduce or lure, or attempt to solicit, entice, seduce or lure, a minor known or believed to be at least four years younger than the person using the computer or a person he or she believes to be such a minor, in order to engage in any illegal act proscribed by the provisions of WVC § 61-8, 8b, 8c or 8d, or any felony offense under WVC §61A-4-401, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility not less than two nor more than ten years, or both. (WVC §61-3C-14b)

(P) P.9.8. Prohibition on Aiding and Abetting Student Sexual Abuse

WVC §18A-4-22 prohibits the Director of Personnel and other employees of Pendleton County Schools from assisting a current or former employee of Pendleton County Schools in obtaining a new job if they know or have probable cause to believe that said job seeker has engaged in sexual misconduct regarding a minor or student in violation of the law.

The above requirements do not apply if:

- ❖ The information giving rise to probable cause has been properly reported to a law-enforcement agency with jurisdiction over the alleged misconduct and reported to any other authorities as required by federal, state or local law; and
- ❖ One of the following has happened:
 - The matter has been officially closed, or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school personnel engaged in sexual misconduct regarding a minor or student in violation of the law;

- The school personnel has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
- The case or investigation remains open and there have been no charges filed against, or indictment of, the school personnel within four years of the date on which the information was reported to a law-enforcement agency.
- ❖ Nothing in §18A-4-22 shall be construed to override a statute, regulation or policy that provides greater or additional protections to prohibit any individual who is school personnel, contractor or agent, or any state, regional or local educational agency from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

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Amended/Revised: October 19, 2005; September 6, 2011; August 21, 2012; September 1, 2015;
September 6, 2016; September 5, 2017; September 4, 2018; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.10. Orientation of Personnel****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education recognizes that proper and meaningful orientation for new personnel is essential to a successful employment experience. Therefore, all new personnel shall receive both a formal and informal orientation program that shall be ongoing during their first year of employment.

(P) P.10.1. Professional and Service Personnel

Prior to the beginning of the school year all new employees shall receive the following orientation:

- ❖ Introduction to county personnel;
- ❖ Instruction on the completion of records and forms;
- ❖ Introduction to school staff, facilities and assigned equipment; and
- ❖ Employee handbook, and other relevant forms and documents.

The school principal or the employee's immediate supervisor shall be responsible for additional orientation during the first week of school. This may include:

- ❖ Suggestions for the first week of school;
- ❖ Instructions for school ordering procedures;
- ❖ Introduction to school operating schedule and procedures; and
- ❖ Assignment of experienced teacher or service employee to provide assistance.

It is recognized that orientation is an on-going process. Additional meetings, conferences, or information shall be provided throughout the school year.

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(P) P.10.2. Beginning Teacher Internship Program

An educator who receives her/his Professional Teaching Certificate after January 1, 1992 must successfully complete a Beginning Educator Internship/Induction. An educator who has successfully completed five years of out-of-state teaching experience is exempt from completing the Beginning Educator Internship/Induction (Refer to W.Va. Code §18A-3C-3 Comprehensive system for teacher induction and professional growth – effective July 1, 2013).

The Pendleton County Board of Education acknowledges that beginning teachers often experience difficulty and frustration in making the transition from education students to the professional teaching level. The Board realizes that new teachers need the understanding, support, and influence of those most closely associated with the new teacher. Central Office Staff, principals, and other colleagues need to become involved in the transition process to help insure the continued growth of the new teacher. One process to provide this needed assistance is a mentorship program.

The mentor should be a seasoned educator showing evidence of pedagogical competence, interpersonal skills, support of the system, and support of the school. The relationship between mentor and new teacher should be one of experiencing and learning. The experience should enable the new teacher to gain knowledge, skills, support, and inspiration leading to increased productivity, more effective instruction, and reduced turnover.

Therefore in accordance with the provisions of WVC §18A-3C-3 Pendleton County Schools will provide a new teacher induction program that will assist beginning teachers in developing instructional and management strategies, procedural and policy expertise, and other professional practices they need to be successful in the classroom and perform at the accomplished level.

The Board shall also comply with any existing and future directives or policies emanating from the State Department of Education or RESA.

The program may contain, but is not limited to the following elements:

- ❖ A professional support team may be established at each school that has a beginning teacher.
- ❖ The county staff may conduct an orientation program for the new teacher prior to the beginning of the instructional term, but within the employment term, supervised by the mentor teacher;
- ❖ With the assistance of Central Office Supervisor, local schools that have a beginning teacher may form a team of master teachers, mentors, academic coaches or any other approaches using individual employees to provide support, supervision or other professional development of the new teacher.
- ❖ Mentor teachers shall be selected from the school in which the beginning teacher is assigned unless extenuating circumstances makes it impractical to do so.
- ❖ When possible, schools shall schedule joint planning times for the new teacher and mentor;
- ❖ When possible, the mentor shall observe the new teacher's classroom teaching skills for at least one hour per week during the first half of the school year. Observation time may be reduced at the discretion of the mentor to one hour every two weeks during the second half of the school year;
- ❖ Weekly meetings between the mentor and the new teacher shall occur at which the mentor and the new teacher discuss the performance of the beginning teacher and any needed improvements. These meetings may be reduced to biweekly meetings during the second half of the school year at the discretion of the mentor;
- ❖ Monthly meetings of the professional support team shall occur to discuss any concerns of the beginning teacher;
- ❖ The mentor shall be released from regular duties, as agreed to by the principal and the mentor in order to implement the mentor-teacher relationship and the mentor shall receive a stipend as determined by the State Department of Education for performance of these duties;
- ❖ Using a form developed by the State Board of Education, the principal shall complete a final evaluation of the performance of the beginning teacher. The final evaluation form shall be submitted to the County School Superintendent and shall include one of the following recommendations:
 - Full professional status: A recommendation of full professional status indicates that the beginning teacher has successfully completed the internship program and in the judgment of the principal has demonstrated competence as a professional educator;
 - Continuing internship status: A recommendation of continuing internship status indicates that in the judgment of the principal the beginning teacher requires further supervision and further employment in the district should be conditioned upon successful completion of an additional year under a beginning teacher internship program; or
 - Discontinue employment: A recommendation to discontinue employment indicates that in the judgment of the principal the beginning teacher has completed two years of employment under supervision in a beginning teacher internship program, has not demonstrated competence as a professional educator and will not benefit from further supervised employment in the district.

If a county uses master teachers, mentors, academic coaches or any other approaches using individual employees to provide support, supervision or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based on demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees: *Provided*, That the employment of persons for these positions shall adhere to the posting and other provisions of WVC §18A-4-7a(c) to judge the qualifications of the applicants. If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall be given to applicants employed at the school at which those duties will be performed.

Effective the school year beginning July 1, 2013, and thereafter, no specific level of compensation is guaranteed for any employee service or employment as a mentor. Compensation for mentoring services shall be at the discretion of local school districts on the basis of funds received from the state or other sources available to them.

The principal maintains sole responsibility for formal performance evaluation of the beginning teacher.

The provisions of these procedures do not operate to guarantee contract renewal or employment of any teacher by the Pendleton County Board of Education. These procedures apply to all persons to whom a professional teaching certificate is awarded after the first day of January 1992, except such person who was awarded a professional teaching certificate on the basis of at least five years of teaching experience in another state.

(WVC §18A-2-8a; §18A-3-2b)

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Amended/Revised: October 19, 2005; October 1, 2013; October 9, 2014

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.11. Seniority Rights of County Employees****Adopted: August 20, 2003****Last Review:****March 2018**

County employees may accrue employment seniority in the manner prescribed by state law as described in the procedures that follow.

(P) P.11.1. Professional Personnel Seniority Rights

With the exception of guidance counselors, the seniority of classroom teachers, as defined in WVC §18A-1-1, shall be determined on the basis of the length of time the employee has been employed as a regular full-time certified and/or licensed professional educator by the Pendleton County Board of Education and shall be granted in all areas that the employee is certified, licensed or both.

The Manner in Which Professional Personnel Seniority is Calculated:

- ❖ Seniority begins to accrue upon commencement of the employee's duties.
- ❖ An employee shall accrue seniority for each day employed regardless of whether the employee receives pay for the day except that no employee shall receive credit for any day he/she is suspended without pay. Employees shall accrue seniority during the time they are on an approved leave of absence.
- ❖ Employment for a full term shall equal one year of seniority. Employment for less than the full employment term shall be prorated. An employee may not accrue more than one year of seniority during any give fiscal year. Employment for less than the full employment term shall be prorated.
- ❖ Guidance counselors and all other professional employees, as defined in §18A-1-1, except classroom teachers, shall gain seniority in their nonteaching area of professional employment on the basis of the length of time the employee has been employed by the county board of education in that area: *Provided*, That if an employee is certified as a classroom teacher, the employee accrues classroom teaching seniority for the time that that employee is employed in another professional area. For the purposes of accruing seniority under this paragraph, employment as principal, supervisor or central office administrator, as defined §18A-1-1, shall be considered one area of employment.
- ❖ Any professional employee employed for a full employment term but in a part-time position shall receive seniority credit for each day of employment prorated to the proportion of a full employment day the employee is required to work: *Provided*, That nothing herein allows a regular full-time employee to be credited with less than a full day of seniority credit for each day the employee is employed by the board: *Provided*, however, That this calculation of seniority for part-time professional personnel is prospective and does not reduce any seniority credit accumulated by any employee prior to the effective date of this section: *Provided further*, That for the purposes of this section a part-time employee shall be defined as an employee who is employed less than three and one-half hours per day.
- ❖ Professional employees whose employment has been terminated through reduction in force and have been placed on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with Pendleton County.
- ❖ A professional employee whose employment is terminated through a reduction in force or voluntarily shall, upon reemployment with the Pendleton County Board in a full-time position, receive credit for all seniority previously accrued at the time the employment was terminated.

(WVC §18A-4-7b)

Seniority for 133 Days of Employment:

Upon completion of 133 days of employment in any one school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee.

One hundred thirty-three days or more of said employment shall be prorated and shall vest as a fraction of the school year worked by the permanent, full-time teacher.

(WVC §18A-4-7a)

Professional Employees Holding Identical Seniority:

If two or more employees with the same certification establish an identical seniority date as a result of initial employment as a regular teacher on or after July 1, 2019, the priority between these employees shall be determined by a random selection system established by the employees and approved by the county board. A board shall conduct the random selection within 30 days of the time the employees with the same certification establish an identical seniority date. All employees with an identical seniority date and the same certification shall participate in the random selection. As long as the affected employees hold the identical seniority date within a certification, the initial random selection conducted by the board shall be permanent for the duration of the employment of the employees by the board.

(WVC §18A-4-7a)

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(P) P.11.2. Service Personnel Seniority Rights

On or before September 1, and January 15, of each school year, county boards shall post at each county school or working station the current seniority list or lists of each service personnel classification. Each list shall contain the name of each regularly employed school service person employed in each classification and the date that each employee began performing his or her assigned duties in each classification. Current seniority lists of substitute school service personnel shall be available to employees upon request at the county board office.

The Manner in Which Service Personnel Seniority is Calculated:

- ❖ The seniority of service personnel is to be determined on the basis of the length of time the employee has been employed within a particular job classification in the following manner:
- ❖ Seniority begins to accrue upon commencement of the employee's duties.
- ❖ Employees shall accrue seniority for each day employed regardless of whether they receive pay for the day except that employees shall not receive seniority credit for any day they are suspended without pay or if they are in a concerted work stoppage or strike. Employees shall accrue seniority during the time they are on an approved leave of absence.
- ❖ Employment for a full term shall equal one year of seniority. Employment for less than the full employment term shall be prorated.
- ❖ Seniority acquired within different classification categories shall be calculated separately; however, when a school service employee makes application for a position outside of the classification category currently held, if the vacancy is not filled by an applicant within the classification category of the vacancy, the applicant shall combine all regular employment seniority acquired for the purposes of bidding on the position. Class titles having Roman numeral designations shall be considered a single classification for employment purposes.
- ❖ School service personnel who hold multi-classification titles shall accrue seniority in each classification category of employment which the employee holds and shall be considered an employee of each classification category contained within his or her multi-classification title.
- ❖ Unlike professional personnel, service personnel who voluntarily leave employment and are subsequently reemployed by the same board of education are not entitled to reinstatement of their seniority credit earned when previously employed.

Service Personnel Substitute Seniority:

Substitute service personnel earn substitute seniority from the time they begin their duties as a substitute until they either obtain regular employee status or lose their substitute contract.

Beginning July 1, 2007, a substitute school service employee who acquires regular employment status serving in posted long-term substitute assignments will no longer acquire regular employee job bidding or regular seniority while serving in such assignments.

Service Employees Holding Identical Seniority:

If two or more employees accumulate identical seniority, the priority shall be determined by a random selection system established by the employees and approved by the county board. The random selection process must be conducted within thirty days of the discovery of the tie. Employees with an identical seniority date within the same class title or classification category shall participate in the random selection. As long as the affected employees hold identical seniority within the same classification category, the initial random selection conducted by the board shall be permanent. However, if another employee subsequently acquires identical seniority, a second random selection will be held within 30 days to determine the priority of the new employee versus the existing group. Priority within the original group will not change.

(WVC §18A-4-8b; §18A-4-8g and §18A-4-15)

(P) P.11.3. Seniority Rights for Multi-County Vocational Center Personnel

Professional and service personnel employed by the South Branch Career and Technical Center, who were employed by the Pendleton County Board of Education immediately prior to this employment, shall retain seniority rights based on the following:

- ❖ Employees shall retain any seniority accrued during employment by the Pendleton County Board of Education;
- ❖ Employees shall accrue seniority as a regular employee with Pendleton County during employment with the Center;
- ❖ Employees shall attain continuing contract status with both the County and the Center based on the completion of continuing contract status requirements;
- ❖ Employees shall retain and accrue seniority in the event of reemployment by Pendleton County as a result of direct transfer or recall from the preferred list; and
- ❖ Seniority will apply retroactively to all affected professional and service personnel, the effective date being March 10, 1983.

(WVC §18A-4-8c)

(P) P.11.4. Service Personnel Request for Reclassification

State Code requires the Board to review each service employee's job classification annually and to reclassify all service employees whose job responsibilities have changed in accordance with the state defined job classifications.

Service personnel are also encouraged to review the seniority listing published twice annually as a reference resource for appropriate classification. Any service employee who believes s/he is incorrectly classified should contact the Director of Personnel prior to February 1 of the current school year.

(WVC §18A-4-8)

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Amended/Revised: October 4, 2004; September 25, 2007; October 1, 2013; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.12. Personnel Records	Adopted: August 20, 2003 Last Review: March 2018

The privacy rights of all Pendleton County Board of Education employees shall be upheld in accordance with federal and state laws and the constitutional rights of the individual. All records dealing with and relating to personnel shall be kept at the Pendleton County Board of Education Office. All personnel records of employees shall be open for inspection by the respective employee.

(P) P.12.1. Procedures for Maintaining Personnel Records

Upon written request employees may secure copies of any part or their entire file and be charged only the actual cost of making the copies.

Upon written request the names and addresses of Pendleton County Board of Education employees may be provided to designated insurance companies for the purpose of selling insurance.

Each professional and/or certified employee shall have an *Employment Information File* for which the employee is responsible for the complete and accurate filing of the following items:

- ❖ Valid certificate;
- ❖ Valid contract;
- ❖ Completed Employment Application For Pendleton County;
- ❖ Certificate of "Verification of Teaching Experience Outside of Pendleton County." This applies to those who have taught or otherwise received acceptable experience outside this school system;
- ❖ Social Security Number;
- ❖ Income Tax Exemption Certificate. To be corrected when the status of dependents change;
- ❖ Sworn Oath for Teachers;
- ❖ Upon request, employee shall produce and file evidence of a medical examination pronouncing the employee physically and/or mentally fit to perform all assigned duties;
- ❖ A physician's statement or a statement from the health department that the employee has been tested and found free from tuberculosis; and
- ❖ A signed "Drug-Free Workplace Verification Statement" form.

This file shall be open to only Pendleton County School Personnel assigned responsibilities for the information therein contained, and the respective employee.

Each employee shall have an *Employee Personnel File* in which all additional relevant personnel information shall be maintained. This file shall contain the following information:

- ❖ Copies of employee evaluation;
- ❖ Information and/or documentation related to job performance; and
- ❖ Other records and/or information deemed to be of a personal or sensitive nature.

This file shall be open to only the Superintendent of Schools, individuals he/she may specifically designate as permitted access to the files, and the respective employee. Any person accessing personnel files, other than those individuals performing assigned clerical tasks shall record this action on the sign in/sign out sheet provided.

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(P) P.12.2. Notification of Affected Employees of a Breach of Security

West Virginia Code §46A-2A-101 thru 104 requires the Pendleton County Board of Education to give notice of any breach of the security of any computerized data that includes personal information about its employees giving rise to the reasonable belief that the breach has caused or will cause identity theft or

other fraud to the individuals involved. Personal information is a person's first name (or first initial) and last name where the name is linked to a person's:

- ❖ Social security number; or
- ❖ Driver's license or state identification card number; or
- ❖ Financial account, credit card or debit card number in combination with any required security code, access code or password.

When such a breach occurs, the Board must, without unreasonable delay, give notice to any employee whose personal information is reasonably believed to have been accessed by an unauthorized person. The following must be included in the notice:

- ❖ A description of the kinds of information believed to be accessed or acquired;
- ❖ A telephone number or web address at which individuals can learn what kinds of information the Board maintained about them; and
- ❖ Contact information for the major credit reporting agencies, with information on how to place a fraud alert or security freeze.

Said notice may be by mail, telephone, or certain electronic means. Where the cost of providing notice will exceed \$50,000 alternative forms of notice are permitted.

The Board may postpone giving notice if a law enforcement agency advises that notice will impede a criminal or civil investigation, or homeland or national security. Moreover, if the accessed data was encrypted, notice need not be given unless the data was acquired in an unencrypted form or the security breach involved a person who had access to the encryption key and it is reasonably believed that the breach has caused or will cause identity theft or fraud to an employee.

(WVC §46A-2A-101 thru 104)

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Amended/Revised: August 26, 2008

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.13. Personnel Evaluation****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education is committed to the implementation of State Board Policy 5310, Performance Evaluation of School Personnel. County administrative personnel will adhere to the definitions, training, rating structure, and evaluation criteria and procedures for evaluating classroom teachers, professional supports personnel, administrators, and coaches.

The Pendleton County Board of Education adopts the current provisions of *SBP 5310-Performance Evaluation of School Personnel* as its official policy for evaluating professional personnel. Supervisory personnel responsible for the evaluation of professional employees may obtain the information required to implement this policy by following this link to [SBP 5310-Performance Evaluation of School Personnel](#).

The various categories of professional personnel will be evaluated upon the basis of their performance and compliance with the responsibilities and performance criteria listed in State Board Policy 5310.

Purposes

This evaluation policy has five (5) major purposes:

- ❖ to promote professional growth and development that advances student learning in Pendleton County Schools;
- ❖ to define and promote high standards for professional personnel and their performance;
- ❖ to provide data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions;
- ❖ to provide data for educator preparation programs to identify areas of need and guide program improvement; and
- ❖ to establish county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

Other worthwhile outcomes of the professional personnel evaluation process include:

- ❖ clarifying employees' duties and responsibilities;
 - ❖ facilitating communication between evaluator and employee;
 - ❖ providing for an on-going record of performance;
 - ❖ fostering the self-improvement of each employee; and
 - ❖ cultivating positive morale.
- (SBP 5310)

The following is a list of topics to be found in SBP5310 which should assist the reader in his/her research of this policy:

<u>Topics in SBP 5310:</u>	<u>Page</u>
§126-142-1. General	1
§126-142-2. Purpose	1
§126-142-3. Authorities	1
§126-142-4. Definitions	2
§126-142-5. Training	5
§126-142-6. State Board of Education Review	5
§126-142-7. Principles of Operation	5
§126-142-8. Rating Structure	5
§126-142-9. Educator Evaluation	6
§126-142-10. Plans to Support Continuous Improvement	8
§126-142-11. Evaluation Process for School Leaders	10
§126-142-12. School Leader Evaluation Standards	10
§126-142-13. Evaluation Process for Teachers	11

126-142-14.	Teacher Evaluation Standards and Elements	13
§126-142-15.	Evaluation Process for Counselors.....	14
§126-142-16.	Counselor Evaluation Standards and Elements	15
§126-142-17.	Evaluation Process for Professional Support Personnel and Central Office Personnel.....	16
§126-142-18.	Improvement Plan for Professional Support Personnel and Central Office Personnel.....	17
§126-142-19.	Improvement Team for Professional Support Personnel and Central Office Personnel.....	17
§126-142-20.	Professional Support Personnel Responsibilities	18
§126-142-21.	Professional Support Personnel Performance Characteristics.....	18
§126-142-22.	Evaluation Process for Athletic Coaches	21
§126-142-23.	Improvement Plan for Athletic Coaches.....	21
§126-142-24.	Improvement Team for Athletic Coaches	22
§126-142-25.	Athletic Coaches' Responsibilities	22
§126-142-26.	Athletic Coaches' Performance Criteria	23
§126-142-27.	Severability.....	24

(P) P.13.1. Plans to Support Continuous Improvement Forms

An important part of the evaluation process is the development of Plans to Support Continuous Improvement to be developed by the evaluator and the educator when an educator's performance indicates an area of concern and/or is unsatisfactory in any area of the educator's responsibilities. Also improvement plans are required for certain professional personnel when they fall short of meeting the standards set forth in SBP 5310.

The following pages contain a series of forms which may be used to develop plans to support the continued professional growth of professional employees.

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PENDLETON COUNTY SCHOOLS

FOCUSED SUPPORT PLAN

Employee _____ Position _____

School Year _____ Location _____

Assignment _____ Years of Experience _____

I. General Statement(s):

This section will specify:

- ❖ The purpose of the plan;
- ❖ The timeline for the action(s) – minimum of nine weeks;
- ❖ The role of the evaluator;

II. Area(s) of Concern:

This section will specify the standards to be addressed.

III. Expectations for Change:

This section will specify:

- ❖ The corrective action(s) to be taken by the employee;
- ❖ The assistance/resources to be provided:
 - professional development;
 - coaching/instructional support;
 - Mentoring;
 - peer observation;
 - programs of study, and (f) other supports and resources.

IV. Monitoring System:

This section will specify:

- ❖ The procedures/activities for checking progress toward the goals;
- ❖ The timelines for monitoring the activities;
- ❖ The procedures for making alterations to the improvement plan.

V. Progress Evaluation:

At the conclusion of the nine (9) week Focused Support Plan, if evidence demonstrates that the standard has been met, then the plan is successfully completed. If evidence demonstrates that adequate progress has been made but the standard has not been met, the focused support plan will continue for a second nine (9) week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a Corrective Action Plan will be initiated.

Signature below indicates this document has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

PENDLETON COUNTY SCHOOLS

FOCUS SUPPORT PLAN

Progress Report

Employee _____ Position _____
School Year _____ Location _____
Assignment _____ Years of Experience _____

I. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

II. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

(P) P.13.1.3.

**PENDLETON COUNTY SCHOOLS
EDUCATOR CORRECTIVE ACTION PLAN**

Employee _____

Position _____

School Year _____

Location _____

Assignment _____

Years of Experience _____

II. General Statement(s):

This section will specify:

- ❖ The purpose of the plan;
- ❖ The timeline for the action(s) – Eighteen weeks;
- ❖ The role of the evaluator;

II. Area of Unsatisfactory Performance:

This section will identify the area of unsatisfactory performance with reference to the standard(s) to be addressed.

Unsatisfactory performance related to a single element is addressed through quality sustained job-embedded professional development and support. Two consecutive unsatisfactory performance-level summative ratings related to the same element are addressed through evaluation based on the rubrics associated with the standard that addresses the educator's professional responsibilities for self-renewal that stipulate professional self-renewal as a requirement. Unsatisfactory performance related to a single element cannot initiate a Corrective Action Plan.

III. Expectations for Change:

This section will specify:

- ❖ The corrective action(s) to be taken by the employee;
- ❖ The assistance/resources to be provided:
 - Referral to other educators;
 - professional development;
 - coaching/instructional support;
 - mentoring;
 - peer observation; , and
 - other supports and resources.

VI. Monitoring System:

This section will specify:

- ❖ The procedures/activities for checking progress toward the goals;
- ❖ The timelines for monitoring the activities;
- ❖ The procedures for making alterations to the improvement plan.

VII. Progress Evaluation:

The Corrective Action Plan is determinative and may not be repeated. Evidence of adequate progress must be demonstrated by the conclusion of the eighteen (18) week Corrective Action Plan. If evidence does not demonstrate that adequate progress has been made at the conclusion of the eighteen (18) week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance guides the choice of evidence within a Corrective Action Plan that may include observation if appropriate.

Signature below indicates this document has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

(P) P.13.1.4.

PENDLETON COUNTY SCHOOLS

CORRECTIVE ACTION PLAN

Progress Report

Employee _____

Position_____

School Year _____

Location_____

Assignment_____

Years of Experience _____

I. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

II. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

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**PENDLETON COUNTY SCHOOLS
PROFESSIONAL SUPPORT PERSONNEL IMPROVEMENT PLAN GUIDELINES**

Employee _____ Position _____
School Year _____ Location _____
Assignment _____ Years of Experience _____

I. General Statement(s) - This section will specify:

- ❖ The purpose of the plan
- ❖ The role of the evaluator
- ❖ Action that may occur if deficiencies are not corrected

II. Area(s) of Deficiency:

This section will specify the standards to be addressed.

III. Expectations for Change - This section will specify:

- ❖ The corrective action(s) to be taken by the employee
- ❖ The assistance/resources to be provided
 - Professional development;
 - Coaching/instructional support;
 - Mentoring;
 - Peer observation;
 - Programs of study; and
 - Other supports and resources

IV. Monitoring System - This section will specify:

- ❖ The procedures/activities for checking progress toward the goals
- ❖ The timelines for monitoring the activities(not to exceed 18 weeks)
- ❖ The procedures for making alterations to the improvement plan

V. Progress Evaluation:

This section will specify:

- ❖ The dates on which conferences will be conducted to evaluate the employee's progress;
- ❖ The date on which the next performance evaluation will be completed.

Signature below indicates this document has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

(P) P.13.1.6.

**PENDLETON COUNTY SCHOOLS
PROFESSIONAL SUPPORT PERSONNEL IMPROVEMENT PLAN**

PROGRESS REPORT

Employee _____	Position _____
School Year _____	Location _____
Assignment _____	Years of Experience _____

1. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

2. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

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**PENDLETON COUNTY SCHOOLS
ATHLETIC COACHES IMPROVEMENT PLAN GUIDELINES**

Employee _____ Position _____
School Year _____ Location _____
Assignment _____ Years of Experience _____

V. General Statement(s) - This section will specify:

- ❖ The purpose of the plan
- ❖ The role of the evaluator
- ❖ Action that may occur if deficiencies are not corrected

VI. Area(s) of Deficiency:

This section will specify the standards to be addressed.

VII. Expectations for Change - This section will specify:

- ❖ The corrective action(s) to be taken by the employee
- ❖ The assistance/resources to be provided
 - Professional development;
 - Coaching/instructional support;
 - Mentoring;
 - Peer observation; and
 - Other supports and resources

VIII. Monitoring System - This section will specify:

- ❖ The procedures/activities for checking progress toward the goals
- ❖ The timelines for monitoring the activities(not to exceed (not to exceed one semester)
- ❖ The procedures for making alterations to the improvement plan

V. Progress Evaluation:

This section will specify:

- ❖ The dates on which conferences will be conducted to evaluate the employee's progress;
- ❖ The date on which the next performance evaluation will be completed.

Signature below indicates this document has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

(P) P.13.1.8.

**PENDLETON COUNTY SCHOOLS
ATHLETIC COACHES IMPROVEMENT PLAN**

PROGRESS REPORT

Employee _____	Position _____
School Year _____	Location _____
Assignment _____	Years of Experience _____

1. Narrative of employee's progress toward achieving the goals defined in the Improvement Plan:

2. Recommendations:

Signature below indicates this report has been read and discussed by the employee and supervisors.

Employee's Signature

Date

Supervisor's Signature

Date

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(P) P.13.2. Evaluation of Extracurricular Assignments Other than Coaches

Employees who have accepted extracurricular assignments shall be observed at least twice during the tenure of their assignment and shall be given a final evaluation within four weeks of the conclusion of the assignment. The supervisor in charge of the extracurricular assignment shall complete all observations and evaluations. The employee shall receive a written summary of all observations and evaluations and all reports shall be made on the forms provided for that purpose. These reports shall be used to assist in determining the employment status of employees in an extracurricular assignment in succeeding school terms.

(WVC §18A-2-12 and SBP 5310)

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(P) P.13.2.1.

PENDLETON COUNTY BOARD OF EDUCATION

EXTRACURRICULAR ASSIGNMENTS
OBSERVATION/DATA COLLECTION
(Other than Coaches)

Employee's Name _____ School _____

Extracurricular Assignment _____

Beginning Date _____ Ending Date _____

Date of Observation _____

AREAS OF RESPONSIBILITY

<u>ITEMS:</u>	<u>COMMENTS</u>
Cooperates with supervisor.	
Organization of activities	
Completes assignments promptly and accurately	
Motivates participants toward desired goals	
Supervises and disciplines participants appropriately	
Develops positive relationship with participants	
Develops positive relationship with colleagues	
Develops positive relationship with parents and community	
Demonstrates appropriate care of equipment and facilities	
Commands respect by example in appearance, manners, behavior and language	

Commendations:

Identified Deficiencies and Recommendations:

Employee's Signature

Date

Supervisor's Signature

Date

Signing the observation form indicates only that the employee has had an opportunity to confer with the evaluator regarding its contents. The employee has the right to include a written statement as an addendum to the observation.

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**PENDLETON COUNTY BOARD OF EDUCATION
EVALUATION OF EXTRACURRICULAR ASSIGNMENTS
(Other than Coaches)**

Employee's Name _____ School _____
Extracurricular Assignment _____
Beginning Date _____ Ending Date _____
Date of Evaluation _____

AREAS OF RESPONSIBILITY

Rating: _____ EXEM _____ EXS _____ MS _____ UNS
Cooperates with supervisor. Organization of activities Completes assignments promptly and accurately Motivates participants toward desired goals Supervises and disciplines participants appropriately Develops positive relationship with participants Develops positive relationship with colleagues Develops positive relationship with parents and community Demonstrates appropriate care of equipment and facilities Commands respect by example in appearance, manners, behavior and language

RATING SCALE:

Exemplary (EXEM) Performance is consistently exceptional in meeting performance criteria demonstrated by providing extraordinary opportunities for student successes through the activities associated with this assignment.

Exceeds Standards (EXS) Performance is consistently above average in meeting performance criteria demonstrated by going beyond the established standards of performance in meeting student needs.

Meets Standards (MS) Performance is consistently adequate in meeting performance criteria.

Unsatisfactory (UNS) Performance is not consistently acceptable in meeting performance criteria.

Identified Deficiencies and Recommendations:

Employee's Signature

Date

Supervisor's Signature

Date

Signing the observation form indicates only that the employee has had an opportunity to confer with the evaluator regarding its contents. The employee has the right to include a written statement as an addendum to the observation.

(P) P.13.3. Observation of Classroom Teachers for Instructional Supervision Purposes

Various State Board of Education Polices including 2320 Performance Based Accreditation System, 2340 West Virginia Measures of Academic Progress and 2510 Assuring Quality of Education require school administrators to supervise the instructional program in a manner that assures the attainment of state and local educational goals. While recent legislative action has exempted classroom teachers with five or more years of experience from the evaluation process if they meet certain conditions, it is the intent of the Pendleton County Board of Education that all school administrators will continue to periodically visit all classrooms and other work stations to offer guidance, support and encouragement to all faculty members as they strive to provide a high quality educational opportunity for all students.

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Amended/Revised: October 4, 2004; September 20, 2006; September 6, 2011;
October 1, 2013; October 9, 2014

Evaluation of service personnel will be directed toward achieving the objectives of the county and improvement of job performance. Thus, observation and evaluation of employee performance will be used first for providing suggestions and assistance to the employee, and secondly for deciding if employee performance meets the degree of excellence required for continued employment and/or tenure.

The procedures, instruments, and processes of evaluation will be subject to continuing review and appraisal. Significant changes to the procedures, regulations, or forms shall be in compliance with West Virginia Board of Education Policy 5300 and SBP 5314, shall seek input from affected personnel, shall receive Pendleton County Board of Education approval, and shall be reported to the West Virginia Department of Education.

In conducting their observations and evaluations, supervisors will focus on a series of performance standards related to service personnel's job responsibilities. The following is a list of indicators which may be used to determine an employee's level of performance:

Work habits – Indicators such as:

- ❖ Observes assigned work schedule;
- ❖ Good Attendance;
- ❖ Compliance with count and state school policies and regulations;
- ❖ Meeting Schedules - punctual and accurate in competing assignments and reports;
- ❖ Cooperative and willing to work as a part of a team;
- ❖ Demonstrates tact and self-control;
- ❖ Practices positive public relations; and
- ❖ Dress is appropriate and conforms to safety standards.

Work Performance – Indicators such as:

- ❖ Initiative – completes tasks and assignments with a minimum of supervision;
- ❖ Safety practices – maintains work area and equipment in proper condition and free of safety hazards;
- ❖ Attitude - responsive to the directions and suggestions of the immediate supervisor;
- ❖ Exercises good judgment during unusual situations;
- ❖ Planning and organizing of work assignments;
- ❖ Quality of work – demonstrates pride in his/her work accomplishments; and
- ❖ Accepting change – able to adjust to changes in the work environment.

Professional Development

- ❖ Keeps current with county policies, state laws and state policies as appropriate; and
- ❖ Participates in job-related training.

For service personnel with three or more years of experience, a minimum of one written evaluation per year is required. The evaluation shall be based upon a minimum of two observations and must be completed by the end of the school year.

The immediate supervisor shall observe service personnel. The observation shall be conducted at the discretion of the supervisor. The supervisor shall conduct a post observation conference with said employee(s) as/if needed. A conference shall be conducted whenever any unsatisfactory performance has been observed by the supervisor.

(SBP 5300; SBP 5314)

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At the beginning of his/her employment term, each full-time employee of the Pendleton County Board of Education shall be entitled annually to one and one-half days personal leave for each employment month in the employee's employment term. Unused leaves shall be accumulative and shall be transferable within the State. A change in job assignment during the school year shall in no way affect the employee's rights or benefits.

Paid vacation days shall be allocated to eligible employees on the basis of their years of service in the county.

(P) P.14.1. Personal Leave Regulations

Summary of Personal Leave Benefits:

- ❖ One and one-half days of personal leave is granted per month.
- ❖ Employees may accumulate an unlimited number of personal leave days.
- ❖ Reasons for which personal leave days may be used include: Personal illness, illness in the immediate family, bereavement/death in the immediate family, accidents, doctor's appointment, child birth/adoption and other reasons approved by the Board.
- ❖ The immediate family is defined to include spouse, son, daughter, son-in-law, daughter-in-law, mother, mother-in-law, father, father-in-law, brother-in-law, sister-in-law, brother, sister, grandparent or grandchild. The foregoing list includes Step Relatives created through second marriages. Additionally, any other person or persons living in the household of the claimant shall be considered as immediate family.
- ❖ Each employee is permitted four (4) days of personal leave annually which may be taken without regard to the cause for the absence under the following conditions:
 - In non-emergencies 24-hour notice must be given to the supervisor.
 - No more than 15% of the staff or three employees whichever is greater may take the same day.
 - Employees may not take consecutive days unless approved by the supervisor.
 - Such leave cannot be used in connection with a strike or work stoppage.
- ❖ Upon retirement, unused personal leave may be used for additional service time. Persons employed prior to July 1, 2001 may also choose to apply unused personal leave days toward the premiums for extended insurance coverage under PEIA

Personal leave claims for a personal illness of the employee which is in excess of three days for any one illness shall bear the certification of a physician. In addition, the Superintendent or his/her designee may request a physician's statement explaining the personal leave owing to illness or accident at any time. The statement signed by the physician shall specify that the employee was unable to perform his/her regularly prescribed duties.

Also, the Pendleton County Board of Education reserves the right to have the employee examined by a physician or physicians of the Board's own choosing should a controversy arise as to the validity of the personal leave request per this policy. Such examination will be at the Board's expense.

Personal leave for illness or death in the immediate family shall be allowed as follows:

- ❖ Bereavement or Death in the Immediate Family - An employee's verification of a death in the immediate family will be sufficient for an absence of five (5) or fewer days. If special circumstances require an absence for more than five (5) days, the employee must request the Superintendent's approval for the extension. The request must be submitted in writing upon return to work.
- ❖ Illness in the immediate family –Personal leave claims for a family member illness which are in excess of three (3) days for any one illness shall bear the certification of a physician.;

- ❖ Employees may utilize their three days of personal leave without cause as defined in File: (P) P.14.1. *Personal Leave Regulations*;
- ❖ Treatment for a family member with cancer and other serious illnesses and injuries shall be considered one event regardless of the fact that medical treatment may be intermittent, and would require only one certification by a physician per fiscal year.

Employees faced with the serious, long-term illness of an immediate family member may qualify for benefits under File: P.16. *Family Medical Leave Benefits*

Employees claiming personal leave pay shall file the appropriate form with their monthly report or within five days after returning to work. The school principal or the employee's supervisor shall sign this report before it is submitted to the finance office.

Federal and state laws require that personal leave payments be counted as part of the total salary paid to the employee, and as such, are subject to social security, income tax and retirement fund deduction.

In any school year, the aggregate of regular salary received and personal leave pay shall not exceed the amount due for the employment period. Personal leave shall be paid at full salary during the period of absence but shall not exceed the total amount of leave to which the employee is entitled.

The federal Family and Medical Leave Act of 1993, the West Virginia Parental Leave Act, and West Virginia case law regulate family and Medical Leave benefits for Pendleton County employees. The full details of these benefits may be found in P. 16. *Family Medical Leave Benefits*

Full-time employees may be granted up to 120 hours of paid leave in a calendar year to use for the employee's donation of any portion of an adult liver or adult kidney. They may also be granted up to 56 hours of paid leave to use for the employee's donation of adult bone marrow.

Any abuse of the personal leave privileges will result in a loss of pay to the offender and any other action the Pendleton County Board of Education may deem necessary.
(WVC §18A-4-10, §18A-4-10a, §18A-4-10c and §18A-4-10d)

(P) P.14.1.1. State Bonus for unused Personal Leave

Effective July 1, 2019, a classroom teacher who has not utilized more than four days of personal leave during the 200-day employment term shall receive a bonus of \$500 at the end of the school year. If the appropriations to the Department of Education for this purpose are insufficient to compensate all applicable classroom teachers, the Department of Education shall request a supplemental appropriation in an amount sufficient to compensate all eligible classroom teachers. This bonus may not be counted as part of the final average salary for the purpose of calculating retirement.
(WVC §18A-4-10)

(P) P.14.2. Vacations

All 12 month employees shall receive paid vacation for service in Pendleton County School District as follows:

During the first year service of service	- 1 week vacation
Second year of service	- 2 weeks' vacation
Tenth year of service	- 3 weeks' vacation
Twentieth year of service	- 4 weeks' vacation

All employees must submit their vacation schedule to the Superintendent's Office for approval for leave in excess of three consecutive days at least three weeks in advance. Twelve-month employees are those with 252 and 261-day contracts. In order to minimize the interruption of normal operations, no employee may take more than 20 days of vacation within any six-week period unless justification is presented and approval is received from the Superintendent.

Employees are encouraged to used earned vacation days during the fiscal year which runs from July 1 to June 30. Employees hired before July 1, 1992 will be allowed to accumulate a maximum of 40 vacation days. Workers hired after July 1, 1992 will be allowed to accumulate a maximum of 20 days of vacation.

Other days not used shall be transferred to an accumulated annual leave account to be used for retirement purposes.

Upon termination of employment (including retirement), accumulated vacation days will be transferred to an accumulated leave account to be used for retirement purposes.

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(P) P.14.3. Personal Leave Bank

Pursuant to the provisions of §18A-4-10 the Pendleton County Board of Education hereby establishes a Personal Leave Bank for professional and service personnel effective February 17, 2005. This Personal Leave Bank shall provide Pendleton County employees the option of offering assistance to fellow employees on those occasions when additional personal Leave Days are needed because of an extended illness or injury which has caused the employee to exhaust his/her personal leave days.

Personal Leave Bank Membership

All regular (full and part-time) employees of the Pendleton County Board of Education are eligible for enrollment in the Personal Leave Bank on a voluntary basis. Temporary employees are not eligible to participate.

The initial enrollment period will run from February 17, 2005 through March 15, 2005. Any person under contract with the Pendleton County Board of Education shall be eligible to enroll and receive benefits. Under contract is to be construed as meaning all employees currently assigned to work stations within the county and those employees who are recovering from an extended illness and who are currently utilizing their accumulated sick leave days. Members who are currently on a leave of absence without pay, approved by the Pendleton County Board of Education, may join the Sick Leave Bank, but they cannot (while on leave) receive days from the Sick Leave Bank.

After the initial enrollment period established above, any full-time employee of the Pendleton County Board of Education shall be eligible to join the Personal Leave Bank upon accumulating 15 days of personal leave. New members may join the Personal Leave Bank by signing a Sick Leave Bank Enrollment Form (contributing two days) on or before September 30 and January 31 of the school year they choose to join. Days will be deducted from the employee's account within 30 days of the contribution.

Participation in the program will be limited to those who donate days to the bank each plan year. An employee's membership will automatically continue from year to year unless the employee notifies the payroll department in writing by September 30 of the current school year or terminates their employment with the Pendleton County Board of Education. A member cannot retrieve days once they have been donated.

Contribution of Personal Leave Days

The first year of the establishment of the Personal Leave Bank, all members shall contribute two days. In every year thereafter, each full-time member shall be assessed a donation of two days. Part-time employees would contribute a pro-rated amount of time based upon their employment status (i.e. half-time employees contribute one day). The total of all days contributed from each professional and service member will comprise the Personal Leave Bank.

Surplus/Depletion of Bank

In the event the bank becomes depleted below 100 days, all members shall be notified that they must donate additional days. However, no employee may contribute more than two sick leave days per year.

In the event the Board of Trustees determine that there is a sufficient number of days accumulated in the Personal Leave Bank, it may announce to its members from the previous year that they will not be required to contribute days to maintain their membership for the next plan year. However, employees choosing to join the Personal Leave Bank during a year in which members are not required to donate days because of a surplus of days must donate two days to the bank to establish their membership in the bank.

By donating days to the leave bank, the employee relinquishes all claims to all personal days donated to the Personal Leave Bank.

Eligibility for Use of the Personal Leave Bank

- ❖ Personal Leave Bank days shall only be used by members who have donated days in the current plan year.
- ❖ Personal Leave-Bank days may be used only by an active member who has less than five days remaining of accumulated sick leave or vacation days who is absent from work owing to an accident or illness of the employee.
- ❖ Personal Leave Bank days may be granted for a personal illness or injury to the employee or for the purpose of the employee to act as a caregiver to an immediate family member.
- ❖ A Personal Leave Bank Enrollment Form must be completed and submitted to the payroll department before any benefits can be awarded under this policy.

Board of Trustees

The Board of Trustees will be composed of the Superintendent or designee who will serve as chairperson of the Board, a Pendleton County Principal, two professional employees, and two service employees appointed by the Superintendent. No member can serve more than three consecutive years. The Board of Trustees duties shall include but are not limited to:

- ❖ Review and approve requests for withdrawals from the Personal Leave Bank;
- ❖ Review appeals from members whose requests have been denied; including the documentation they present to justify their appeal;
- ❖ Maintain a record of days available in the Personal Leave Bank;
- ❖ Determine the need for additional days in the Personal Leave Bank;
- ❖ Report abuses to the Board of Education and seek an investigation of the abuse; and
- ❖ Make recommendations for revisions to these procedures to the Superintendent.

Operation of the Personal Leave Bank

- ❖ Employees who wish to utilize the Personal Leave Bank must submit a Personal Leave Bank Withdrawal Form to the payroll department of Pendleton County Schools.
- ❖ A medical doctor's statement, which includes a diagnostic code and expected date of return to work, must accompany the Personal Leave Bank Withdrawal Form before the Board of Trustees can consider the request. A second opinion may be requested by the Board of Trustees at the employees' expense.
- ❖ The withdrawal request must be approved by the Board of Trustees. Upon approval by the Board of Trustees, a maximum of 20 days shall be deposited in the recipient's account ***(20 full days for a full-time employee and 20 pro-rated days for part-time employees)***
- ❖ Employees in good standing with the Personal Leave Bank may make annual withdrawals from the Leave Bank in accordance with the chart below. The manner in which leave_days will be awarded to member employees shall be governed by the Board of Trustees.

Guidelines for Withdrawals from the Personal Leave Bank

Years of Membership	Maximum Days per Year Eligible for Withdrawal
0-1	20
2	40
3	60
4	80
5	100
6+	120

- ❖ Employees who have an illness or injury that extends beyond the 20 days of leave awarded by the Board of Trustees may petition the Board for additional days provided they are eligible for more days based upon their years of service in Pendleton County Schools.
- ❖ A member may be eligible for a lifetime grant from the leave bank of a maximum of 180_days.

- ❖ Employees who have obtained a written release from their physician stating that they are able to return to work on a half-time basis shall be permitted to withdraw half days from the Personal Leave Bank for the time required for a full recovery from their illness/injury or until they have exhausted the days that have been awarded to them by the Board of Trustees.
- ❖ Unused bank days deposited in the recipient's account shall revert to the bank.
- ❖ The member may appeal to the Board of Trustees in the event an initial request or a renewal request is denied. The appeal will be considered if sufficient new data is provided.
- ❖ No member who is receiving payments from the West Virginia Worker's Compensation Fund shall be permitted to receive days from the Personal Leave Bank.
- ❖ Members who request and receive a leave of absence without pay, approved by the Pendleton County Board of Education, cannot (while on leave) receive days from the Personal Leave Bank.
- ❖ The Board of Trustees shall respond to a withdrawal request for days to be awarded to a member within five working days. All approved withdrawal requests for donations will then be forwarded to the payroll department.
- ❖ If an employee should become incapacitated, his/her application may be submitted to the committee by the employee's spouse, or if no spouse exists, then a member of the family on their behalf.
- ❖ The Board of Trustees reserves the right to request the Board of Education to investigate all alleged abuses of Personal Leave Bank privileges by a member of the Bank. Disciplinary actions shall remain the responsibility of the Superintendent and the Board.

Limitations

- ❖ An employee is not required to reimburse the Bank for days they have used.
- ❖ Normal pregnancies shall not constitute any eligibility for Personal Leave Bank days.
- ❖ No employee may be compelled or coerced to enroll in the Personal Leave Bank.
- ❖ If the Board of Trustees determines by a majority vote that revisions to these procedures are necessary; the revised procedures are to be submitted to the Superintendent of schools. If the Superintendent agrees with the change, he/she will submit the recommended changes to the Board of Education for its consideration. Stakeholders shall be given the normal access to comment on policy and procedural changes as defined in Board policy regarding such changes. Comments shall be shared with the Board of Trustees for review and a final recommendation from that body prior to the Board's adoption of any recommended changes.
- ❖ Personal Leave Bank Days may not be used to:
 - Qualify for or add to service for any retirement system administered by the state; therefore, the Board may not withhold retirement contributions from that portion of an employee's compensation which is attributable to donated leave or leave withdrawn from a personal leave bank; or
 - Extend insurance coverage pursuant to §5-16-13 of the code.
- ❖ Each personal leave day contributed:
 - Is deducted from the number of personal leave days to which the donor employee is entitled;
 - Is not deducted from the personal leave days without cause to which a donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
 - Is credited to the receiving employee as one full personal leave day;
 - May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
 - May be used only for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the extended illness ends revert back to the leave bank.

(WVC §18A-4-10)

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**PENDLETON COUNTY SCHOOLS PERSONAL LEAVE BANK
ENROLLMENT FORM**

Employee's Name

Position & Location

Address

Social Security Number

City State Zip

I wish to become a member of the Pendleton County Schools Personal Leave Bank. I voluntarily contribute_____days from my accumulated sick leave and relinquish all claims to said days. I agree to contribute additional days whenever the bank falls below 100 days, not to exceed two days per year as specified in WV code §18A-4-10, or my membership in this bank will be terminated.

I have read and understand the rules and regulations of this policy.

Date

Signature

**PENDLETON COUNTY SCHOOLS PERSONAL LEAVE BANK
REQUEST FOR DAYS**

As a contributing member of the Pendleton County Schools Personal Leave Bank you are entitled to request up to 20 days for an extended illness or injury to the employee or for acting as caregiver to an immediate family member recovering from illness or injury, provided that you have less than five days of personal leave or vacation remaining in your own account. If extenuating circumstances merit additional days another request form must be filed with the committee.

Employee Member's Name

Home Phone

Street Address

Social Security Number

City

State

Zip

Days requested

Name of attending physician

Address of physician

Please attach a statement from the physician that gives details as to why these additional personal leave days are necessary to allow recovery from an extended illness or injury. The committee will not consider any request that does not have this physician's statement. An explanation of how accumulated sick and personal leave days have been used will also be helpful for the committee to make a decision.

I, the undersigned employee and member of the Personal Leave Bank, under penalty of law, state that the information provided on this form and its attachment is accurate, truthful, and complete to the best of my knowledge, and hold no person or group responsible if my request is denied.

Signature of Employee Member

Date

FOR USE BY APPROVAL COMMITTEE

Approval Signature of Committee Chairperson

Date of Review

Denial Signature of Committee Chairperson

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(P) P.14.4. Personal Leave Donation Program

West Virginia Code §18A-4-10(f) requires the Pendleton County Board of Education established a leave donation program pursuant to which a donor employee may transfer accrued personal leave to the personal leave account of another designated employee. This program is designed to offer assistance to employees who have exhausted all accrued personal leave, is not eligible to receive leave (or any more leave) from the sick leave bank, and requires additional personal leave because of a medical or physical condition that incapacitates the employee or an immediate family member for whom the employee will provide care.

The Board may not limit the number of personal leave days a donor employee may transfer to a receiving employee who is his or her spouse, nor may it limit the total number of personal leave days an employee receives under the program. However, the Board may limit the number of days a donor employee transfers to a receiving employee who is not his or her spouse.

A medical doctor's statement which describes the "Medical Catastrophic Emergency afflicting the employee and the expected date of return to work, must accompany the Personal Leave Donation Form before the Personnel Office can consider the request.

Definitions:

For the purposes of these regulations, the following words have the meanings specified unless the context clearly indicates a different meaning:

- ❖ "Catastrophic medical emergency" means a medical or physical condition that:
 - Incapacitates an employee or an immediate family member for whom the employee will provide care;
 - Is likely to require the prolonged absence of the employee from duty; and
 - Will result in a substantial loss of income to the employee because the employee:
 - Has exhausted all accrued personal leave; and
 - Is not eligible to receive personal leave or has exhausted personal leave available from a leave bank established pursuant to this article;
- ❖ "Employee" means a professional educator or school service person who is employed by the Board and is entitled to accrue personal leave as a benefit of employment;
- ❖ "Donor employee" means a professional educator or school service person employed by the Board who voluntarily contributes personal leave to another designated employee; and
- ❖ "Receiving employee" means a professional educator or school service person employed by the Board who receives donated personal leave from another employee

Special note: The U.S. District Court {Tawney v. BOE (1977)} has ruled that pregnancy is not a disease and is often untaken voluntarily and is a desired condition; therefore it is not within the definition of a Catastrophic Medical Emergency.

The following conditions must be met in implementing the Personal Leave Donation Program:

- ❖ The donor employee voluntarily agrees to the leave transfer;
- ❖ The donor employee selects the employee designated to receive the personal leave transferred; and
- ❖ The receiving employee requires additional personal leave because of a catastrophic medical emergency.
- ❖ A donor employee may donate a maximum of five (5) days per year to non-spouse employees up to a maximum of 20 days for the period of time the donor employee is employed by Pendleton County Schools.
- ❖ The donated leave may not be used to:
 - Qualify for or add to service for any retirement system administered by the state; therefore, the Board may not withhold retirement contributions from that portion of an employee's compensation which is attributable to donated leave or leave withdrawn from a personal leave bank; or
 - Extend insurance coverage pursuant to §5-16-13 of the code;

- ❖ Each personal leave day contributed:
 - Shall be deducted from the number of personal leave days to which the donor employee is entitled;
 - Shall not be deducted from the number of personal leave days without cause to which the donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
 - Shall be credited to the receiving employee as one full personal leave day;
 - May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
 - May be used only for an absence due to the purpose for which the leave was transferred.
 - Any transferred days remaining when the catastrophic medical emergency ends revert back to the donor employee.
- ❖ An employee may not be coerced or compelled to contribute to a leave donation program.
Special Note: Professional personnel who receive donations from service personnel shall receive pay at the professional personnel rate—not the service personnel rate.

Service personnel who receive donations from professional personnel shall receive pay at the service personnel rate.

(WVC §18A-4-10F)

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Amended/Revised: February 16, 2005; October 19, 2005; December 21, 2005; September 20, 2006; September 25, 2007; August 26, 2008; February 9, 2010; September 6, 2011; August 21, 2012; October 9, 2014; September 1, 2015; September 6, 2016; February 7, 2017; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION

PERSONAL LEAVE DONATION FORM

Date: _____

Donor Employee: _____

Employee Classification: _____ Professional _____ Service

Work Site: _____

Spouse of the Receiving Employee: _____ Yes _____ No

Designated Receiving Employee: _____

Number of days Donated: _____

Designated Receiving Employee: _____

Employee Classification: _____ Professional _____ Service

Work Site: _____

Spouse of Donor Employee: _____ Yes _____ No

Nature of Catastrophic Medical or Physical Condition: _____

Attending Physician: _____
(Attach a written verification of the medical emergency)

Total Number of Donated Days Received to Date: _____

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.15. Leave of Absence Policy****Adopted: August 20, 2003****Last Review:****March 2018**

Upon the recommendation of the Superintendent, the Pendleton County Board of Education may grant leaves of absence to tenured personnel for the specific reasons defined in the procedures that follow and for other reasons recommended by the Superintendent and approved by the board. Leaves of absence shall be limited to a maximum of one year duration except in the case of military leaves or other leaves prescribed by law which may extend beyond one year. Employees who are granted a leave of absence of one year or less shall be entitled to reemployment in their former position; however, they shall be subject to any transfer or termination that would have occurred in the normal course of events even if they had remained in the job and not taken a leave of absence. Employees who are granted leaves shall continue to accrue seniority. All requests for leaves must be submitted in writing 30 days in advance of the requested absence.

(§18A-2-2a)

(P) P.15.1. Military Leave.

Any officer or employee of state, county or municipal government hired for permanent employment who is a member of the National Guard or armed forces reserve, is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating, on the days during which s/he is ordered, by properly designated authority, to be engaged in drills, inactive duty training, parades, funeral details, service schools or other duty, during business hours, field training, annual training or other full-time National Guard duty pursuant to Title 10 or Title 32 of the United States Code, or active service of the state, for a maximum period of 30 working days, not to exceed 240 hours in any one calendar year.

Any officer or employee of state, county or municipal government hired for permanent employment ordered or called to active duty for a mobilization or deployment under Title 10 of the United States Code or in support of a contingency operation as defined in 10 U.S.C. §101(a)(13) by the properly designated federal authority is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating for a maximum period of 30 working days, not to exceed 240 hours for a single call to active duty. Provided, That an officer or employee of state, county or municipal government called to active duty who has not used all or some portion of the thirty working days of military leave of absence granted in the first paragraph of this policy is entitled to add the number of unused days from that calendar year to the 30 working days, not to exceed 240 hours granted by this subsection, up to a maximum of 60 days for a single call to active duty: Provided, however, that none of the unused days of military leave of absence granted by paragraph one may be carried over and used in the next calendar year.

The term "without loss of pay" means that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact that he/she may have received other compensation from federal or state sources during the same period.

Employees who are called to active duty by the properly designated federal authority for a period of time that extends beyond the 60 days mentioned above shall be placed on unpaid leave for the duration of the activation period with the right to return to the position they held at the time of the activation. In order to be eligible for reemployment, employees shall:

- ❖ Satisfactorily complete the period of active duty and have a certificate to that effect.
- ❖ Be qualified to perform the duties of their former position. If they are disabled during military service and cannot perform the duties of their old job, they may be entitled to the nearest comparable job they are qualified to perform.
- ❖ Make timely application for reemployment after release from military training or service or from hospitalization continuing after discharge or for a period of not more than one year. Application must be made within 31 days after completion of active duty or release from a medical facility.

(WVC §15-1F)

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(P) P.15.11. Reemployment Rights of Members of the Organized Militia

Members of the organized militia in the active service of the state or another state shall be entitled to the same reemployment rights granted to members of the reserve components of the Armed Forces of the United States by applicable federal law, including rights protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, 38 U. S. C. §§ 4301-4334.

(WVC §15-1F-8)

(P) P.15.2. Educational Leave

The Board may grant educational leaves, not to exceed one year, to an employee for the purpose of attending school provided the employee is pursuing a course of study that will better qualify him/her for the job he/she is employed to do or another job in the school system. This leave may not be renewed.

(P) P.15.3. Child Care and Related Leave

The Board may grant a leave of absence for the purpose of childcare that may extend beyond other leave benefits available to the employee.

- ❖ The Board shall approve requests for a leave of absence for any teacher or service personnel who request an extended leave of absence without pay for any period of time not exceeding one year for the purpose of pregnancy, childbirth or adoptive or infant bonding.
- ❖ An employee shall not be required to use accumulated annual leave or sick leave prior to taking an extended leave.
- ❖ Such employee shall retain all rights and privileges generally accorded employees at the time of the reemployment.
- ❖ Consecutive voluntary leaves for pre-school childcare and/or nursing may be granted for a maximum of one school year plus any remainder of the year in which the child was born.

(§18A-2-2a)

(P) P.15.4. Political Leave

Tenured employees may be granted a short-term leave for the purpose of fulfilling the duties as an elected official such as a state legislator.

(P) P.15.5. Short-Term Leave

An employee, upon recommendation of the superintendent, may be granted leave for a period not to exceed 30 working days. Any absence without pay not covered by other sections of these regulations is considered a short-term leave.

(P) P.15.6. Jury Service/Witness Subpoenas

Notwithstanding any other provision of law, school employees shall be required by law to serve on any jury during the period of their contract with the Pendleton County Board of Education unless excused by the Judge of the Court.

Any person employed by the Pendleton County Board of Education who is subpoenaed to appear as a witness, but not as a defendant, in any criminal proceeding in any court of law may make such appearance without any loss of pay.

The Pendleton County Board of Education is responsible to pay to such employee the difference between the jury fee/witness fee, exclusive of travel allowances payable for such an appearance by the court, and the amount of salary due the person for the time he/she is absent from employment by reason of answering such duty or subpoena.

(WVC §18A-5-3 and §18A-5-3a)

(P) P.15.7. Annual Leaves and Holidays

Legal school holidays include: Independence Day; Labor Day; Veteran's Day; Thanksgiving Day; Christmas Day; New Year's Day; Martin Luther King's birthday; West Virginia Day; primary, general, or special election days; and any day appointed and set apart by the President or Governor as a holiday of special observance by the people of the State. When such holiday falls within the employment term, it shall be considered as a day of employment and full-time school personnel shall receive pay for the day.

Out-of-school-environment (OSE) days are established as annual leave days within the 200-day school employment term.

(WVC §18A-5-2 and §18-5-15)

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(P) P.15.8. Association Conferences

With the approval of the Superintendent, two representatives from the Pendleton County Education Association, two representatives from the Pendleton County Professional Educators, and two representatives from the Pendleton County School Service Personnel Association may be released from school duties without loss of pay to attend association meetings. When substitutes are necessary the Board will pay for them. Except in case of emergencies, representatives must give the principal ten days' notice when substitutes must be employed. A separate request must be made for each meeting an individual desires to attend. Attendance request forms are available from the Central Office. They should be submitted at least ten days in advance of the event.

The number of release days, without loss of pay, shall be restricted to two days per school year for each organization (PCEA, PCPE, and PCSSPA) unless the local representative is on the agenda for the state organizational meeting, and if so, a copy of the agenda must accompany the "meeting attendance request."

A request for attendance of a teacher, principal or other employee at professional or educational meetings initiated by the Superintendent or by the Board of Education in the interest of the school system or the program shall be considered an integral part of employment, with time allowed and all necessary expenses borne by the Board.

All central administrative or supervisory staff whose employment, either stipulates or is understood through precedent to include all necessary expenses to attend professional meetings need only the approval of the Superintendent to attend meetings at Board expense. However, when such participation or attendance at meetings, conferences, etc., exceeds five employment days, Board approval is required.

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Amended/Revised: October 19, 2005; September 6, 2011; September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.16. Federal Family Medical Leave Benefits****Adopted: August 20, 2003****Last Review:****March 2018**

The federal Family and Medical Leave Act of 1993, the West Virginia Parental Leave Act, and West Virginia case law regulate Family and Medical Leave benefits for Pendleton County employees. The FMLA was enacted for the purpose of helping employees balance the demands of the workplace with the needs of promoting the stability and economic security of families and preserving family integrity. To that end, the Pendleton County Board of Education shall make such leave available to all employees for medical reasons and for compelling family reasons on a gender-neutral basis.

Nothing in FMLA supersedes any provision of State or local law that provides greater family or medical leave rights than those provided by FMLA. The Department of Labor will not, however, enforce State family or medical leave laws, and States may not enforce the FMLA. Employees are not required to designate whether the leave they are taking is FMLA leave or leave under State law, and an employer must comply with the appropriate (applicable) provisions of both. An employer covered by one law and not the other has to comply only with the law under which it is covered. Similarly, an employee eligible under only one law must receive benefits in accordance with that law. If leave qualifies for FMLA leave and leave under State law, the leave used counts against the employee's entitlement under both laws.

Because leave time is regulated by more than one agency, the employee is always entitled to the **greater** benefits when leave time is requested.

The following pages contain information related to frequently asked questions about FMLA; however, this is not a comprehensive review of the law and persons having additional questions should contact the Business Manager.

(P) P.16.1. Regulations for Implementing Family Medical Leave Benefits**Definitions:****❖ Covered service member means:**

- a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

❖ Employee includes any individual employed by a State or political subdivision of a State.**❖ Employer** includes any department, division, board, bureau, agency, commission or other unit of state government and any county board of education in the state.**❖ Employment benefits**-The term "employment benefits" means all benefits, other than salary or wages, provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)). The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage.**❖ Health care provider means:**

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
- any other person determined by the Secretary to be capable of providing health care services:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state of West Virginia.
 - Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice under state law.
 - Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law.
 - Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
 - Any health care provider recognized by the employer or the employer's group health plan benefits manager.
- ❖ **In Loco Parentis:** The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.
 - ❖ **Parent** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law."
 - ❖ **Secretary** means the Secretary of Labor.
 - ❖ **Serious Health Condition**—the most common serious health conditions that qualify for FMLA leave are:
 - conditions requiring an overnight stay in a hospital or other medical care facility;
 - conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
 - chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
 - pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).
 - **Son or Daughter** – the term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - ❖ **Spouse** means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

Who is Eligible for FMLA?

Under the guidelines of the federal and state codes, employees who have worked for the Board for a total of 12 months and who have worked at least 1,250 hours over the previous 12 months are eligible for family leave. The 12 months of employment are not required to be consecutive in order for the employee to qualify for FMLA leave. The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included. Eligible employees who so request must be granted up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- ❖ for the birth of a son or daughter, and to bond with the newborn child;
- ❖ for the placement with the employee of a child for adoption or foster care, and to bond with that child;
- ❖ to care for an immediate family member (spouse, child, or parent – but not a parent "in-law") with a serious health condition;

- ❖ to take medical leave when the employee is unable to work because of a serious health condition; or
- ❖ for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

The FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness.

Restrictions on Birth and Bonding: Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement. The use of intermittent FMLA leave for these purposes is subject to the employer's approval. If the newly born or newly placed child has a serious health condition, the employee has the right to take FMLA leave to care for the child intermittently, if medically necessary and such leave is not subject to the 12-month limitation.

Substance abuse may be a serious health condition if the conditions of §§ 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition.

The Pendleton County Family Medical Leave Act year shall be from July 1 through June 30.

Substitution of paid leave:

Generally, FMLA leave is unpaid leave. However, under the circumstances described in the Federal Law, FMLA permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employer, and accrued pursuant to established policies of the employer, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employer's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

Intermittent or Reduced Leave Schedule:

Under some circumstances, employees may take Family Medical Leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule.

- ❖ An employee taking leave for the birth and care or placement for adoption or foster care may take such leave intermittently or on a reduced leave schedule only if both the Board and the employee agree on the conditions.
- ❖ An employee taking leave to care for a sick family member or a covered service member with a serious injury or illness or to deal with the employee's own personal illness may take such leave intermittently or on a reduced leave schedule but only where medically necessary for:
 - A planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider;
 - Recovery from treatment; or
 - Recovery from a serious health condition.
- ❖ An employee may take leave intermittently or on a reduced leave schedule for absences where the employee or family member is incapacitated or unable to perform the essential functions of his/her position because of a chronic serious health condition or a serious injury or illness of a covered service member even if he /she does not receive treatment by a health care provider.

- ❖ An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of workweeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of the Board.

Notice Requirements for the Board:

- ❖ Notice explaining the provisions of the FMLA and procedures for filing complaints of violations of the FMLA shall be posted in conspicuous areas of the premises that are occupied by employees. This notice shall consist of the entire contents of *P.16. Family Medical Leave Benefits*.
- ❖ The Board shall also furnish to each employee a copy of the FMLA fact sheet, available from the Department of Labor, which explains the employee's entitlements and obligations under the FMLA.
- ❖ Once an employee notifies the Board of the need or the intent to take FMLA leave, the Board must provide him/her with information in writing regarding the particular expectations and obligations of the employee. The contents of such notice must include all of the following, if they apply:
 - The leave will be counted against their annual 12-week FMLA entitlement;
 - The requirement that the employee provide medical certification of a serious health condition, if that requirement exists;
 - FMLA permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employer, and accrued pursuant to established policies of the employer, will run concurrently with the unpaid FMLA leave.
 - Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments;
 - Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment (any such requirement must be job-related and consistent with business necessity);
 - Status as a 'key employee' and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial;
 - The employee's right to restoration to the same or an equivalent job upon return from leave; and
 - The employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave.
- ❖ The Board may also designate in the specific notice whether it will require the employee to periodically report back on status and intent to return to work or whether the employer will demand recertification of a serious health condition.

Notice Requirements for Employees:

- ❖ If the need for FMLA is foreseeable, an employee is required to give the Board 30 days' notice of intended leave. If the need for leave is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.
- ❖ The Board may also require the employee to provide certification from a health care provider to verify that leave is justified under the FMLA.
- ❖ The Board has the right to require an employee on leave to report periodically about the employee's status and the intent to return to work, and to request recertification of a serious medical condition no more often than every 30 days under most circumstances.
- ❖ If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee:
 - Shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and

- Shall provide the Board with two weeks written notice of the treatment or supervision.
- ❖ To preserve instructional continuity, foreseeable medical leave may be limited to the time for medical treatment only. The employee shall provide a two-week written notice when the leave is foreseeable.
- ❖ If a leave because of birth or adoption is foreseeable, the employee shall provide the Board with two weeks written notice of such expected birth or adoption.

Certification of Need for Family Leave:

- ❖ If an employee requests family leave to care for a family member with a serious health condition as authorized in the code, the employer may require the employee to provide certification by a health care provider of the health condition.
- ❖ The certification shall be sufficient if it contains the following:
 - That the child, parent or employee has a serious health condition;
 - The date the serious health condition commenced and its probable duration; and
 - The medical facts regarding the serious health condition.

Restoration to Position upon Return from leave:

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

An employee returning from a leave who is unable to perform an essential function of the position due to a mental or physical condition is not entitled to be reinstated into another position under the FMLA. However, if such an employee is a qualified individual with a disability under the ADA, the Board may be required to place the employee in another vacancy as a reasonable accommodation.

The Board may not, because an employee received family leave or medical leave, reduce or deny any employment benefit or seniority that accrued to the employee before his/her leave commenced.

Denial of FMLA Leave or Reinstatement to Former Position:

Under certain circumstances, the following may justify the Board refusing to allow or delaying FMLA leave to an otherwise eligible employee:

- ❖ The employee fails to provide timely notice; or
- ❖ The employee fails to timely provide medical certification.

Under certain circumstances, the following may justify an employer refusing to reinstate or delaying reinstatement of an employee on FMLA leave:

- ❖ Employee fails to provide a requested fitness-for-duty certification to return to work;
- ❖ Employee would not be employed had leave not been taken;
- ❖ Employee fails to give notice of intent to return to work;
- ❖ Reinstatement of key employee would cause substantial and grievous economic injury;
- ❖ Leave obtained by fraudulent means; and
- ❖ Employee's outside or supplemental employment violates uniformly applied policy.

Special Rules for School Employees:

- ❖ In order to minimize the impact on instruction, employees may not be able to schedule 12 weeks of leave if it coincides with the end of the school term. FMLA leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not be required to report for duty is not counted against the employee's FMLA leave entitlement.
- ❖ Instructional employees who are on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

- ❖ When an instructional employee requests intermittent leave or a reduced leave schedule to care for a family member, to care for a covered service member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of working days in the period during which the leave will be taken, the Board may require the employee to choose one of the following:
 - Take leave for a "period of particular duration" of time (i.e., blocks of time) which does not exceed the duration of the planned treatment; or
 - Be transferred to an alternative position.
- ❖ If an instructional employee fails to give the required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.
- ❖ Near the end of an "academic term", there are several different scenarios adopted by Congress to minimize disruption of the classroom where the Board may require an instructional employee to continue taking leave until the school term ends.
 - When an instructional employee begins leave more than five weeks before the end of the term and the leave will last at least three weeks and the employee would otherwise return to work during the last three weeks of the term;
 - When an instructional employee takes leave for a reason other than the employee's own serious health condition and the leave begins during the five weeks before the end of the term, and will last two weeks and the employee would otherwise return to work during the two-week period before the end of the term;
 - When an instructional employee takes leave for a reason other than the employee's own serious health condition and the leave begins during the last three weeks of the term, and if the leave will last more than five working days.

If an employee is required to take leave until the end of an academic term as set forth above, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's 12-week FMLA leave entitlement. The Board has the option not to require the employee to stay on leave until the end of the term. Therefore, any additional leave required by the employee to the end of the school term is not counted as FMLA leave; however the Board is required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave,

(Family and Medical Leave Act of 1993)

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Amended/Revised: October 1, 2013

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.16.A. West Virginia Parental Leave Act	Adopted: August 20, 2003 Last Review: March 2018

The West Virginia Parental Leave Act provides school employees the opportunity to take up to 12 weeks of unpaid family leave for the birth or adoption of a child or for personal medical treatment or to care for a family member with a serious health condition.

(P) P.16.A.1. Definitions

- ❖ **"Dependent"** means any person who is living with or dependent upon the income of any employee whether related by blood or not.
- ❖ **Employee:**
 - "Employee" means any individual, hired for permanent employment, who has worked for at least twelve consecutive weeks performing services for remuneration within this state for any department, division, board, bureau, agency, commission or other unit of state government, or any county board of education in the state.
 - "Employee" does not include:
 - Individuals employed by persons who are not "employers" as defined by this article;
 - Elected public officials or the members of their immediate personal staffs;
 - Principal administrative officers of any department, division, board, bureau, agency, commission or other unit of state government, or any county board of education in the state; or
 - A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee or work activity client.
- ❖ **"Employer"** includes any department, division, board, bureau, agency, commission or other unit of state government and any county board of education in the state.
- ❖ **"Employment benefits"** means all benefits, other than salary or wages, provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or by an employee benefit plan as defined in the federal Employee Retirement Income Security Act of 1974.
- ❖ **The term "health care" or "health care services"** means clinically related preventive, diagnostic, treatment or rehabilitative services whether provided in the home, office, hospital, clinic or any other suitable place, provided or prescribed by any health care provider or providers. Such services include, among others, drugs and medical supplies, appliances, laboratory, preventive, diagnostic, therapeutic and rehabilitative services, hospital care, nursing home and convalescent care, medical physicians, osteopathic physicians, chiropractic physicians, and such other surgical, dental, nursing, pharmaceutical, and podiatric services and supplies as may be prescribed by such health care providers.
- ❖ **"Health care provider"** means a person, partnership, corporation, facility or institution licensed, certified or authorized by law to provide professional health care services in this state to an individual during this individual's medical care, treatment or confinement.
- ❖ **"Parent"** means a biological, foster or adoptive parent, a stepparent or a legal guardian.
- ❖ **"Serious health condition"** means a physical or mental illness, injury or impairment which involves:
 - Inpatient care in a hospital, hospice or residential health care facility; or
 - Continuing treatment, health care or continuing supervision by a health care provider.
- ❖ **"Son" or "daughter"** means an individual who is a biological, adopted or foster child, a stepchild or a legal ward, and is (1) under eighteen years of age; or (2) eighteen years of age or older and incapable of self-care because of mental or physical disability.
- ❖ **"Spouse"** means any person legally married to an "employee" covered under this article.

(P) P.16.A.2. Family Leave

An employee shall be entitled to a total of twelve weeks of unpaid family leave, following the exhaustion of all his or her annual and personal leave, during any twelve-month period:

- ❖ Because of the birth of a son or daughter of the employee;
- ❖ Because of the placement of a son or daughter with the employee for adoption; or
- ❖ In order to care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition.

In the case of a son, daughter, spouse, parent or dependent that has a serious health condition, such family leave may be taken intermittently when medically necessary.

An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly the operations of the employer.

If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.

If a leave under this policy is foreseeable because of planned medical treatment or supervision, the employee:

- ❖ Shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and
- ❖ Shall provide the employer with two weeks written notice of the treatment or supervision.

This code (§21-5D-4) shall not be construed as granting an employee the family leave rights provided in this section if he or she is entitled to such family leave rights under any other provision of this code.

Special Note: WVC §18A-2-2a states that an employee shall not be required to use accumulated annual or sick leave prior to taking an extended leave of absence.

(P) P.16.A.3. Certification of Need

If an employee requests family leave to care for a family member with a serious health condition as authorized in this policy, the employer may require the employee to provide certification by a health care provider of the health condition. The certification shall be sufficient if it contains the following:

- ❖ That the child, dependent, parent or employee has a serious health condition;
- ❖ The date the serious health condition commenced and its probable duration; and
- ❖ The medical facts regarding the serious health condition.

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(P) P.16.A.4. Position upon Return from Leave

The position held by the employee immediately before the leave is commenced shall be held upon a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position: **Provided**, That the employer may employ a temporary employee or temporary employees to fill said position for the period of the parental leave.

No employer may, because an employee received family leave or medical leave, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

(P) P.16.A.5. Seniority and Employment Benefits

Employees shall accrue seniority during the time they are on an approved family leave of absence.

During any family leave by an employee, the employer shall continue group health insurance coverage for such employee: **Provided, That** the employee shall pay the employer the premium costs of such group health insurance coverage.

(P) P.16.A.6. Posting Notice

The Board shall post, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth an employee's rights under this policy.

(WVC §21-5D-1 to §21-5D-9; Hudok v. Board of Education Randolph County)

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Amended/Revised: October 1, 2013

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.17. Working Conditions****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education recognizes that providing positive working conditions for its employees is an important part of building a strong working relationship with them. The Board is committed to applying the many state laws and policies that regulate working conditions for school employees in a reasonable and fair manner. The purpose of the procedures that follow is to spell out the specific working conditions for the employees of Pendleton County.

(P) P.17.1. Professional Workload and Time Schedules

The length of the school day for students and teachers will be recommended by the Superintendent and set by the Board, and will be in keeping with state requirements. The particular opening and closing hours for schools will also be subject to Superintendent approval. The school principal is authorized to make minor changes in opening and closing times to facilitate scheduling; however, major changes in schedules will be subject to Superintendent and/or Board approval.

Schools will generally observe a regular daily schedule of 7:45 a.m. until 3:30 p.m., with instruction scheduled between 8:00 a.m. and 3:00 p.m. It is recognized that this will vary from school to school in order to accommodate transportation times and the different lengths of the instructional day.

Professional staff shall be expected to work a standard workday of seven and three-quarters hours which includes a 30 consecutive minute duty-free lunch period. The expectation for professional staff to work a seven and three-quarter hour workday rather than the eight hour work day allowed is in lieu of time spent by teachers in faculty meetings, PTA meetings, or other times spent in job-related activities. During the workday the professional staff shall be expected to be at their assigned work site unless prior approval has been obtained from the principal or their immediate supervisor. This is to ensure that the administration is knowledgeable of a person's whereabouts in case of need or emergency, and it protects the teacher against possible criticism.

Professional personnel are expected to observe assigned work hours. Failure to report for work or provide proper notification of absence may be considered willful neglect of duty and a pattern of such behavior could be grounds for suspension and/or dismissal.

Employees who find it necessary to utilize their personal leave days shall follow the guidelines established in File: (P) *P.14.1. Personal Leave Regulations.*

Employees wishing to redeem compensatory hours earned through an agreement with their immediate supervisor shall do so in accordance with the guidelines established in File: (P) *P.3.11. Compensatory Time.*

"Dock Days" (days without pay) are not established by state code or state policy; therefore, they are not a right granted to employees. Such days are disruptive to the instructional process and shall only be granted by Pendleton County Schools for extenuating circumstances and only after prior approval by the immediate supervisor and the appropriate Central Office personnel.

Attempts shall be made to keep each teacher's total student and teaching load at a reasonable level. In all cases, West Virginia codes and State Board policies shall be observed and Board approval is required prior to exceeding state maximum numbers.

Each full-time, secondary teacher shall have an assignment equivalent to that of other full-time teachers. This shall be considered an administrative function and actual assignments shall be left to the best judgment of the principal and Superintendent. Personnel assigned through the Central Office will observe a uniform working day approved by the Superintendent unless special arrangements for different hours have been approved.

(WVC §18-5-15; §18A-4-14; 2510 and 5210)

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(P) P.17.2. Coaches' Teaching Load

Teachers who also serve as coaches and who receive extra pay for coaching shall be full-time teachers as defined by the State Department of Education. The State Department of Education has ruled that the coach in a West Virginia high school must carry the same regular teaching load as any teacher in the school. These may include regular class periods, study hall periods, or any other regular full-time period to which some other teacher may have to be assigned to carry on the regular and necessary work of the school. The ruling is based on the premise that the coach receives his/her extra pay for extra services. Athletic coaching cannot be counted as one of the required full-time periods.

Coaching shall be interpreted to mean instruction or direction of members of athletic teams, individually or as a group for the purpose of developing ability or skill to perform in athletic contests.

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(P) P.17.3. Employee Duty Free Planning Period and Lunch Hour

Duty Free Planning and Lunch Periods for Professional Employees

Every professional employee who is employed for a period of time which spans more than one-half ($\frac{1}{2}$) of the class periods of the regular school day shall be provided at least one duty free planning period within each school day to be used to complete necessary preparation for the instruction of students.

Professional employees shall not be assigned any responsibilities during this period. Educators shall receive uninterrupted time for planning periods each day. Administrators may not require a teacher to use the planning period time allotted to complete duties beyond instructional planning, including, but not limited to, administrative tasks and meetings.

The duration of the planning period shall be in accordance with the following:

- ❖ For grades where the majority of the student instruction is delivered by only one teacher, the planning period shall be no less than 40 minutes; and
- ❖ For grades where students take separate courses during at least four separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teacher, but no less than 40 minutes.

Principals, and assistant principals, where applicable, shall cooperate in carrying out the provisions of this policy, including, but not limited to, assuming control of the class period or supervision of students during the time the teacher is engaged in the planning period. Substitute teachers may also be utilized to assist with classroom responsibilities under this policy: *Provided*, That any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period pursuant to this section.

Every **professional employee** who is employed for a period of time which spans more than one-half ($\frac{1}{2}$) of the class periods of the regular school day shall also be provided a duty free lunch period of not less than 30 consecutive minutes.

The recess shall be included in the number of hours worked, and the Board may not increase the number of hours to be worked by an employee as a result of the employee being granted a recess under the provisions of §18A-4-14.

Note: *Professional employees who are employed for a four-hour (4 hr.) work day as full-time employees cannot expect to receive a 30 minute lunch recess because they are not likely to work more than one-half ($\frac{1}{2}$) of the class periods. This rule would also apply to planning periods.*

Duty Free Lunch Period for Service Personnel

Every **service employee** whose employment is for a period of more than three and one-half hours ($3\frac{1}{2}$ hrs.) per day and whose pay is at least the amount indicated in the state minimum pay scale as set forth in §18A-4-8a shall be provided a daily lunch recess of not less than 30 consecutive minutes, and such employee shall not be assigned any responsibilities during this recess.

The recess shall be included in the number of hours worked, and the Board may not increase the number of hours to be worked by an employee as a result of the employee being granted a recess under the provisions of §18A-4-14.

Note: Service employees who are employed for a four-hour (4 hr.) work day as full-time employees must be given a 30 minute lunch recess because of the three and one-half (3½ hr.) hour rule.

Exchange of Duty Free Planning Periods and Lunch Periods for other Agreed upon Employee Benefits

Pendleton County employees (**Professional and Service**) may exchange the right to a duty free lunch or planning period for compensation or benefit mutually agreed upon by the employee and the building principal **and approved by the Superintendent and Board**. The parties may not agree to terms that are different from those available to any other professional or service employee within the individual school or which discriminate among professional and service employees within the individual school.

All such agreements must be in writing identifying the benefit (Planning Period or Lunch Period) being exchanged for the identified compensation or alternative benefit and the agreement shall be **approved by the Superintendent and Board**. These contracts may not be construed as extracurricular or extra duty contracts.

(WVC §18A-4-14)

(P) P.17.4. Administration-Employee Communications

The administration accepts responsibility for establishing and maintaining an organization that will provide an atmosphere within which teachers can carry on a well-balanced and orderly program of education. A policy of considering all properly presented complaints and/or criticism from the employees will be maintained.

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(P) P.17.5. The Faculty Senate

The intent of the statute that created faculty senates across West Virginia was to facilitate and encourage the involvement of the school community in the operation of the local schools. When it functions as intended, the local faculty senate can improve the educational quality that children and students receive at the school in which they are enrolled. The Board encourages faculty senates to professionally pursue local initiatives to improve school performance. However, it is not the intent of the statute, or these procedures to restrict the ability of the Board in its efforts to effect countywide school improvement.

Each faculty senate with approval of the principal may, in addition to or as an alternative to the school curriculum team, establish a process for teacher collaboration to improve instruction and learning. The mission of the collaboration process is to review student academic performance based on multiple measures, to identify strategies to improve student performance and make recommendations for improvement to be implemented subject to approval of the principal. The collaborative process shall include such members as determined necessary by the faculty senate to address the needed improvements in the academic performance of students at the school and, if applicable, may consist of multiple subject area subcommittees which may meet independently.

Please refer to (P) *F.11.1. Allocation of Faculty Senate Funds* for information related to the fiscal responsibilities of the faculty senate.

Membership:

- ❖ Every school shall have a faculty senate comprised of all permanent, full-time professional educators employed at the school.
- ❖ Professional educator means teachers, principals, librarians, and any other person regularly employed for instructional purposes.
- ❖ All members of the senate may vote.

Organization

- ❖ Elected officers:
 - Chair;
 - Vice-Chair - "Shall Preside at meetings when the Chair is absent;" and
 - Secretary.
- ❖ The Chair of the Faculty Senate may appoint such committee as may be desirable to study and submit recommendations to the full Faculty Senate, but the acts of the Faculty Senate shall be voted upon by the full body.

- ❖ The Faculty Senate may adopt bylaws.
- ❖ Each Faculty Senate shall organize its activities as it deems most effective and efficient based on school size, departmental structure, and other relevant factors.

Duties and Responsibilities:

- ❖ The faculty senate shall control all funds allocated to the senate pursuant to §18-9A-9, except the \$300 allocated to each classroom teachers, counselors, librarians, and school nurses with a bachelor's degree and who are licensed by the West Virginia Board of Examiners for Registered Professional Nurses. The unused balance of the \$300 per teacher shall revert to the senate. These monies must be expended for academic materials, supplies, equipment, or for programs and materials that in the opinion of the teacher enhance student behavior, academic achievement, improve self-esteem or address problems of students at risk. These categories shall be interpreted broadly, but shall not include anything to be used in interscholastic athletic events or connected with such activities. A budget for spending these monies must be approved by the senate. Accounts shall be maintained for audit purposes. See *File: F.11. Faculty Senate Funds* for additional information.
- ❖ The faculty senate may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. See *File: (P) P.2.3. Faculty Senate Teacher Recommendation Process*
- ❖ The senate may nominate persons for recognition programs.
- ❖ The senate may make recommendations to the principal concerning the assignment and scheduling of service personnel.
- ❖ The senate may make recommendations to the principal concerning the master schedule.
- ❖ The senate may set a process for review and comment on sabbatical leave requests pursuant to §18-2-11. (Such leave is at local board option. Pendleton County does not provide for sabbatical leave.)
- ❖ The senate must elect three members to the school improvement council.
- ❖ The senate may nominate a candidate for the county staff development council.
- ❖ The senate may make recommendations on the selection of faculty members to serve as mentors for beginning teachers.
- ❖ The senate may solicit, accept, and expend any grants, gifts, bequests, donations or other funds made available, and it must select a member to keep a record of all funds received and expended. This record must be kept in the school office. It shall be subject to audit.
- ❖ The senate may review the evaluation procedures followed in the school. If a majority of the senate determines that procedures are improper, they shall submit a report to the State Board. The senate has no new right to obtain or to review any individual's evaluations.
- ❖ Each faculty senate shall develop a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools. The strategic plans shall be submitted to the Superintendent by June 30, 1995, and periodically thereafter pursuant to guidelines developed by the State Department of Education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in the development of the strategic plan for each school. Each strategic plan developed by the faculty senate shall include at least: A) A mission statement; B) goals; C) needs; D) objectives and activities to implement plans relating to each goal; E) work in progress to implement the strategic plan; F) guidelines for the placement of additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; G) guidelines for implementation of collaborative planning and instruction; and H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.

Meetings:

- ❖ Pursuant to W. Va. Code §18-5A-5, the school calendar must provide to each faculty senate a two-hour block of time for a faculty senate meeting on a day scheduled for the opening of school prior the beginning of the instructional term and on a day scheduled for the closing of school before the end of the employment term.

- ❖ In addition to the opening and closing of school, faculty senate meetings are to be held during the months of October, December, February, and April, for a total of six two-hour meetings. Faculty senate meetings can be held on days set aside for late arrivals and early dismissals, or part of a non-instructional day. The portion of the non-instructional day scheduled for the faculty senate meeting shall be considered as part of the purpose for which the non-instructional day is scheduled.
 - ❖ Faculty senates may also schedule a meeting during an instructional day if sufficient equivalent instructional time has been set aside by a school; however, every school in the county must have set aside sufficient time for all faculty senates in the county to meet in this manner.
 - ❖ A faculty senate may also meet for an unlimited block of time during a non-instructional day to discuss and plan strategies to improve student instruction and to conduct other faculty senate business.
 - ❖ A faculty senate may elect to schedule a meeting on an instructional day outside of the instructional time for students, and take compensatory time off on the non-instructional day that is provided by the county board for its meeting, as long as the meeting takes place prior to the day that is scheduled in the school calendar.
 - ❖ If a non-instructional day that is originally scheduled for faculty senates to meet is cancelled due to inclement weather, the county board may, but is not required to, reschedule the non-instructional day in order for the faculty senates to meet.
 - ❖ More than half of the members of the senate must be present at any meeting at which official business is transacted.
 - ❖ Emergency meetings may be held during non-instructional time at the call of the chair or a majority of the members.
 - ❖ Agendas must be available at least two employment days ahead, or as soon as possible in the case of emergency meetings.
 - ❖ The chair may appoint committees as may be needed to study and submit recommendations. However, only the senate itself may take official action.
- (WVC §18-5A-5, §18-1-1, §18-9A-2, and §18-9A-9)

Open Governmental Meetings Requirements:

- ❖ A June 7, 2001 opinion issued by the West Virginia Ethics Commission has declared that the Faculty Senate is a public agency and is subject to the provisions of the Open Meetings Act when it is exercising executive or legislative power in taking official public action on behalf of the school. Instances where the Faculty Senate would be exercising executive power include the following:
 - Creating and adopting a budget
 - Allocating funds received through a grant
 - Authorizing the expenditure of funds for academic supplies, materials and equipment (this would not apply to the \$300 per person which is allocated for expenditure by individual educators)
 - Adopting specific policies such as the plans for integrating special needs students in the regular classroom
 - ❖ Each Faculty Senate must adopt a policy for giving notice to the public that includes the date, time, place and agenda of all meetings that deal with the above issues. Such notice shall be given two days prior to the meeting and shall be made available to the public through the news media and postings at the school site.
 - ❖ Each Faculty Senate must also provide for the preparation of written minutes of all of its meetings that shall be available to the public within a reasonable time after each meeting and shall include at least the following information:
 - The date, time and place of the meeting
 - The name of each member of the governing body present and absent
 - All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition
 - The results of all votes
- (West Virginia Ethics Commission Advisory Opinion No. 2001-09)

(P) P.17.6. Solicitation of Employees

No solicitations shall be made of Board employees by non-school organizations during working hours or on Board of Education property without the approval of the Superintendent and principal.

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Amended/Revised: August 24, 2010; September 6, 2011; October 1, 2013; October 9, 2014;
September 1, 2015; September 6, 2016; September 5, 2017; September 4, 2018;
September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.18. Employee Staff Development Programs****Adopted: August 20, 2003****Last Review:****March 2018**

State law and state board policy require local school boards ensure that professional staff are provided continuous high-quality, sustained, and classroom-focused professional learning that increases the knowledge and skills required to create conditions that result in students achieving high levels of performance in the approved West Virginia content standards.

The Pendleton County Board of Education shall annually provide to all professional and service personnel meaningful Professional Learning experiences (hereafter referred to as Staff Development) in accordance with existing codes and State Board Policy. Pendleton County's policy is that both Professional and Service Personnel shall annually complete 18 hours of Staff Development. The school calendar shall be constructed in a manner that Professional Learning activities will be scheduled during the 200 day employment term,

Professional development should be delivered using techniques, school schedules or time in a manner that does not diminish student learning by the absence of their classroom teacher. The school calendar regulations provide four (4) days which the Board, at its discretion, may utilize for staff development and other professional employee activities within the 200 day employment term.

It is the responsibility of the district to support, monitor, and ensure the fidelity of the implementation of Staff Development experiences that are aligned to WVBE Goals and Standards for Professional Learning.

In carrying out this responsibility, the district plan shall be developed by the Local Staff Development Council (WV Code §18A-3-8) using data from:

- ❖ The county's Strategic Plan Needs Assessment;
- ❖ West Virginia Support for Improving Professional Practice (hereinafter WVSIPP);
- ❖ W. Va. 126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel;
- ❖ Professional teaching standards;
- ❖ Student data from the W. Vs. 126CSR14, WVBE Policy 2340, West Virginia Measures of Academic Progress; and
- ❖ Student evidence of learning from utilization of the formative assessment process.

It is further the responsibility of the district to develop and implement a professional and personalized learning plan that includes high-quality professional and personalized learning experiences to support all educators and support personnel in the delivery of high-quality educational programming as a [art pf the county's Strategic Plan. The plan should align, be incorporated into, and complement the district's Strategic Plan ensuring:

1. educators have access to high quality professional and personalized learning experiences that focus on individual professional growth of educators, student need based on acquired data, and school-wide goals for professional and personalized learning goals;
2. educators are engaged in learning with colleagues through a collaborative model to improve individual teaching practice, support student learning, and foster school-wide growth;
3. school-based professional learning communities examine student data to increase student achievement;
4. use of school budgets to support professional and personalized learning;
5. use of flexible and creative scheduling to create time for educators to participate in professional learning communities during the work day; and
6. focus professional learning offerings in individualized and school-based settings rather than in large-scale settings.

As part of the county Strategic Plan, counties must submit its professional learning plan to the WVBE annually as directed by the WVDE.

(P) P.18.1. Professional Staff Development Council

Following the guidelines of WVC §18A-3-8 and State Board of Education Rules, the Pendleton County Professional Staff Development Council shall be constituted in the following manner:

- ❖ The council shall consist of between nine and 15 members at the discretion of the county superintendent based on the size of the county.
- ❖ The council shall be comprised of proportional representation from the major school levels and from vocational education, special education, and other educators in proportion to their employment numbers in the county.
- ❖ Teacher nominations to serve on the county professional staff development council may be submitted by the faculty senates of the district to the superintendent who shall prepare and distribute ballots and tabulate the votes of the county's instructional personnel voting on the persons nominated.
- ❖ Election to the professional staff development council shall be made on a staggered three-year sequence. Members shall serve three-year terms. No staff development council member may serve more than two consecutive terms. The staff development council shall appoint persons to fill vacancies occurring during an elected term and such appointees will serve until the next election.
- ❖ The Superintendent or his/her designee shall hold an advisory, nonvoting role on the council.
- ❖ The board of education shall make available an amount at least equal to one tenth of one percent of the amount provided for the foundation allowance for professional personnel in the State Aid Formula and credit such funds to an account to be used by the professional staff development council to fulfill its objectives. The council shall prepare for review and approval by the county board of education an annual budget that details all expenses and revenues including staff support. Any funds remaining in this account at the end of the fiscal year shall remain in this account and be used solely for staff development. The county board of education will have final approval for all disbursements. This does not preclude the use of other funding sources for additional staff development.
- ❖ Staff development programs shall be evaluated to determine the effectiveness of delivery, the quality and impact of the programs.

WVC §18-2E-8 Creating Jobs through Education:

The Legislature has mandated that a primary goal for education in West Virginia is that every high school graduate will be prepared for college, other post-secondary education or gainful employment. Meeting the intent and objectives of that goal will require a continued focus on staff development to increase the ability of teachers and administrators to employ various methodologies for strengthening the rigor, content and relevance of the learning process and help all students achieve at higher levels.

Teachers and administrators must know about workplace requirements to help students internalize the relationship between learning in school and success in the careers they envision for themselves in adult life. Staff development opportunities shall include, but not be limited to:

- ❖ Collaboration between the County professional staff development council and the State Department of Education, institutions of higher education, the Center for Professional Development so that the resources of each can be utilized for both in-service and pre-service programs;
- ❖ Teacher and business exchange programs that enable teachers to gain exposure and experience in the workplace and business persons to gain exposure and experience in the schools;
- ❖ Structured programs or institutes that take educators into the workplace to observe the work environment and skills necessary to perform work tasks; or
- ❖ Staff development activities that include joint participation by public school, college, and other post-secondary faculty where appropriate.

(WVC §18-2E-7; §18-2E-8, §18A-3-8, SBP 2510 and SBP 5500)

[Link to SBP 5500 - Professional Learning for West Virginia Educators](#)

(P) P.18.2. Service Personnel Staff Development Council

General Implementation Process:

The Pendleton County Service Personnel Staff Development Council shall be constituted in the following manner:

- ❖ The council shall be comprised of two employees from each category of employment, one of who shall be elected chairperson by the staff development council members.
- ❖ The members shall serve three-year terms following their election.
- ❖ Each of the six groups shall nominate candidates to the council. The Superintendent shall prepare and distribute ballots and tabulate the votes cast for the persons nominated.
- ❖ Election to the service personnel staff development council shall be made on a staggered three-year sequence.
- ❖ The Superintendent or his/her designee shall hold an advisory, nonvoting role on the council.
- ❖ Two or more counties may elect to cooperate in the same staff development programs.
- ❖ Service personnel, in cooperation with their immediate supervisor, may develop an individual staff development plan to be used in implementing their staff development activities. The employees' performance evaluation must be used in this process.
- ❖ The Superintendent or his/her designee shall:
 - Supervise the development of staff development objectives by the council;
 - Coordinate the implementation of the staff development plan;
 - Disseminate information concerning program objectives, location and time, and other pertinent information; and
 - Maintain records of enrollment, scheduling, and evaluation of each staff development activity.
- ❖ Proposed programs shall be approved by the Board prior to their implementation
- ❖ The board of education shall make available an amount at least equal to one tenth of one percent of the amount provided for the foundation allowance for service personnel in the State Aid Formula and credit such funds to an account to be used by the council to fulfill its objectives. The council shall submit an annual budget detailing all expenses and revenues to the Board for approval. Any funds remaining in this account at the end of the fiscal year shall remain in this account and be used solely for staff development. The county board of education will have final approval for all disbursements. This does not preclude the use of other funding sources for additional staff development.
- ❖ The council shall evaluate the effectiveness of its staff development programs and activities every three years. For evaluation purposes, a staff development year shall be July 1 through June 30.
- ❖ At the end of each fiscal year, the Board shall give a full accounting of the council's financial account including the amount allocated, the amount expended and the amount available for carryover into the next fiscal year.
- ❖ At the end of each fiscal year, the Board shall provide the state superintendent the names of the service staff development council members, the number of meetings held, and the number of hours provided for service personnel to implement their staff development programs.

The Focus of the Staff Development Program:

The annual school calendar shall provide for a minimum of 18 hours of job related staff development for all service employees. At least 12 hours shall be scheduled prior to January 1. Exceptions to the schedule may be granted by the county superintendent for innovative programs.

To promote personal growth and lifelong learning for service personnel, the staff development activities should:

- ❖ Be based on predetermined needs of service personnel;
- ❖ Reflect State and County education goals and policies;
- ❖ Include activities which provide for individual as well as group needs;
- ❖ Include individual, school-level and county-level learning opportunities; and
- ❖ Include a systematic evaluation process.

(WVC §18A-3-9 and SBP 5500.02) Link to [SBP 5500.2-County Service Personnel Staff Development Councils](#)

(P) P.18.3. Specialized Training Related to Violent Student Behavior for all Teacher Aides

The Board shall annually make available, during normal working hours, to all regularly employed teachers' aides 12 hours of training that satisfies the continuing education requirements for the aides who provide the following services:

- ❖ Providing services to children who have displayed violent behavior or have demonstrated the potential for violent behavior; and
- ❖ Providing services to children diagnosed as autistic or with autism spectrum disorder. This training shall be structured to permit the employee to qualify as an autism mentor after a minimum of four years of training.

The Board shall:

- ❖ Notify in writing all teachers' aides of the location, date and time when training will be offered for qualification as an autism mentor; and
- ❖ Reimburse any regularly employed or substitute teacher's aide who elects to attend this training for one-half of the cost of the tuition.

(WVC §18-20-2)

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(P) P.18.4. Service Personnel Compensation for out of County Conferences

From time to time the Board and or the Superintendent may request certain service employees attend out-of-county meetings for the purpose of training which will be beneficial to the school system. In those instances, the Board shall compensate those employees for their time in accordance with the Fair Labor Standards Act which requires the compensation procedures outlined in the following pages.

Overnight Travel for Training:

- ❖ Employees will receive their regular compensation if the training and travel time occurs during a regular work hours.
- ❖ Employees will be compensated for travel time on a non-working day during any hours corresponding to normal work hours (i.e. the employee's regular work day is 9:00 a.m. to 5:00 p.m.).
- ❖ Employees will be compensated for travel time cutting across the employee's workday regardless of whether the employee is a driver or a passenger in the vehicle.
- ❖ The Board will not compensate employees who are passengers in a vehicle when the travel time is outside the employee's normal working hours.
- ❖ The Board will compensate employees for travel time spent outside of the normal working hours during which the employee is driving because the employee is working. The Board will deduct bona fide meal periods and periods when the employee is permitted to sleep in adequate facilities provided by the Board.
- ❖ Should the Board offer an employee public transportation but he/she requests to drive his/her own vehicle instead, the Board may compensate the employee either for the time the employee spent driving or for the time the Board would have been required to pay the employee during working hours if the employee had used public transportation.
- ❖ The Board is required to compensate employees for travel time spent outside of normal working hours during which the employee is performing any work (i.e. the employee is required to ride as an assistant or driver). The Board will deduct bona fide meal periods and periods when the employee is permitted to sleep in adequate facilities provided by the Board.

One Day Travel for Training:

- ❖ The Board will compensate employees who regularly work at a fixed location for travel time to and from a special one day assignment in another town during regular working hours and outside regular working hours.
- ❖ If the travel cannot be characterized as "special" or "unusual" because it is a normal, contemplated, ordinary incident of employment, then the Board:
 - Must compensate the employee for any travel time that cuts across his/her normal workday.

- Must compensate the employee for travel time from a fixed location (i.e. normal work station) to the training if the Board requires the employee to report to the fixed location before reporting to the training.
- Must compensate the employee for travel time from the training to a fixed location (i.e. normal work station) if the Board requires the employee to report to the fixed location after the training but before reporting home.
- Must compensate any employee who drives other employees to the training for travel time outside normal working hours but need not compensate the employees who are passengers outside normal working hours.

(Fair Labor Standards)

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(P) P.18.5. Failure to Complete Required Continuing Education Hours

Employees are required by State Board Policies 5500 and 5500.02 to complete the scheduled hours of Staff Development each year and employees who fail to complete those hours shall be subject to disciplinary action. Pendleton County's policy is that both Professional and Service Personnel shall annually complete 18 hours of Staff Development. The training is required irrespective of whether an employee is present or absent from work on the days that the Staff Development activity is scheduled.

Regardless of the reason, employees who are absent from work on the days of scheduled Staff Development activities required to complete the training at another time. Within one week of missing a scheduled Staff Development session the employee shall meet with the Coordinator and his/her supervisor to establish a plan to make-up the time missed. Calendar restraints limit opportunities to make-up missed Staff Development; however, possible opportunities include, but are not limited to:

- ❖ The training could be obtained during hours that the employee is "on the clock" but able to be away from their primary duties or work assignments, such as before the "instructional day" begins, after the "instructional day" ends or the employee may voluntarily forego a lunch break to complete SD requirements.
- ❖ Register for approved in lieu hours.
- ❖ Staff Development could be offered on a work day when the employee is not required to perform his/her primary duties.

The county Staff Development Coordinator shall annually establish a deadline prior to the last week of instruction for all employees to have completed their Staff Development hours. Employees who fail to complete the required hours shall be suspended without pay one day for each six hours of Staff Development missed. Employees who are short less than six hours of Staff Development shall be suspended without pay on a pro rata basis.

(WVC §18-5-45; SBP 5500; SBP 5500.02)

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(P) P.18.6. Jason Flatt Act

**West Virginia Board of Education
Implementation Guidelines for the Jason Flatt Act of 2012
Suicide Prevention Professional Development for School Personnel**

The West Virginia Legislature recognized that youth suicide is a leading cause of death among school aged youth and, therefore, passed the Jason Flatt Act of 2012 which becomes effective on July 1, 2012.

West Virginia Code §18A-3A-2(5) Provides for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board. The education may be accomplished through self-review of suicide prevention materials and resources approved by the state board. The provisions of this paragraph may be known and cited as the "Jason Flatt Act of 2012";

The following guidance is provided to support the implementation of this statute:

Background

The West Virginia Board of Education's vision for West Virginia students is for them to develop into healthy, responsible, and self-directed citizens who have the knowledge and Global21 skills to lead satisfying and productive lives. Within this vision is a goal for all students to develop the personal skills and dispositions of wellness, responsibility, self-direction, ethical character, cultural awareness and good citizenship in an environment that is caring and safe.

West Virginia Board of Education *Policy 4373: Expected Behaviors in Safe and Supportive Schools* provides the procedural framework to assist county school systems in their efforts to create the climate/culture that supports development of the dispositions that are valued in our communities, state, nation and world. School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. A sustainable, positive school climate/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. It includes norms, values and expectations that support students feeling socially, emotionally, intellectually and physically safe. Policy 4373 also references other West Virginia Board of Education policies that are essential in supporting the development of positive school climate/culture that will also support suicide prevention efforts within school settings. The Board's vision for healthy student development is foundational to school based contributions to suicide prevention.

Professional Development Guidelines

- ❖ Suicide prevention training for staff (professional staff and service personnel having direct contact with students) shall be integrated within professional development efforts to support school climate/culture improvements so that resulting action is based in research based efforts to promote positive youth development.
- ❖ Suicide prevention professional development initiatives shall be included in County Professional Development Plans.
- ❖ Specific professional development efforts in suicide prevention shall focus on providing information on identifying students at risk of suicide and referral protocols for appropriate services. This information shall include but not be limited to:
 - Warning signs that may indicate suicidal intentions, including changes in appearance, personality and/or behavior;
 - School and community resources and services related to suicide prevention; and
 - County/school crisis plan protocols for intervention/referral when a student attempts, threatens or discloses the desire to commit suicide. These county/school developed protocols should incorporate the American School Counselor Association's Ethical Standards pertaining to students who pose a "Danger to Self or Others":
 - Inform parents/guardians and/or appropriate authorities when a student poses a danger to self or others. This is to be done after careful deliberation and consultation with other counseling professionals.
 - Report risk assessments to parents when they underscore the need to act on behalf of a child at risk; never negate a risk of harm as students sometimes deceive in order to avoid further scrutiny and/or parental notification.
 - Understand the legal and ethical liability for releasing a student who is a danger to self or others.
- ❖ Research-based suicide prevention professional development shall be provided under the direction of a county school system staff development coordinator and/or school counselor or psychologist representatives, in cooperation with one or more community mental health agencies or providers and/or through similar consultant organizations.
- ❖ Modes of delivery for suicide prevention professional development may include but should not be limited to face to face training, on-line training and/or material review.

Resources/Materials

The Center for Professional Development (CPD) will provide for the routine education of all professional educators and service personnel having direct contact with students on warning signs and resources to assist in suicide prevention through self-review of resources and/or materials provided by the Jason Foundation.

In addition, suicide prevention professional development may be provided by county boards of education, Regional Education Service Agencies (RESA), the West Virginia Department of Education (WVDE), the West Virginia Department of Health and Human Resources (WVDHHR), the West Virginia Suicide Prevention Council, the Adolescent Suicide Prevention Education Network (ASPEN) and the

Jason Foundation. County school systems are encouraged to develop partnerships with community mental health providers to assess local needs and resources regarding suicide prevention and design and deliver professional development accordingly.

(WVC §18A-3-2)

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Amended/Revised: September 25, 2007; February 9, 2010; August 2, 2011; September 6, 2011; August 21, 2012; February 4, 2014; October 9, 2014; September 6, 2016; September 5, 2017; December 5, 2017; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.19. Drug Free Workplace****Adopted: August 20, 2003****Last Review:****March 2018**

The primary goal of this policy and the following procedures is to ensure that alcohol and illegal drug and/or controlled substance use is eliminated in the workplace and that the Pendleton County workplace is a safe, healthful, productive, and secure for its employees and citizens.

Drug-Free Workplace Guidelines:

To provide for a drug-free workplace, the Pendleton County Board of Education prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by an employee at the workplace. In addition, employees are prohibited from reporting to work under the influence of alcohol or a controlled substance. As a condition of employment with Pendleton County, employees shall:

- ❖ Abide by the terms of these regulations; compliance is mandatory;
- ❖ Notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after such conviction; and
- ❖ Sign the "Drug-Free Workplace Verification Statement".

It shall be the responsibility of the Staff Development Council to establish a drug awareness program for Pendleton County employees to provide information on the following:

- ❖ The Employee Referral Program;
- ❖ The dangers of drug-abuse in the workplace;
- ❖ The establishment and maintenance of a drug-free workplace;
- ❖ The penalties for workplace drug abuse; and
- ❖ Available drug-free literature.

Definitions:

- ❖ **Alcohol:** Alcoholic beverages and any other intoxicating liquid that contains alcohol.
- ❖ **Contractor:** Any department, division, unit, or any person responsible for the performance of work under a contract.
- ❖ **Controlled substance:** A federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and West Virginia Code 60A-2-201, et seq., (which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.
- ❖ **Conviction:** A finding of guilty (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State Criminal Drug Statutes.
- ❖ **Criminal drug statute:** A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- ❖ **Drug-free workplace:** A work site where work is performed in connection with the employee's Pendleton County employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.
- ❖ **Employee:** Any person who works full-time, part-time, or under contract, including management or temporary staff who are directly engaged in the performance of work pursuant to the mission of Pendleton County.
- ❖ **Illegal drug:** Any drug that is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- ❖ **Legal drug:** Prescribed drugs and over-the-counter drugs that have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

Prohibited Activities:

It is the policy of Pendleton County Board of Education to ensure that its workplaces are free of illegal drugs and controlled substances by prohibiting:

- ❖ The unlawful manufacture, distribution, possession or use, without medical authorization, of illegal or controlled substances and/or alcohol;
- ❖ The reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or
- ❖ The possession of non-medically prescribed paraphernalia.

These guidelines are applicable while employees are engaged in any work-related activity that includes performance of agency business during regularly scheduled workdays, meal breaks, and/or occasions having a connection with the job or the agency. Violators of these guidelines shall be dealt with appropriately and promptly.

Disciplinary Actions:

Employees who are in violation of the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including dismissal and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

Disciplinary actions shall be in accordance with the disciplinary procedures outlined in (P) P.8.7. *Suspension and Dismissal* and (P) P.8.8. *Due Process Rights of School Personnel*. When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Suspension may be effective immediately, and a recommendation for dismissal may ensue. However, action shall be taken within ten workdays of knowledge of the offense.

Penalties for Contractors Who Violate These Procedures:

State or county agencies who are contractors or grantees of federal contracts or grants amounting to at least \$25,000 are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of a drug-free workplace if the number of drug-related convictions of employees indicates that the employer hasn't made a good faith effort to maintain a drug-free workplace.

(P. L. 100-690, 101-226; WV Con. XII-2; WVC 18-2-5; SBP 1461)

Link to [SBP 1461-Drug-Free Workplace](#)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.20. Substance Abuse and Tobacco Control	Adopted: August 20, 2003 Last Review: March 2018

See File B.18. Substance Abuse and Tobacco Control

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PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P. 21. Acts of Harassment, Intimidation, Bullying or Violence against Employees	Adopted: September 6, 2016 Last Reviewed: March 2018

Purpose

It is the policy of Pendleton County Board of Education that the dignity of each human being shall be valued in all school system activities, and that it is our responsibility to provide and maintain an educational and working environment that is free from acts of harassment, intimidation, bullying or violence.

Any act of harassment, intimidation, bullying or violence involving employees, students, school volunteers or the public is a violation of this policy and shall not be tolerated by Brooke County Board of Education.

Extent of Coverage

- ❖ This policy applies to any student, employee, school volunteer or member of the public during the workday and instructional day, during any school related activity or during any education-sponsored event, whether in a building or other property or in any vehicles used or operated by the Pendleton County Board of Education.
- ❖ Building facilities and other property of the Pendleton County Board of Education shall not be leased or loaned to any individual or organization in violation of this policy.
- ❖ Any individual or organization working in cooperation with the Pendleton County Board of Education programs, including but not limited to mentoring, shadowing programs, internships and volunteers, are required to abide by this policy.
- ❖ This policy applies to any individual or group conducting official business within the Pendleton County Board of Education service area.

It shall be a violation of this policy for any employee, student, school volunteer, outside group, or third party using school facilities, to harass an employee, student, school volunteer or a member of the public through conduct or communication of a racial, sexual or religious/ethnic nature; bullying; acts of violence or any other type of harassment. School facility shall include any building or property used or operated by the Pendleton County Board of Education

Appropriate personnel within the Pendleton County Schools will investigate all complaints of harassment or violence and discipline any student or employee who harasses a student or employee of Pendleton County Schools. Penalties for members of the public shall be in compliance with the laws of West Virginia and the policies of the school system.

Harassment Intimidation and Bullying Defined:

As used in this policy, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- ❖ A reasonable person under the circumstances should know will have the effect of any one or more of the following:
 - Physically harming an individual;
 - Damaging an individual's property;
 - Placing an individual in reasonable fear of harm to his or her person; or
 - Placing an individual in reasonable fear of damage to his or her property;
- ❖ Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or work environment for an employee; or
- ❖ Disrupts or interferes with the orderly operation of the school system.

- ❖ As used in this policy, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

Complaint and Investigation Procedures for Alleged Harassment, Intimidation or Bullying

Any employee who believes s/he has been the victim of harassment, bullying, or intimidation, by another employee of the Pendleton County Board of Education or any other individual, must report the alleged acts immediately to the appropriate principal or supervisor. The reporting party or complainant is encouraged to use the report form available from the building principal or workplace supervisor or the Pendleton County Board of Education Office.

All reported incidents of harassment, intimidation or bullying shall receive an appropriate response from Pendleton County school officials. The following steps will be implemented by the principal or supervisor in charge:

- ❖ The principal or supervisor shall take such reasonable steps as necessary, to protect a victim from additional harassment, intimidation, or bullying, and from retaliation following a reported violation of these procedures.
- ❖ The principal or his/her designee or the supervisor shall conduct an investigation into the allegations in a timely fashion. At a minimum, the investigation shall consist of the following:
 - Personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident 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.
- ❖ The investigation will be completed as soon as practicable but no later than ten school days following the reported violation. A written report shall be compiled 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 principal.
- ❖ 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 these procedures. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of subjects, complainants, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.
- ❖ The principal or supervisor shall keep an official record of each incident investigated and said report shall be reported within the WVEIS as appropriate.

Consequences and Punishment

- ❖ Employees who engage in harassing behavior shall be in violation of File: (P) P.9.2. *Employee Code of Conduct* as well as the requirements of this policy and shall be disciplined in accordance with File: (P) P.8.7. *Suspension and Dismissal*.
- ❖ Members of the public who engage in harassing behavior shall be removed from the school premises and may face other penalties within the discretionary powers of the Brooke County Board of Education. Local legal authorities may be involved as appropriate.
- ❖ Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

Board Action and Reporting

Upon receipt of a report substantiated by the investigation, the county superintendent will take appropriate action against those found to have violated this policy.

Such action for employees may include, but is not limited to, warning, suspension, termination and revocation of licensure.

The Superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding. The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when investigation shows that harassment or violence did occur and all action taken in response to the incident.

Special note: If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaining individual maybe subject to discipline, including but not limited to oral or written reprimand, suspension, termination of employment, and/or discipline under the Student Code of Conduct.

Parents and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action.

Prevention Programs

The Board will develop and implement an education program for each programmatic level, K- 4, 5-8, and 9-12, which includes character education as well as a program for all faculty and staff. The programs, at a minimum must: raise awareness of the different types of harassment, how it manifests itself, its devastating emotional and educational consequences, and its legal consequences.

In addition, multicultural education programs will be developed and implemented for faculty, staff and students to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

Dissemination of Policy and Training

- ❖ This policy or a summary shall be conspicuously posted throughout each of the Board's facilities in areas accessible to pupils and staff members.
- ❖ This policy shall appear in employee handbooks and if no handbook is available, a copy will be distributed to all employees
- ❖ The Board will develop and implement training for employees on these regulations and on means for effectively promoting the goals of this policy.
- ❖ This policy shall be reviewed at least bi-annually for compliance with state and federal law and state board of education policy.

Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse that may include filing charges with the West Virginia Human Rights Commission, filing an employee grievance under WV Code §18-29-1, et. seq., filing a citizen's appeal under West Virginia Board of Education Policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

Sections 703 of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000C, et. seq., Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681, et. seq., WV Code §5-11-1, et seq, §18-2-5, §18-2-5a and §18-2-7b, et. seq., §18-2c-1, et. Seq, West Virginia Constitution, Art. XII, §2, SBP 4373, and the West Virginia Human Rights Act.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION

P. PERSONNEL – PROFESSIONAL AND SERVICE

File: P.22. Substitute Employees

Adopted: August 20, 2003

Last Review:

March 2018

The Pendleton County Board of Education, under the direction of the superintendent, shall maintain under contract a list of qualified personnel who may be called upon to assume the duties of regular employees who find it necessary to be absent from their assignments.

The responsibility for reporting the need for substitute assignments rests with the building principal and other program supervisors.

Substitute assignments shall be made according to the rules promulgated by the Legislature and this body.

(P) P.22.1. Substitute Teacher Regulations

Substitute teachers may be employed by the Board of Education subject to State statutes and the Superintendent's and the Board's approval. Substitute teachers may be employed and assigned to perform the following duties:

- ❖ To fill the temporary absence of any teachers or an unexpired term made vacant by a resignation, death, suspension or dismissal;
- ❖ To fill the position of a regular teacher on leave of absence; or
- ❖ To perform the duties of a teacher who is absent without loss of pay as approved by the Board.

When the Board receives information that leads it to know or reasonably expect that a teacher's absence will prospectively extend for 20 consecutive employment days or more, the Personnel Director shall notify all qualified personnel on the preferred recall list of the opening. The opportunity to substitute in such cases shall be first offered, in seniority order, to qualified individuals on the preferred recall list. The 20 consecutive day rule applies to employees who are absent with a Board approved leave without pay or who are absent using personal leave benefits.

Principals of all schools are furnished a list of approved substitute teachers. The principal shall contact a teacher on the approved list. It shall be the principal's responsibility to access his/her substitute needs accurately and avoid circumstances where substitute teachers arrive at the school for an assignment only to find out they are not needed.

In the event an error in assignment is made by the school system, the substitute teacher shall remain at the school for one-half day and perform alternative duties assigned by the principal. The substitute teacher shall receive compensation for one-half day. One-half day is to be construed as one-half of the class periods in a rotating schedule (i.e. 4 of 8 periods or 3 of 7 periods) or in the case of a self-contained schedule, one-half of the clock hours in the instructional day. Substitute teachers will be expected to receive the same notification of emergency school closings as regular teachers and should not report for an assignment if the school is closed and they will not be compensated in any way if they report to a closed school.

In the event a substitute teacher is required after the school day begins, s/he will be compensated in the following manner:

- ❖ One-half of the class periods or the instructional day = one-half day of compensation
- ❖ More than one-half of the class periods or the instructional day = full-day of compensation

The absent regular teacher shall be required to request personal leave in an amount equal to the amount of time for which the substitute teacher is compensated.

Regular teachers shall notify the principal on the day preceding their anticipated absence indicating number of days they expect to be absent. Insofar as possible, the regular teacher should notify his/her principal by 7:00 a.m. if he/she is going to be unexpectedly absent. The day before their return they shall

notify the principal and he/she shall likewise notify the substitute. If teachers fail to notify their principal on the day prior to their return, the substitute shall remain on the job and the regular teacher will forfeit a day of personal leave.

Teacher absences must be reported on the regular substitute form by the principal even though a substitute is not obtained.

The principal of each school shall have prepared for distribution to substitute teachers, data relative to lesson plans, fire drills, special duties, etc.

Substitute teachers who are “continuously assigned” to the same classroom for more than one-half of a grading period and whose assignment remains in effect two weeks prior to the end of a grading period are to remain in the assignment until the grading period has ended, unless the principal certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return by his/her physician.

Substitute teachers shall observe the same school day and teaching and duty schedule as required for the regular full-time teacher for whom the substitution is required. Substitute teachers who teach a minimum of two consecutive days in the same position shall be granted a planning period. Substitute pay scales may be found in (P) P. 6.2. *Compensation Guidelines*.

(WVC §18A-2-3, §18A-4-7, §18A-4-7a and §18A-4-14)

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(P) P.22.1.1. Professional Substitute Pay Scale

The daily rate of pay for a substitute teacher shall not be less than 80% of the daily rate of the state BASIC salary for the first 10 days.

Any substitute teacher who teaches in excess of 10 consecutive instructional days in the same position (11- 30 days) shall, thereafter, be paid 80% of the daily rate of the state ADVANCED salary (taking experience into account) .

Substitute teachers who teach in excess of 30 days in the same position shall be paid the daily rate of the ADVANCED salary within that teacher's county (NOTE: §18A-4-7 does not require that the 30 days be consecutive as required for the previous category)

- ❖ BASIC salary is defined in §18A-4-1 as the salary paid to teachers with zero years of experience and in accordance with the teacher's classification of certification and training. In other words, there is no equity and no experience pay.
- ❖ ADVANCED salary is defined in §18A-4-1 as basic salary plus the experience increment for the allowable years of experience of the teacher. In other words, still no equity but the teacher is paid for experience and his/her classification of certification and training.
- ❖ ADVANCED salary within the teacher's county (for those who teach in excess of 30 days in the same position) has been interpreted to mean the county's actual salary schedule for a regular teacher, which includes state basic, state equity, and the county supplement. Substitutes who teach in excess of 30 day in the same position are to be paid the same daily rate as a regular teacher with the same salary classification and years of experience.

(WVC §18A-4-7)

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(P) P.22.1.2. Bowles-Rice Table of Compensation and Benefits for Professional Substitutes

Benefits	Sub teachers working fewer than 10 consecutive instructional days in the same position	[Sub teachers working	Sub teachers working more than 30 instructional days in the same position (whether consecutive or not)
		than 10 consecutive instructional days in the same position	
Sick/Personal Leave*	No	No	No
Retirement	Refer all questions to Retirement Board	Refer all questions to Retirement Board	Refer all questions to Retirement Board
PEIA (health insurance, etc.)**	No	No	No**
Leave under Federal Family and Medical Leave Act	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of service in prior 12 months required)	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of service in prior	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of
Leave under W. Va. Parental Leave Act	No, because employee using this leave must have been hired <i>for permanent</i> employment	No, because employee using this leave must have been hired <i>for permanent</i> employment	No, because employee using this leave must have been hired <i>for permanent</i> employment
Entitled to take leave of absence***	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a
Seniority****	133-day rule (for bidding purposes only)	133-day rule (for bidding purposes only)	133-day rule (for bidding purposes only)
Planning period	Two consecutive days/same position rule W. Va. Code 18A-4-14	Two consecutive days/same position rule W. Va. Code 18A-4-14	Two consecutive days/same position rule W. Va. Code 18A-4-14
Duty free lunch	More than one-half of class periods in day rule W. Va. Code 18A-4-14	More than one-half of class periods in day rule W. Va. Code 18A-4-14	More than one-half of class periods in day rule W. Va. Code 18A-4-14
Paid OSE days & School Holidays	No. See Kent ⁺	No. See Kent ⁺	No. See Kent ⁺
	(unless actually working that day)	(unless actually working that day)	(unless actually working that day)
Pay scale	80% of state basic salary	80% of state advanced salary (taking experience into account)	100% of state advanced salary (taking experience into account)
Experience credit for pay purposes	133-day rule	133-day rule	133-day rule
Right to remain in position once placed there	Generally no; but should not be removed arbitrarily or capriciously Vest v. Nicholas County	Generally no; but should not be removed arbitrarily or capriciously Vest v. Nicholas County	Generally no; but should not be removed arbitrarily or capriciously Vest v. Nicholas County
		W. Va. Code 18A-23 (b)*****	W. Va. Code 18A-2-3 (b)*****

***Personal Leave**

Pendleton County Personal Leave benefits are for full-time employees only.

****PEIA Health Insurance**

Long-term substitutes shall be eligible to receive PEIA benefits. A long-term substitute who is continuously employed for at least one 133 instructional days during an instructional term, and until the end of that instructional term, is eligible for PEIA benefits until the first day of September following that instructional term: Provided, A long-term substitute employed fewer than one 133 instructional days during an instructional term is eligible PEIA benefits only during such time as he or she is actually employed as a long-term substitute.

For purposes of PEIA coverage, a retired employee who is hired as a substitute to fill a vacant position is not considered to be a long term substitute entitled to coverage.

***** Leave of Absence**

Professional personnel leaves of absence may be granted to tenure personnel only.

******Seniority for Professional Substitutes**

Upon completion of one 133 days of employment in any one school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee. (WVC §18A-4-7a)

*******Right to remain in position once placed there**

Substitute teachers who are “continuously assigned” to the same classroom for more than one-half of a grading period and whose assignment remains in effect two weeks prior to the end of a grading period are to remain in the assignment until the grading period has ended, unless the principal certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return by his/her physician.

+Kent v. Jackson County Bd. Of Educ., Docket No. 90-18-418 (January 25, 1991)

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(P) P.22.2. Substitute Service Employees Guidelines

The Pendleton County Board shall employ individuals for service personnel substitute lists pursuant to §18A-4-15. The Superintendent is authorized to assign substitute service personnel on the basis of seniority to perform any of the following duties:

- ❖ To fill the temporary absence of another service employee; or
- ❖ To fill the position of a regular service employee who requests in writing and is granted a leave of absence in writing by the Board or to fill the position of a regular service employee who is on workers' compensation.
- ❖ If the absence caused by a leave of absence or a workers' compensation claim is to extend beyond 30 days, the Board shall post the position of the absent employee. If a substitute person is employed to fill the position and is employed 20 or more working days, that person:
 - Acquires regular employee status with the exception of regular employee job bidding rights;
 - Does not accrue regular seniority;
 - Shall hold the position and regular employee status only until the regular employee returns to the position **or** when the regular employee's employment by the Board ceases; and
 - Shall be accorded all rights, privileges and benefits pertaining to the position. However, the phrase “all rights, privileges and benefits” does not include retirement benefits. Retirement benefits are accorded only to employees who are regularly employed for full-time service.
- ❖ To perform the service of a service employee who is authorized to be absent from duties without loss of pay.
- ❖ To temporarily fill a vacancy in a permanent position caused by severance of employment by the resignation, transfer, retirement, permanent disability, dismissal pursuant to §18A-2-8 or death of the regular service employee who had been assigned to fill the position.

- Within 20 working days from the commencement of the vacancy, the board shall fill the vacancy under the procedures set out in §18A-4-8b or §18A-2-5 of the code, and the person hired to fill the vacancy shall be accorded all rights, privileges and benefits pertaining to the position. However, the phrase “all rights, privileges and benefits” does not include retirement benefits. Retirement benefits are accorded only to employees who are regularly employed for full-time service.
- ❖ To fill the vacancy created by a regular employee's suspension. If the suspension is for more than 30 working days the Board shall post the position according to §18A-4-8b of the Code. If a substitute service employee is assigned to fill the vacancy, that person:
 - Acquires regular employee status with the exception of regular employee job bidding rights;
 - Does not accrue regular seniority; and
 - Is accorded all rights, privileges and benefits pertaining to the position until the termination by the county board becomes final or the suspended employee returns to employment. However, the phrase “all rights, privileges and benefits” does not include retirement benefits. Retirement benefits are accorded only to employees who are regularly employed for full-time service.
 - If the suspended employee is not returned to his or her job, the board shall fill the vacancy under the procedures set out in §18A-4-8b or §18A-2-8 of the code.
- ❖ To temporarily fill a vacancy in a newly created position prior to employment of service personnel on a regular basis.

***Special Note: A substitute service person who has worked thirty days for a school system has all rights pertaining to suspension, dismissal and contract renewal as are granted to regular service personnel in sections six, seven, eight and eight-a, article two of this chapter.**

(WVC §18A-4-15)

(P) P.22.2.1. Procedure for Assigning Service Substitutes

To establish a uniform system of providing a fair and equitable opportunity for substitutes to enter upon their duties for the first time, the following method shall be used: The initial order of assigning newly employed substitutes shall be determined by a random selection system established by the affected substitute employees and approved by the Board. This initial priority order shall be in effect only until the substitute service personnel have entered upon their duties for the first time.

On a day-to-day basis, service substitutes shall be assigned in the following manner:

- ❖ Any regular service person employed in the same building or working station and the same classification category of employment as the absent employee shall be given the first opportunity to fill the position of the absent employee on a rotating and seniority basis. In such case the regular service person's position is filled by a substitute service person. For the purpose of this section only, all regularly employed school bus operators are considered to be employed within the same building or working station.
- ❖ At the second level, the substitute with the greatest length of service time, that is, from the date he or she began his or her assigned duties as a substitute in that particular category of employment, shall be given priority in accepting the assignment.
- ❖ All substitutes shall be employed on a rotating basis according to the length of their service time until each substitute has had an opportunity to perform similar assignments.

In the event an error in assignment is made by the school system, the substitute service employee shall remain at the school for one-half day and perform alternative duties assigned by the principal. The substitute service employee shall receive compensation for one-half day. One-half day is to be construed as three and one-half hours. Substitute service employees will be expected to receive the same notification of emergency school closings as regular teachers and should not report for an assignment if the school is closed and they will not be compensated in any way if they report to a closed school.

In the event a substitute service employee is required after the work day begins, he/she will be compensated in the following manner:

- ❖ Three and one-half hours = one-half day of compensation
- ❖ More than three and one-half hours = full-day of compensation

The absent regular service employee shall be required to request personal leave in an amount equal to the amount of time for which the substitute service employee is compensated.

(WVC §18A-4-15)

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(P) P.22.2.2. Service Substitute Pay Scale

WVC §18A-4-15(d) requires the Pendleton County Board of Education to:

- ❖ Base substitute service personnel salaries upon their years of employment as defined in WVC §18A-4-8;
- ❖ As provided in the state minimum pay scale set forth in §18A-4-8a; and
- ❖ In accordance with the salary schedule of the persons regularly employed in the position in the county.

However, the State Department Office of School Finance has ruled that the salary of a substitute service employee working in positions that have multiple levels, depending upon either years of experience or educational level, shall be based upon the years of employment and educational level of the substitute employee and not upon the years of employment and educational level of the regular employee.

The Office of School Finance has also ruled that Substitute aides and secretaries will be paid on their own experience and level of education and not those of the employee for whom they are substituting.

Also, service employees who normally work a split-shift and who agree to work for another employee who does not have a split-shift will not receive the split-shift differential pay for those days worked.

The pay received by regular employees who also serve, as substitute employees for another class title will be based upon their years of experience in that class, but they will not be paid for both assignments at the same time unless leave time is used.

(WVC §18A-4-8; §18A-4-15)

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(P) P.22.2.3. Bowles-Rice Chart of Compensation and Benefits for Service Substitutes

Benefits	Temporary Benefits (regardless of length) (sometimes called “casual substitutes” WV Code 18A-4-15(a)(1)	Workers Compensation Absence (more than 30 days) WV Code 18A-4-15(a)(15); posted and filled under 18A-4-8b	Written Leave of absence (more than 30 days) WV Code 18A-4-15(a)(2); posted and filled under 18A-4-8b	Suspension of Regular Employee (more than 30 days) WV Code 18A-4-15(a)(5); posted and filled under 18A-4-8b
Sick/Personal Leave	No, 18A-4-10 restricts who earns paid sick Leave to regular employees	Yes	Yes	Yes
Retirement	Refer to Retirement Bd.	Refer to Retirement Bd.	Refer to Retirement Bd.	Refer to Retirement Bd.
PEIA (health insurance, etc	No*	Yes	Yes	Yes
Duty Free Lunch	Yes**	Yes	Yes	Yes
Overtime Pay	Yes	Yes	Yes	Yes
Paid OSE days & School Holidays	No	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO
Leave under Federal Family and Medical Leave Act	Possible (minimum of 1250 hours of service in prior 12 months required	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO	Yes, if other regular employees receive pay or if employee is actually working; otherwise, NO
Leave under WV Parental Leave Act	No, because employee using this leave must have been hired for <i>permanent</i> employment	No, because employee using this leave must have been hired for <i>permanent</i> employment	No, because employee using this leave must have been hired for <i>permanent</i> employment	No, because employee using this leave must have been hired for <i>permanent</i> employment
Regular seniority for bidding purposes (on regular positions when employee returns to substitute status	No	No	No	No
Experience credit for pay purposes	133 day rule	133 day rule	133 day rule	133 day rule
Entitled to take a leave of absence***	See Local Board Policy WV 18A-2-2a	See Local Board Policy WV 18A-2-2a	See Local Board Policy WV 18A-2-2a	See Local Board Policy WV 18A-2-2a

Compensation: All substitute service employees receive compensation based upon their years of employment as defined in WV Code 18oA-4-8 and otherwise in accordance with the salary schedule of persons regularly employed in the same position in the county in which they are employed.

*BUT SEE WV CODE 5-16-2 (definitions in PEIA statute) “Employee” means...any person who works as a **long-term substitute** as defined in [18/ai-1-1] of this code in the service of a county board of education: Provided, That a **long-term substitute** who is continuously employed for at least 133 instructional days during an instructional term, and until the end of that instructional term, is eligible for the benefits provided in this article until the first day of September following the instructional term; Provided, That a **long-term substitute** employed fewer than 133 instructional days during an instructional term is eligible for benefits provided in this article on during such time as he/she is actually employed as a **long-term substitute**.

**If employee is to work more than 3.5 hours a day, WV Code 18A-4-14

*****Leave of Absence** - leaves of absence may be granted to **tenured personnel only**.

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(P) P.22.2.4. Maintaining a Listing of Substitute Service Personnel

An approved listing of substitute service personnel shall be provided annually by the Pendleton County Board of Education. Individuals who are interested in being substitutes shall contact the Director of Student Services and Personnel and complete the appropriate application form. Applications can only be accepted from persons meeting the following criteria:

- ❖ A high school graduate, or GED, or currently enrolled in a GED program; and
- ❖ A passing score on the State mandated competency test for the specific employment categories where substitute employment is desired.

Such applicants shall be presented, along with a recommendation to the Superintendent and the Board of Education. Following Board approval, individuals named shall be placed on the substitute list. The identification and placement of names on the substitute list shall be done at the beginning of each school term. It will be necessary for all personnel to notify the Board of their desire to be placed on the substitute list for each ensuing year. It is the intent of the Board to employ a sufficient number of substitute personnel at the beginning of the school term. Placement of additional names on the substitute list will be done only on an as needed as determined by the Superintendent and Board.

As substitute service personnel are often needed on a regular basis or under emergency circumstances, and may be used for varying lengths of times, it shall be necessary for such personnel to be available for employment as needed. Preference for placing individuals on the substitute service personnel list will be based on their availability to work on an as-needed basis. Applicants must show that such substitute work would not conflict with other employment or responsibilities. This may be verified through the applicant's employer as necessary. Substitute service personnel shall be hired on an as-needed basis through the Superintendent's Office.

(WVC §18A-4-15)

(P) P.22.3. Procedure for Calling Service Substitutes

All persons applying for employment as a service substitute shall provide the personnel office with a telephone number at which they can be reached by the automated substitute calling system. This telephone number will be the only means by which the Board will attempt to contact substitutes.

The following guidelines will be followed in calling substitute service employees for Pendleton County:

- ❖ All service substitute employees (with the exception of bus operators) will be called through the automated substitute calling system.
- ❖ Calls will be made when substitutes are needed on a regular, rotating basis, beginning with the substitute who has the most seniority and continuing through the list until all substitutes have been called. The procedure will then be repeated.
- ❖ When a substitute is called for an absent employee, he/she will have the opportunity to substitute for the duration of that employee's absence, provided that he/she receives favorable evaluations or, in the event of a vacancy, until the job is filled.

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(P) P.22.4. Substitute Service Personnel who are Unavailable for or Refuse to Accept Assignments

Substitute service personnel who have not worked at least ten (10) days during a semester and who have been unable to fill an assignment upon being contacted for three (3) consecutive occasions will be referred to the process outlined below:

- ❖ A conference will be held with the Director of Personnel.
- ❖ Following this conference, if the above criteria are met for a second time, the Superintendent will recommend to the Board of Education that the substitute's contract be terminated.

Substitutes who are experiencing personal illness or illness in the immediate family or other serious family issues may request that they be considered inactive for six months. They may make such request by contacting the Personnel Office.

(P) P.22.7. Long-term Substitute

Long-term substitute" means a substitute employee who fills a posted vacant position that the Superintendent expects to extend for at least 30 consecutive days and is either:

- ❖ Listed in the job posting as a long-term substitute position of over 30 consecutive days; or
- ❖ Listed in a job posting as a regular, full-time position and:
 - Is not filled by a regular, full-time employee; and
 - Is filled by a substitute employee.
 -

Long-term substitutes shall be eligible to receive PEIA benefits. Substitutes who are assigned to fill "long term" absences shall, after 30 days of employment in the position, receive the following additional benefits:

- ❖ They shall be paid according to the Advanced Salary Scale which means their pay will be based upon the county's actual salary schedule for a regular teacher, which includes state basic, state equity, and the county supplement. Substitutes who teach in excess of 30 day in the same position are to be paid the same daily rate as a regular teacher with the same salary classification and years of experience.

Note: For purposes of PEIA coverage, a retired employee who is hired as a substitute to fill a vacant position is not considered to be a long term substitute entitled to coverage.

Pay Procedures for Long-Term Professional and Service Substitutes when Instructional Days are Cancelled

According to WVC §18A-5-2, a school employee's pay per pay period may not change as a result of a school closing not being counted as a day of employment, and the employee shall be paid the same amount during any pay period in which a school closing occurs that the employee would have been paid during the pay period if a school closing had not occurred. Long-term substitutes (both professional and service) are entitled to be paid essentially for the same types of employment days that regular employees are to be paid.

Employee pay for cancelled instructional days depends upon the type of day that is being used as a make-up day according to the following categories.

The Canceled Instructional Day is being made Up Using a Non-Instructional Day:

Long-term substitutes (both professional and service) are entitled to be paid essentially for the same types of employment days that regular employees are to be paid. Therefore, they are entitled to be paid for instructional days canceled due to inclement weather (snow days) in the situations where a non-instructional day is being used to reschedule a canceled instructional day. The minimum 200 day employment term is not being extended, so neither regular employees or long-term substitutes are entitled to additional days of pay.

In addition, both regular and substitute teachers are entitled to the extra-student pay for the canceled day. The pay is to be determined based on the class enrollment as of the date of the canceled instructional day.

The Canceled Instructional Day is Being Made up Using an Out-of-Calendar Day:

In the situations where the canceled instructional day is being rescheduled using an out-of-calendar (non-paid) day, the canceled instructional day becomes the out-of-calendar day and the rescheduled day becomes the instructional (paid) day. In this manner, the minimum 200-day employment term is also not being extended, so neither regular employees or long-term substitute employees are entitled to additional days of pay.

Regarding extra-student pay, neither regular or substitute teachers are entitled to the extra-student pay for the canceled instructional day, since it is now considered an out-of-calendar (non-paid) day, but they are entitled to the pay on the day that is used as the rescheduled day. In this case, the extra-student pay should be based on the class enrollment as of the day the rescheduled instructional day is provided, should the class enrollment differ between the two dates.

Note also that, according to WVC §18A-5-2, an employee's pay is not to be adjusted due to the cancelation and rescheduling of an instructional day. For the instructional days that are canceled and being made up by an out-of-calendar day, the employees, both regular and long-term substitutes, are being paid for the day in advance.

Of course the service personnel with 200-day employment terms who are required to report to work on both the canceled instructional day and the rescheduled day, such as custodians who are required to report to work to clear snow, are entitled to compensation for both days, since they have had to report to work for more than the minimum 200-day employment term. But according to the Fair Labor Standards Act (FLSA), the compensation can be in the form of compensatory time off rather than actual pay, as long as the employee agrees to such an arrangement in advance.

[WVC § 5-16-2-(3); §18a-1-1(I); §18A-5-2]

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Amended/Revised: October 4, 2004; October 19, 2005; September 25, 2007; January 12, 2010;
February 9, 2010; August 24, 2010; September 6, 2011; October 2, 2012;
April 21, 2015; September 1, 2015; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.22.A Employment of Retired Teachers as Substitute Teachers in Areas of Critical Need and Shortage	Adopted: September 6, 2016 Last Review: March 2018

Purpose

The purpose of this policy is to provide for the employment of retired teachers in areas of critical need and shortage beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board without affecting the monthly retirement benefit to which the retired employee is otherwise entitled.

Definition

“Area of critical need and shortage for substitute teachers” means an area of certification and training in which the number of available substitutes teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. “Teacher or substitute teacher” includes speech pathologists and school nurses. Guidance counselors cannot be designated as areas of critical need and shortage.

Statement of Need

The Pendleton County Board of Education finds and determines that for the **2018-2019** school term it faces a critical need for certified teachers in the areas of : **Math (middle and high school grades); Special Needs Pre-K thru 12 (all areas of exceptionality); Science; Math Interventionist; Reading interventionist; and Elementary Teachers.**

The Board has also determined that there is a shortage of available substitute teachers in the county who are not retired and who hold the required certification to cover these areas of critical need and shortage; and

The Superintendent has recommended the Board adopt this policy permitting retired teachers to substitute for an unlimited numbers of days in order to help alleviate these critical needs shortages for the **2018-2019** school term.

Critical Needs Policy for the 2018-2019 School Term

The Pendleton County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days during the **2018-2019** school term, without affecting such retiree’s monthly retirement benefit, in order to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W. Va. Code §18A-2-3. The retired teacher may be employed as a substitute teacher in areas of critical need and shortage on an expanded basis only when no other teacher who holds a certification and training the area and who is not retired is available and accepts the substitute assignment.

Limitations

The following conditions and criteria shall be met in the employment of retired employees as substitute teachers in an area of critical need and shortage:

- ❖ Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute.
- ❖ A teacher is eligible to be employed as a critical needs substitute teacher to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher’s retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

- ❖ Retired teachers employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.
- ❖ When a retired teacher is employed as a critical needs substitute the county board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position.
- ❖ When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

State Board Approval

The county Superintendent shall forward a copy of this policy to the West Virginia State Board of Education for its approval prior to employment of a retired teacher on an expanded basis as a substitute in an area of critical need and shortage.

Affidavit

Prior to employment of a substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the state board, on a form approved by the Consolidated Retirement Board, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

Upon verification of compliance with W. Va. Code §18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(WVC Code § 18A-2-3; §5-10D-1)

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Amended/Revised: October 16, 2018

PENDLETON COUNTY BOARD OF EDUCATION**P. PERSONNEL – PROFESSIONAL AND SERVICE****File: P.23. Employee Grievance Procedure****Adopted: August 20, 2003****Last Review:****March 2018**

The statewide grievance procedure is designed to reach solutions to problems that arise between the public employees of the State of West Virginia and their employers within the scope of their respective employment relationships. The goal of the Public Employees Grievance Procedure is to resolve grievances in a fair, efficient, cost-effective and consistent manner which will maintain good employee morale, enhance employee job performance and better serve the citizens of the county and state.

Nothing in the code and accompanying guidelines prohibits the informal disposition of grievances by stipulation or settlement agreed to in writing by the parties, nor the exercise of any hearing right provided in Chapter 18 or Chapter 18A of the code

The effective day of the Public Employees Grievance Procedure shall be July 1, 2007. Any grievance proceeding which is in process on the effective date of the new procedures will be completed as expeditiously as possible, and all outstanding orders for hearings must be completed by the first day of July, 2007. Parties to grievances for which a hearing has not been held may, by agreement, proceed to either level two or level three.

Additional information about the grievance procedure may be found in §6C-2-1 thru §6C-2-6 of the Code.

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(P) P.23.1. Definitions as They Apply to the Pendleton County Board of Education

- ❖ "Board" means the West Virginia Public Employees Grievance Board created in WVC § 6C.
- ❖ "Chief administrator" means the Superintendent. The Superintendent may appoint a designee who shall have the authority delegated to handle any aspect of the grievance procedure as established by code.
- ❖ "Days" means working days exclusive of Saturday, Sunday, official holidays and any day in which the employee's workplace is legally closed under the authority of the Superintendent owing to weather or other cause provided for by statute, rule, policy or practice.
- ❖ "Discrimination" means any differences in the treatment of similarly situated employees, unless the differences are related to the actual job responsibilities of the employees or are agreed to in writing by the employees.
- ❖ "Employee" means:
 - A person hired for permanent employment by an employer for a probationary, full- or part-time position.
 - A substitute education employee is considered an "employee" only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule or written agreement relating to the substitute.
- ❖ "Employee organization" means an employee advocacy organization with employee members that has filed with the board the name, address, chief officer and membership criteria of the organization.
- ❖ "Employer" means the Pendleton County Board of Education.
- ❖ "Favoritism" means unfair treatment of an employee as demonstrated by preferential, exceptional or advantageous treatment of a similarly situated employee unless the treatment is related to the actual job responsibilities of the employee or is agreed to in writing by the employee.
- ❖ "Grievance" means a claim by an employee alleging a violation, a misapplication or a misinterpretation of the statutes, policies, rules or written agreements applicable to the employee including:
 - Any violation, misapplication or misinterpretation regarding compensation, hours, terms and conditions of employment, employment status or discrimination, unless the discrimination is related to the actual job responsibilities of the employee or agreed to in writing by the employee;

- Any discriminatory or otherwise aggrieved application of unwritten policies or practices of his or her employer;
 - Any specifically identified incident of harassment, including repeated or continual disturbance, irritation or annoyance of an employee that is contrary to the demeanor expected by law, policy and profession, or favoritism, including unfair treatment of an employee as demonstrated by preferential, exceptional or advantageous treatment of another similarly situated employee; or
 - Any action, policy or practice constituting a substantial detriment to or interference with the effective job performance of the employee, or the health and safety of the employee.
 - ❖ "Grievant" means an employee or group of similarly situated employees filing a grievance.
 - ❖ "Harassment" means repeated or continual disturbance, irritation or annoyance of an employee that is contrary to the behavior expected by law, policy and profession.
 - ❖ "Party" and "parties" mean the grievant and employer.
 - ❖ "Representative" means any employee organization, fellow employee, legal counselor or other person designated by the grievant as the grievant's representative and may not include a supervisor who evaluates the grievant.
 - ❖ "Reprisal" means the retaliation of an employer toward a grievant, witness, representative or any other participant in the grievance procedure either for an alleged injury itself or any lawful attempt to redress it.
- (WVC §6C-2-2)

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(P) P.23.2. Grievance Procedure Generally

The procedures set forth in the following pages are very specific and clearly define the manner in which employee grievances must be reviewed and resolved.

Time Limits:

- ❖ An employee shall file a grievance within the time limits specified in the code.
- ❖ The specified time limits may be extended to a date certain by mutual written agreement, and shall be extended whenever a grievant is not working because of accident, sickness, death in the immediate family or other cause for which the grievant has approved leave from his/ her employment.

Default:

- ❖ The grievant prevails by default if a required response is not made by the employer within the time limits established in the code, unless the employer is prevented from doing so directly as a result of injury, illness or a justified delay not caused by negligence or intent to delay the grievance process.
- ❖ Within 10 days of the default, the grievant may file with the Superintendent or designee a written notice of intent to proceed directly to the next level or to enforce the default. If the Superintendent or designee objects to the default, then he/she may, within five days of the filing of the notice of intent, request a hearing before an administrative law judge for the purpose of stating a defense to the default or showing that the remedy requested by the prevailing grievant is contrary to law or contrary to proper and available remedies
- ❖ If the administrative law judge finds that the employer has a defense to the default as permitted by the code, or that the remedy is contrary to law or not proper or available at law, he/she may deny the default, or modify the remedy to be granted to comply with the law or otherwise make the grievant whole.

Defenses and Limitations:

- ❖ **Untimeliness.** -- Any assertion that the filing of the grievance at level one was untimely shall be made at or before level two.
- ❖ **Back Pay** -- When it is a proper remedy, back pay may only be granted for one year prior to the filing of a grievance, unless the grievant shows, by a preponderance of the evidence, that the employer acted in bad faith in concealing the facts giving rise to the claim for back pay, in which case an eighteen-month limitation on back pay applies.

- ❖ Statutory defense. -- If the employer intends to assert the application of any statute, policy, rule or written agreement as a defense at any level, then a copy of the materials shall be forwarded to the grievant and his or her representative.

Withdrawal and Reinstatement of Grievance:

An employee may withdraw a grievance at any time by filing a written notice of withdrawal with Superintendent or the administrative law judge. The grievance may not be reinstated by the grievant unless reinstatement is granted by the Superintendent or the administrative law judge. If more than one employee is named as a grievant, the withdrawal of one employee does not prejudice the rights of any other employee named in the grievance.

Consolidation and Groups of Similarly Situated Employees:

- ❖ Grievances may be consolidated at any level by agreement of all parties, or at the discretion of the Superintendent or designee or the administrative law judge.
- ❖ Class actions are not permitted. However, a grievance may be filed by one or more employees on behalf of a group of similarly situated employees. Any similarly situated employee shall complete a grievance form stating his or her intent to join the group of similarly situated employees. Only one employee filing a grievance on behalf of similarly situated employees shall be required to participate in the conference or level one hearing.

Intervention:

Upon a timely request, any employee may intervene and become a party to a grievance at any level when the employee demonstrates that the disposition of the action may substantially and adversely affect his or her rights or property and that his or her interest is not adequately represented by the existing parties.

Representation and Disciplinary Action:

An employee may designate a representative who may be present at any step of the procedure as well as at any meeting that is held with the employee for the purpose of discussing or considering disciplinary action.

An employee may not be compelled to testify against himself or herself in a disciplinary grievance hearing.

Reprisal:

No reprisal or retaliation of any kind may be taken by an employer against a grievant or any other participant in the grievance procedure by reason of his or her participation. Reprisal or retaliation constitutes a grievance, and any person held responsible is subject to disciplinary action for insubordination.

Forms:

The "Board" shall create the forms for filing grievances, giving notice, taking appeals, making reports and recommendations, and all other necessary documents provide them to the Superintendent to make available to any employee upon request

Discovery:

The parties are entitled to copies of all material submitted to the Superintendent or designee or the administrative law judge by any party.

Notice:

Reasonable notice of a conference or hearing shall be sent at least five days prior to the hearing to all parties and their representatives and shall include the date, time and place of the hearing. If an employer causes a conference or hearing to be postponed without adequate notice to employees who are scheduled to appear during their normal work day, the employees may not suffer any loss in pay for work time lost.

Record:

Conferences are not required to be recorded, but all documents admitted and the decision, agreement or report become part of the record. All the testimony at a level one and level three hearing shall be recorded by mechanical means and a copy of the recording provided to any party upon request. The board is responsible for paying for and promptly providing a certified transcript of a level three hearing to the court for a mandamus or appellate proceeding.

Grievance Decisions:

- ❖ Any party may propose findings of fact and conclusions of law within 20 days of arbitration or a level three hearing.
- ❖ A decision, agreement or report shall be dated, in writing, setting forth the reasons for the decision or outcome and transmitted to the parties and, in a private arbitration, to the board, within the time limits prescribed. If the grievance is not resolved, the written decision or report shall include the address and procedure to appeal to the next level.

Scheduling:

All proceedings shall be scheduled during regular work hours in a convenient location accessible to all parties in accommodation to the parties' normal operations and work schedules. By agreement of the parties, a proceeding may be scheduled at any time or any place. Disagreements shall be decided by the administrative law judge.

Attendance at Grievance Proceedings and Preparation Time:

- ❖ The grievant, witnesses and an employee representative shall be granted reasonable and necessary time off during working hours to attend grievance proceedings without loss of pay and without charge to annual or compensatory leave credits.
- ❖ In addition to actual time spent attending grievance proceedings, the grievant and an employee representative shall be granted time off during working hours, not to exceed four hours per grievance, for the preparation of the grievance without loss of pay and without charge to annual or compensatory leave credits. However, the first responsibility of any employee is the work assigned to the employee. An employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee.
- ❖ The grievant and an employee representative shall have access to the employer's equipment for purposes of preparing grievance documents subject to the reasonable rules of the employer governing the use of the equipment for non-work purposes.
- ❖ Disagreements regarding preparation time shall be decided by the administrative law judge.

Grievance files:

- ❖ All grievance forms and reports shall be kept in a file separate from the personnel file of the employee and may not become a part of the personnel file, but shall remain confidential except by mutual written agreement of the parties
- ❖ The grievant may file a written request to have the grievant's identity removed from any files kept by the employer one year following the conclusion of the grievance.

Number of Grievances:

The number of grievances filed against an employer by an employee is not, per se, an indication of the employer's or the employee's job performance.
(WVC §6C-2-3)

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(P) P.23.3. Grievance Procedural Levels**Level One: Superintendent or Designee:**

- ❖ Within 15 days following the occurrence of the event upon which the grievance is based, or within fifteen days of the date upon which the event became known to the employee, or within 15 days of the most recent occurrence of a continuing practice giving rise to a grievance, an employee

may file a written grievance with the Superintendent or designee stating the nature of the grievance and the relief requested and request either a conference or a hearing. The employee shall also file a copy of the grievance with the "Board".

- ❖ If requested by the grievant, the Superintendent or designee shall hold the conference, as requested by the grievant, within 10 days of receiving the grievance. A conference is a private, informal meeting between the grievant and the Superintendent/designee to discuss the issues raised by the grievance, exchange information and attempt to resolve the grievance. The Superintendent/designee shall issue a written decision within 15 days of the conference.
The Superintendent or his/her designee may permit other employees and witnesses to attend and participate in the conference.
- ❖ If requested by the grievant, the Superintendent or designee shall hold a level one hearing within 15 days of receiving the grievance. A level one hearing is a recorded proceeding conducted in private in which the grievant is entitled to be heard and to present evidence. The formal rules of evidence and procedure do not apply, but the parties are bound by the rules of privilege recognized by law. The parties may present and cross-examine witnesses and produce documents, but the number of witnesses, motions and other procedural matters may be limited by the Superintendent/designee. The Superintendent or designee shall issue a written decision within fifteen days of the level one hearing.
- ❖ An employee may proceed directly to level three upon the agreement of the employee and the Superintendent or designee or when discharged, suspended without pay or demoted or reclassified resulting in a loss of compensation or benefits.

Level Two: Alternative Dispute Resolution:

- ❖ Within 10 days of receiving an adverse written decision at level one, the grievant shall file a written request for mediation, private mediation or mediation-arbitration with the "Board" if the grievant desires to continue the grievance process.
 - Mediation. -- The "Board" shall schedule the mediation between the parties within 20 days of the request. Mediation shall be conducted by an administrative law judge pursuant to standard mediation practices and "Board" procedures at no cost to the parties. Parties may be represented and shall have the authority to resolve the dispute. Agreements reached through mediation shall be documented in writing within 15 days. Agreements are binding and enforceable in this state by a writ of mandamus.
 - Private Mediation. -- The parties may agree in writing to retain their choice of a private mediator and share the cost. The mediator shall schedule the mediation within 20 days of the written request and shall follow standard mediation practices and any applicable "Board" procedures. Parties may be represented and shall have the authority to resolve the dispute. Agreements reached through mediation shall be documented in writing within 15 days. Agreements are binding and enforceable by a writ of mandamus.
 - Private arbitration. -- The parties may agree, in writing, to retain their choice of a private arbitrator and share the cost. The arbitrator shall schedule the arbitration within 20 days of the written request and shall follow standard arbitration practices and any applicable board procedures. The arbitrator shall render a decision in writing to all parties, setting forth findings of fact and conclusions of law on the issues submitted within 30 days following the arbitration. An arbitration decision is binding and enforceable in this state by a writ of mandamus. The arbitrator shall inform the board, in writing, of the decision within 10 days.

Level Three: Adjudication:

- ❖ Within 10 days of receiving a written report stating that level two was unsuccessful, the grievant may file a written appeal with the employer and the board requesting a level three hearing on the grievance.
- ❖ The administrative law judge shall conduct all proceedings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process.
- ❖ The administrative law judge shall schedule the level three hearing and any other proceedings or deadlines within a reasonable time in consultation with the parties. The location of the hearing and whether the hearing is to be made public are at the discretion of the administrative law judge.
- ❖ The administrative law judge may issue subpoenas for witnesses, limit witnesses, administer oaths and exercise other powers granted by rule or law.

- ❖ Within 30 days following the hearing or the receipt of the proposed findings of fact and conclusions of law, the administrative law judge shall render a decision in writing to all parties setting forth findings of fact and conclusions of law on the issues submitted.
- ❖ The administrative law judge may make a determination of bad faith and, in extreme instances, allocate the cost of the hearing to the party found to be acting in bad faith. The allocation of costs shall be based on the relative ability of the party to pay the costs.

(WVC §6C-2-4)

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(P) P.23.4. Grievance Enforcement and Appeal

As under the former grievance process, any party may appeal to Circuit Court within 30 days of receiving an Administrative Law Judge's decision, but all such appeals must now be made to the Circuit Court of Kanawha County.

- ❖ The decision of the administrative law judge is final upon the parties and is enforceable in the circuit court of Kanawha County.
- ❖ A party may appeal the decision of the administrative law judge on the grounds that the decision:
 - Is contrary to law or a lawfully adopted rule or written policy of the employer;
 - Exceeds the administrative law judge's statutory authority;
 - Is the result of fraud or deceit;
 - Is clearly wrong in view of the reliable, probative and substantial evidence on the whole record; or
 - Is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
- ❖ A party shall file the appeal in the circuit court of Kanawha County within 30 days of receipt of the administrative law judge's decision. The decision of the administrative law judge is not automatically stayed upon the filing of an appeal, but a stay may be granted by the circuit court upon a separate motion for a stay.
- ❖ The court shall review the entire record that was before the administrative law judge, and the court may hear oral arguments and require written briefs. The court may reverse, vacate or modify the decision of the administrative law judge, or may remand the grievance to the administrative law judge or the chief administrator for further proceedings.

(WVC §6C-5)

(P) P.23.5. Allocation of Expenses and Attorney's Fees

Any expenses incurred relative to the grievance procedure at levels one, two or three shall be borne by the party incurring the expenses.

In the event a grievant or employer appeals an adverse level three decision to the Circuit court of Kanawha County, or an adverse circuit court decision to the Supreme Court of Appeals of West Virginia, and the grievant substantially prevails upon the appeal, the grievant may recover from the employer court costs and reasonable attorney's fees for the appeal to be set by the court.

(WVC §6C-2-6)

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(P) P.23.6. Mandamus Proceeding

If the Pendleton County Board of Education fails to comply with the provisions of the code relating to employee grievance procedures it may be compelled to do so by a mandamus proceeding and may be liable to a prevailing party for court costs and reasonable attorney's fees to be set by the court.

(WVC §6C-2-7)

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Amended/Revised: October 4, 2004; September 25, 2007; August 26, 2008

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.24. Employee Protection from Physical Threat and Assault	Adopted: August 20, 2003 Last Review: March 2018

Recognizing the increasing possibility of physical threat or actual physical assault upon Board of Education employees, the West Virginia State Legislature has enacted appropriate protective legislation. The essence of the act is as follows:

Assault:

Any person who unlawfully attempts to commit a violent injury to the person of a government representative (school employee) or health care worker acting in his or her official capacity, or unlawfully commits an act which places that person acting in his or her official capacity in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than 24 hours nor more than six months, fined not more than \$200, or both fined and confined. An assault may occur:

- ❖ While employees are engaged in the performance of their duties; or
- ❖ Are commuting to or from work; or
- ❖ As a result of retaliation for some action taken by the employee to supervise or discipline a student; or
- ❖ By exhibiting behaviors that place a school employee in reasonable apprehension of immediately receiving a violent injury.

Malicious Assault:

Any person who maliciously shoots, stabs, cuts or wounds or by any means causes bodily injury with intent to maim, disfigure, disable or kill a government representative (school employee) or health care worker acting in his or her official capacity, and the person committing the malicious assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than three nor more than 15 years.

Unlawful Assault:

Any person who unlawfully but not maliciously shoots, stabs, cuts or wounds or by any means causes a government representative (school employee) or health care worker acting in his or her official capacity bodily injury with intent to maim, disfigure, disable or kill him or her and the person committing the unlawful assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than two nor more than five years.

Battery:

Any person who unlawfully, knowingly and intentionally makes physical contact of an insulting or provoking nature with a government representative (school employee) or health care worker acting in his or her official capacity, or unlawfully and intentionally causes physical harm to that person acting in such capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor more than 12 months or both fined and confined. If any person commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned. Any person who commits a third violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned. A battery may occur:

- ❖ While employees are engaged in the performance of their duties; or
- ❖ Are commuting to or from work; or
- ❖ As a result of retaliation for some action taken by the employee to supervise or discipline a student.

For purposes of this section, "school employee" means a person employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. Also, for the purpose of this section, student teachers shall be considered "school employees".

(WVC §61-2-10b; §61-2-15)

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Amended/Revised: January 12, 2010

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PENDLETON COUNTY BOARD OF EDUCATION**R. RELATIONS WITH THE COMMUNITY****File: R.1. School and Community Relations****Adopted: August 20, 2003****Last Review:****March 2018**

When a School Board accepts the responsibility providing the best possible educational opportunities for young people, it also commits itself to an operation that guarantees a system of open communication with its citizenry. It is, therefore, the belief of the members of the Pendleton County Board of Education that:

- ❖ The public schools belong to the people who create them by consent and support them by taxation;
- ❖ The school can only be as strong as the informed and knowledgeable support of the citizenry and the school staff; and
- ❖ This support must be based on the knowledge of, understanding about, and participation in the aims and efforts of the school system.

We, therefore, affirm as the policy and goals of the Board of Education to:

- ❖ Keep the staffs and citizens of the school system regularly and accurately informed through appropriate means of communication;
- ❖ To solicit the advice and counsel of staffs, students, parents, and citizens on the basic issues through appropriate channels;
- ❖ To charge the administrative, instructional and operational staffs of the system, as well as ourselves, with the duty to carry out this policy as an integral part of regular activities and responsibilities;
- ❖ To cooperate with the news media, as the primary purveyors of public information, recognizing their rights and responsibility to publish information;
- ❖ To develop, implement and maintain an organized and continuing program of improved communication between the Central Office and its employees and the public; and
- ❖ Board members and staff shall make themselves available to carry out any communicative assignment that will serve the best interest of the Pendleton County Schools.

(SBP 2510)

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(P) R.12.1. School and School District Report Cards

WVC §18-2E-4 requires each county school board to annually publish report cards for each school and a District Report Card in a format determined by the State Board of Education. The format shall provide for brief, concise reporting in nontechnical language of required information. The state board shall provide technical assistance to each county board in preparing the school and school district report cards.

The purpose of the School and School District Report Cards is to provide the parents, guardians or custodians of students enrolled in the school and the general public an indication of the quality of education at the school and other programs supportive of community needs.

Information available on the school report cards includes but is not limited to:

- ❖ Indicators of student performance at the school in comparison with the county, state, regional and national student performance,
 - Student performance by grade level in the various subjects measured pursuant to a uniform statewide assessment program adopted by the state board;
 - School attendance rates;
 - The percent of students not promoted to next grade; and the graduation rate;
- ❖ Indicators of school performance in comparison with the aggregate of all other schools in the county and the state, as applicable, including:
 - Enrollment;
 - Average class size;

- Pupil-teacher ratio;
 - Pupil-administrator ratio;
 - Operating expenditure per pupil;
 - County expenditure by fund in graphic display; and
 - The average degree classification and years of experience of the administrators and teachers at the school.
- ❖ The names of the members of the local school improvement council; and
 - ❖ The name or names of the business partner or partners of the school.

The school district report card shall include the data for each school for each separately listed applicable indicator and the aggregate of the data for all schools, as applicable, in the county for each indicator.

The report card shall also include:

- ❖ The names of the members of the county board and the dates upon which their terms expire; and
- ❖ The names of the county school superintendent and every assistant and associate superintendent and their area of school administration.

The report cards shall be prepared using actual local school, county, state, regional and national data indicating the present performance of the school and also shall include the state norms and the upcoming year's targets for the school and the county board.

The report cards shall be presented at a regular school board meeting, and shall be made available to a newspaper of general circulation serving the district. The school and district report cards shall be made accessible on the Board's website and hard copies will be available to students' parents, guardians or custodians of a child enrolled in a specific school upon request. The Board shall submit the completed report cards to the state board which shall make copies available to any person requesting them.

The report cards shall be completed and disseminated prior to January 1, annually. They shall be based upon information for the current school year, or for the most recent school year for which the information is available, in which case the year shall be clearly footnoted.

(WVC §18-2E-4; §18-2-5; SBP 7300)

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Amended/Revised: January 12, 2010; September 5, 2017

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.2. Public Information Program	Adopted: August 20, 2003 Last Review: March 2018

The goal of the school-community program of the Pendleton County School System shall be to stimulate people to learn more about the schools so that they can participate more intelligently in the solution of educational problems.

Every individual, whether he/she be a Board member, an administrator, a teacher, a custodian, a school maintenance or service worker, or a clerical employee, shall at all times make every effort to promote rapport with the lay citizens of Pendleton County in order to facilitate the achievement of the goal described in the foregoing paragraph. In an effort to coordinate and conform to general policies, all printed materials pertaining to Pendleton County Schools must be submitted for approval to the Superintendent before its distribution. All news releases affecting a school attendance area shall be cleared through the building principal.

(P) R.2.1. Parent Involvement in Education

The West Virginia Board of Education and the Pendleton County Board of Education believe that parent involvement at early childhood, middle and adolescent levels is absolutely fundamental to a healthy system of public education. Strong partnerships between homes and schools are needed if quality education is to be provided to all children. Parents and teachers, by fostering a sense of cooperative responsibility, can reinforce each other's efforts. As their children's first and most enduring teachers, parents can complement their children's school learning and behavior by serving as collaborators in the educational process. The resulting home-school partnership can have positive effects on parent, teacher and student attitudes, classroom instruction, and on student achievement.

(P) R.2.2. Superintendent Citizen Advisory Committees

The Superintendent shall have the latitude to utilize citizen advisory committees to provide community input on matters of public interest as deemed appropriate by the Superintendent or by the Central Office staff with the approval of the Superintendent.

The Superintendent shall inform the Board of the establishment of any such committee and shall describe its proposed functions, size, and term of service, membership composition, and relationship to members of the professional staff. After the committee has been established, the Superintendent shall send to the Board a list of its members. Periodic reports to the Board shall note any changes in these proposed arrangements, any changes in membership, and an account of the work of the committee.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.3. Staff Participation in Community Activities	Adopted: August 20, 2003 Last Review: March 2018

It is beneficial to maintain a high degree of integration of school and community activities; hence the Central Office staff and school principals, as leaders of the schools, need to be active and leading members of school and community organizations. Through dynamic leadership, many avenues may be opened for building community support. The school and community should not be considered separate and apart, but as working as a unified whole in the educative process.

It is the policy of the Board to encourage staff members to be involved in community activities and inform the public of the schools' program and problems.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.4. Community Use of School Facilities	Adopted: August 20, 2003 Last Review: March 2018

Rural counties such as Pendleton are in a unique situation because the school facilities are often looked upon as an extension of the greater communities they serve. In fact, WVC §18-5-19 states the following:

“County board shall have authority to provide for free, comfortable and convenient use of any school property to promote and facilitate frequent meetings and associations of the people for discussion, study recreation and other community activities.”

Therefore, the Pendleton County Board of Education encourages community use of school facilities within the legal framework which regulates the use of school facilities by outside groups.

The Board views this as a school-community partnership in which the participants will work together to assure that all indoor and outdoor school facilities will be treated with respect and maintained in a fashion that fosters pride in each of our school communities. To that end, the Board pledges to use its available human and material resources to preserve the good working order of its facilities and equipment. Specifically, the Board will assume the following responsibilities at each site:

- ❖ School principals will be in charge of receiving requests in their school;
- ❖ Rules and regulations for the use of facilities will be available in each school;
- ❖ Litter control will be a priority. The Board will provide sufficient trash containers at each indoor and outdoor site;
- ❖ Both outdoor and indoor trash containers will be emptied on a regular basis;
- ❖ School principals, head custodians, or their designee, will frequently inspect all facilities and equipment for damage or malfunctions during their employment terms. Inspections during week-ends, holidays, summer break, etc...will be performed by designated staff.
- ❖ School principals will submit work orders for repairs as appropriate; and
- ❖ The Board will provide supervisory and/or custodial services as deemed necessary by the principal. The cost of these services will be billed to the user.

In return, the Board requires that community groups wishing to use school facilities to sign an agreement form in which they pledge to assume full responsibility for their actions and to comply with the following guidelines:

- ❖ Each group will identify one person who will be in charge and who will be responsible for completing the necessary forms;
- ❖ The group (especially the person in charge) acknowledges that the facilities and equipment must be left in the same condition as it found them;
- ❖ All groups agree to the following:
 - Hard balls shall not be used in these facilities.
 - All participants in sports activities will be required to wear clean and proper footwear for gym use. No hard soles, boots or cleats.
 - Care will be taken to assure that flooring will not be damaged by the dropping of wooden or aluminum bats or other equipment.
- ❖ The group must pay for any damage caused by out-of-the-ordinary use of the facilities and equipment by participants or spectators;
- ❖ All litter, clothing, etc. associated with the activity must be removed. Failure to do so will lead to the school system charging for custodial staff to accomplish the task;
- ❖ All groups agree to schedule their activities in a manner that does not interfere with the routine cleaning and maintenance of the facility;
- ❖ Absolutely no alcohol, drugs, or tobacco or vapor product (e-cigarette) usage anywhere on school property. **ZERO TOLERANCE!** All violations will be reported to law enforcement; and
- ❖ Pets will not be allowed in the building.

- ❖ Repeated failure to comply with the above conditions will lead to denial of the use of school facilities;
- ❖ All community groups using Pendleton County School facilities acknowledge that the Board is not legally responsible for the wellbeing of the participants in the activities for which the facility is scheduled. The groups and their leaders accept full responsibility and release the Board.
- ❖ All groups will be expected to pay a user fee and surety deposit, unless user fee is waived pursuant to R 4.4. The surety deposit will be refunded upon satisfactory inspection of the area used. **If area is left in an unacceptable manner, the deposit will be forfeited and future use by participants may be denied.** It is understood that damages exceeded the surety deposit will be billed to the sponsoring organization.
- ❖ Adult groups making application to use athletic and recreational facilities for tournament play (i.e. summer softball league, basketball open gym) shall observe the following guidelines:
 - The person in charge of organizing the event shall complete an application form acknowledging he/she has read the Board's policy and agrees to accept responsibility for enforcing the terms of the policy by signing the application form.
 - The organization sponsoring the event shall make a deposit (see chart at end of policy) with County Business Office for facility they wish to use prior to the event as a surety against damages that may be inflicted upon the facility during the event. It is understood that damages that exceed the surety deposit will be billed to the sponsoring organization and the future use of said facility may be denied.
 - As stated elsewhere in this policy **zero tolerance rules will apply regarding the use or possession of alcoholic beverages, illegal drugs and tobacco products before, during, and after the event.** All violations will be reported to law enforcement.
 - As stated elsewhere in this policy, school groups and approved community youth groups shall be given priority over adult groups when a scheduling conflict arises
- ❖ All groups agree to provide liability insurance as required by R 4.5.

The Superintendent shall have authority to enforce all policies pertaining to buildings and grounds use, and he/she may delegate this authority to school principals to schedule certain events for their buildings. Generally speaking, the facilities which will be available for community use will be those which are suitable for recreational activities and large group meetings.

(WVC §18-5-1a, §18-5-19, §18-5-19d, §29-12-5, §29-12-5a) (See also footnotes to §18-5-19)

(P) R.4.1. Processing Requests for Community use of School Facilities

Organizations desiring to use school facilities shall complete an "Application for Buildings and Grounds Use". All applications are to be secured from and returned to the school principal. In all cases, the principal shall keep one copy on file, one copy shall be forwarded to the Superintendent, and one copy returned to the organization or group. The Superintendent or his/her designee shall have the sole authority for granting or denying each request.

All requests must be submitted to the principal at least two weeks in advance of the date of the activity. Groups which may be granted permission to use certain school facilities over an extended period of (i.e. little league baseball, youth football, etc.) will only be required to submit one request for a specified period of time.

Requests to use school facilities during the summer months must be submitted to the school principal by May 31 of each year. In the event that an unusual and unexpected circumstance arises within the community requiring the need to use school facilities, the Superintendent's Office shall be the contact.

A Principal's decision concerning facilities use may be appealed to the Superintendent. Decisions made by the Superintendent may be appealed to the Board.

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(P) R.4.2. Activities for Which School Facilities may be Authorized

While the Board fully supports the appropriate use of school facilities for community activities it does establish the following priorities for the use of school facilities:

- ❖ The requirements of the school program for children and adults shall receive prior consideration in the assignment of school facilities;
- ❖ School facilities shall be made available on an as-needed basis in time of emergency when requested by authorized emergency personnel and approved by the Superintendent or administrative designee.
- ❖ School related educational organizations, such as Parent-Teacher Association/Organization units, shall be given priority over non-educationally related school organizations;
- ❖ Any school-related organization shall be given priority over non-school related organizations; and
- ❖ Approved youth groups shall be given consideration over adult groups.

Meetings:

Public meetings or meetings of community organizations may be held in school buildings or on school grounds if properly scheduled by the principal of the school and such activity is not considered damaging to the building, grounds, or public image of the schools.

Religious use:

The Board of Education of Pendleton County wishes to cooperate with religious organizations where a definite need can be shown in respect to use of school buildings.

- ❖ Pendleton County school buildings and grounds shall be made available for periodic religious use only when such established religious organizations shall, through disaster, loss of existing facilities, or are in the process of remodeling or repairing its facility rendering it unusable. A charge sufficient to cover the increased cost to the Board shall be made.
- ❖ The use of said facilities may not conflict with the regular operations of the schools and that such use shall be for a reasonable length of time, throughout which efforts to repair or replace the pre-existing facilities must be in evidence.
- ❖ Permission to use school facilities for religious purposes may be granted after the requesting organization has read and agreed to the above guidelines and then completing a building usage form at the school level. The superintendent or designee will sign-off, granting permission

Use of school facilities for funeral and memorial services

Public schools in this state serve as an integral part of the community and the death of a community member of distinction who was a military service member or veteran who served under honorable conditions, or who served as a first responder, can have a significant impact on students and the surrounding community.

Notwithstanding any other provision of this code or any policy currently in place, county boards of education shall allow school facilities in the county to be used for the funeral or memorial service, or both funeral and memorial services, of a community member of distinction who was a military service member or veteran who served under honorable conditions or who served as a first responder, consistent with this section. County boards may set up a process by which requests to use school facilities for such purposes may be made. County boards may not be responsible for additional costs incurred as a result of holding the funeral or memorial service at the school facility.

Any funeral or memorial service held at a school facility may not disrupt or interfere with classroom instruction, any other scheduled school event or activity, or other official governmental use, such as when a school serves as a polling place for an election.

Individuals or organizations desiring to use Pendleton County School facilities for memorial services shall follow the application guidelines in (P) R.4.1. Processing Requests for Community use of School Facilities (WVC §18-5-13d)

(P) R.4.3. Activities for Which School Facilities may not be Authorized

Commercial or private use:

The Board of Education shall not permit the use of any school for commercial ventures, or business for profit. In general, groups outside the school community (county) will not be permitted to use school facilities. In lieu of R.4.3 any use not herein before defined shall be approved by the Board of Education prior to said use.

Hazardous activities:

No school organization or other organization or group may sponsor any activity that may be of more than normal hazard to persons or property, and in case of doubt about the hazard, the Board shall make the final decision.

Incompatible activities:

Gambling of any sort or the use of alcoholic beverages on school property is not allowed.

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(P) R.4.4. Usage Fees for use of Facilities

It is not the Board's intent to establish a Usage Fee Schedule that becomes a profit making arrangement for the school system. Rather the Usage Fee Schedule reflects the cost for utilities and the necessary use of school personnel to accommodate the needs of community groups which will provide funds to assist the Board in maintaining its facilities in good working condition. The Usage Fee Schedule shall include a usage rate and refundable deposit (if facility left in acceptable condition) for the use of school facilities. **All fees must be paid in advance.** No new approval for usage will be issued to an applicant until any past delinquencies are satisfied.

The usage rate for use of the facility will be the same for all groups; however, the Superintendent may waive the hourly rate for youth groups (i.e. little league baseball, youth football, etc.). The Superintendent may also waive the usage fee for recognized and documented non-profit groups within the Pendleton County community (i.e. fire departments, emergency response squads, city agencies, health department, etc.), Documentation of non-profit status may include official documents from federal, state and local governmental agencies authorized to bestow non-profit status upon a group or organization. However, groups for which the usage fees has been waived will be required to pay any additional personnel costs the Board may incur and the waiving of the usage fee still requires the payment of a surety deposit against possible damage to school facilities.

School related groups such as the PTO and the Local School Improvement council shall be exempt from usage fees.

USAGE FEES

Deposit	\$75.00
Up to 2 Hours	\$30.00
Half Day (up to 4 Hours)	\$50.00
Full Day	\$100.00
Week-end - 2 days	\$150.00
Week-end – 3 days	\$200.00
More than 3 days	\$75.00 per day
Ball fields	Additional \$50.00 night for lights - per calendar day

The Board recognizes that some community groups such as the softball leagues have the capacity to make significant contributions to the upkeep and safety of certain recreational facilities located on school system property. In the spirit of community cooperation, the Board has authorized the Superintendent to receive offers of in-kind payments from community organizations in lieu of a Usage Fee. Such in-kind

payments may include but are not limited to: payment of utility bills, assistance in maintaining the fields, mowing grass, etc. All requests for in-kind payments shall be made in writing to the Superintendent who shall have the final word as to what degree of the Usage fee may be waived based upon the nature of the benefits received from the group submitting the request.

A community organization may be granted permission to use a school building for events for which an admission fee is charged under these conditions:

- ❖ The net proceeds will be used to help promote a group or community effort; and
- ❖ The activity must not conflict with any policy stated in this manual or any rule or regulation of the Pendleton County Schools.

When admission is charged, an itemized report of the gross receipts, net receipts, taxes and necessary expenses shall be furnished to the Superintendent of Schools and the principal of the school in which the activity was held. School organizations shall file a report with the principal only.

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(P) R.4.5. Liability insurance for activities

The Board of Risk and Insurance Management and WVC §18-5-19d require the Board of Education to protect itself from unnecessary risk when allowing community use of its facilities. Generally speaking, there are two types of activities that may be scheduled for which requests will be received:

- ❖ Very basic recreational activities and community meetings. Basic recreational activities refer to things such as occasional use of gyms for evening sports activities, walking on the track, youth team sports and other similar activities. Activities of this type present a low risk of accidental injury and would not require liability insurance.
- ❖ On occasion the school principal will receive a request to allow a high-risk activity on the school site (i.e. donkey basketball, alumni football game, etc.). Activities of this type may require liability insurance coverage.

Included also in the high risk group would be any organized community youth or adult groups who regularly schedule activities on or within school facilities (i.e. little league, community youth basketball, football or other sports, adult softball leagues, adult basketball leagues, etc.)

In the event a principal receives what he/she perceives to be a high-risk request it shall be presented to the Superintendent who will make the final decision. It is fundamental to this process that all principals review each request carefully and seek advice from the Superintendent as appropriate.

The person, organization, or association requesting to use a school facility for a high-risk activity shall file a liability insurance policy in the name of the Pendleton County Board of Education in the amount of one million dollars (\$1,000,000) with the Superintendent. The policy shall cover the Board/District with general comprehensive liability coverage of any claim, demand, action, suit or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person arising out of the use of school property for a community activity.

- ❖ The required insurance may be purchased privately or it may be purchased pursuant to §18-5-19d through the State Board of Risk and Insurance Management.
- ❖ As used in these procedures, "organization or association" is defined as a non-profit, tax-exempt, benevolent, educational, philanthropic, humane, patriotic, civic, charitable, incorporated or unincorporated association or organization or a rescue unit or other similar volunteer community service organization or association. The definition does not include associations or organizations that are associated with political issues.

In addition to the liability protection for organized use outlined in WVC §18-5-19d, county boards are not liable for any loss or injury arising from the use of school property made available for unorganized recreation. County boards are, however, liable for their acts or omissions which constitute gross negligence or willful and wanton conduct which is the proximate cause of injury or property damage. Unorganized recreational activities might include, but are not limited to, walking on the track, "pick-up basketball game on an outdoor court, etc.

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(P) R.4.6. Wage and Hour Requirements for Service Personnel

The Pendleton County Board of Education must comply with the overtime provisions of the Fair Labor Standards Act FLSA, regulations of the U.S. Department of Labor, Wage and Hour Division, and all applicable state statutes and regulations related to the compensation of full-time and part-time employees. Therefore, the utilization of service employees in conjunction with community use of schools facilities will require the Board to compute the wages of said employees in accordance with the regulations found in *(P) P.3.10. Computing Overtime Pay*. The cost of employee services shall be in addition to the usage fees defined in a previous section of these regulations.

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Amended/Revised: February 11, 2009; January 12, 2010; February 9, 2010; September 1, 2015;
September 4, 2018; September 3, 2019

PENDLETON COUNTY SCHOOLS
Facility Use Application

Request for use of building at _____
 Name of Organization _____
 Address _____ Phone _____
 Nature of Activity _____
 Date Requested _____ Hours
 requested _____
 Facility/Room Desired _____
 Non-Profit Status (documentation will be required – see below) ____ Yes ____ No

 Date Name and Title of Responsible Officer

 Address

 Date Approval of Principal of School

 School Employee present during activity

 Date Approval of Superintendent

 Date Activity Director Secretary

USAGE FEES

Deposit	\$75.00
Up to 2 Hours	\$30.00
Half Day (up to 4 Hours)	\$50.00
Full Day	\$100.00
Weekend – 2 days	\$150.00
Weekend – 3 days	\$200.00
More than 3 days	\$7.00 per each additional day
Ball Fields	Additional \$50 night for lights per calendar day

All fees may be made payable to the Pendleton County Board of Education.

Full payment (deposit & fee) must accompany the application before reservations will be made.

A school board employed cook must be present during any activity that uses the kitchen facilities. Organizations will be responsible for reimbursing the Board of Education for those services.

Note: Per (P) R.4.6 any salary/overtime cost incurred by the Board for personnel to perform additional duties related to the renting of the facility will be charged to the organization in addition to the usage fees listed above.

All community groups using Pendleton County School facilities acknowledge that the Board is not legally responsible for the wellbeing of the participants in the activities for which the facility is scheduled. The groups and their leaders accept full responsibility and release the Board.

Non-profit groups may be exempt from the usage fee (deposit still required). Documentation for non-profit status may include official documents from federal, state and local governmental agencies authorized to bestow non-profit status upon a group or organization.

All renters agree to the following stipulations:

- 1) There will be no use of hard balls in these facilities.
- 2) All participants in sports activities will be required to wear clean and proper footwear for gym use. No hard soles, boots or cleats.
- 3) No dropping of wooden or aluminum bats or other equipment that may damage flooring.

Failure to follow the above rules will result in forfeiture of the deposit, forfeiture of building use and possible additional fees for damage repairs.

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PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.5. Public Gifts	Adopted: August 20, 2003 Last Review: March 2018

While the Board of Education sincerely appreciates the intent of the giver, this Board reserves the right to accept or reject all gifts offered to the Pendleton County Schools. Any gifts accepted by this Board shall not create an obligation of any kind on the Pendleton County School system. Pursuant to state statutes, the Board, according to law and the intent of the instrument conferring title, shall receive, hold, and dispose of any gift, grant or bequest.

Nothing in this policy shall be construed to prevent an employee from receiving recognition rewards in the form of plaques, achievement certificates or gift certificates from state, national or local organizations that make such awards solely for the purpose of recognizing the contributions that school personnel make to their school communities.

(WVC §18-5-5; §61-10-15; Ethics Act)

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Amended/Revised: September 6, 2011

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.6. Displays on School Property	Adopted: August 20, 2003 Last Review: March 2018

The display of pictures, trophies, signs, and other similar items in the halls and classrooms of Pendleton County Schools shall be left to the discretion of the principal. No individual, employee or other persons, shall attach anything to the building, walls or general bulletin boards or otherwise display items without first securing the principal's permission.

Nothing should be displayed on school property that conflicts with any policy contained in Pendleton County Procedures as defined below.

(P) R.6.1. Installations/Alterations in Schools

Installations or mechanical alterations of any kind shall not be placed in public schools of Pendleton County without first receiving permission from the Superintendent of Schools.

It is required that Parent-Teacher Associations, booster clubs, and other such organizations or individuals contact the Superintendent **before** launching programs to secure school equipment to determine if it is feasible to use the equipment in the school program.

(P) R.6.2. Advertising in Schools

The utilization of schools, school personnel and students for the purpose of commercial advertisement shall be limited to those rare instances when an individual school enters into a contract with commercial enterprise for the sole purpose of utilizing the proceeds for supporting and promoting educational and extracurricular activities. Such contracts must have the approval of the Pendleton County Board of Education. Activities that may be construed as political in nature are strictly forbidden.

Schools, school personnel, and students may also participate in activities that promote, complement and support the educational mission of the Pendleton County Schools such as:

- ❖ Non-profit community-wide social service agencies.
- ❖ Lectures and educational productions.

Under no circumstances will alcohol, drugs or tobacco be promoted in the Pendleton County Schools.

(P) R.6.3. Solicitation by Outside Business Agents.

The Superintendent is given authority to grant permission to agents desiring to meet with employees on school premises. The following stipulations shall be in effect:

- ❖ It is understood that all agents, before making such calls, shall be required to have a letter of introduction and authorization from the Superintendent's Office;
- ❖ Agents shall not be authorized, nor shall principals allow agents or other persons, to exhibit in classrooms or other parts of the school plant, any books or articles for sale or subscription. Agents may not distribute circulars, handbills, or advertisements of any sort;
- ❖ Principals are not to permit anyone to utilize the employee work day for commercial lectures or addresses of any kind;
- ❖ Agents may leave business cards for employees to pick up and may post a signup sheet to schedule appointments. All appointments must be after the employee's regular school hours; and
- ❖ Representatives of the Board approved Section 125 Plan shall be allowed to meet with employees during the Section 125 Plan open enrollment period during regular school hours, provided that such meetings do not cause any detriment to student instruction.

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PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.7. Visitors to the School	Adopted: August 20, 2003 Last Review: March 2018

This policy provides guidelines for visitors to any Pendleton County school during the instructional day. All visitors must acknowledge that their presence in the county schools is accepted as a privilege, and not a right. The county schools exist primarily to serve the needs of the students; therefore, personnel other than school staff are expected to follow the guidelines included in all policies and to recognize that their presence in the school building is solely at the discretion of the building administrator. Visitors are welcomed into the county schools with the expectation that their presence will contribute positively to the educational climate at the schools.

The Superintendent shall formulate and post in the Pendleton County Schools guidelines to regulate visitors in the schools. Pursuant to §61-6-14 and §61-6-14a, unauthorized visitors and those who are uncooperative and in violation of school regulations may be removed from the school premises by school personnel or law enforcement officers.

- ❖ Visitors are defined as anyone who is not a student or a member of the county school staff.
- ❖ All visitors must enter through the main entrance and sign-in at the main office. Visitor sign-in procedures include a credential exchange. The credential exchange requires all visitors to sign-in, produce photograph ID, and be authorized by an authorized school staff member before building access is permitted. The authorized staff member will retain the photo ID and give the visitor a badge that hangs on a lanyard in a visible location around the neck. The visitor is to sign out at the conclusion of the visit. The photo ID will be returned at that time.
- ❖ Visitors are expected to be appropriately dressed and to display respect for activities in progress at the school.
- ❖ Visitors shall not compromise the integrity of student confidentiality policies. Visitors must recognize that information regarding any confidential school matters overheard is not expected to leave the school.
- ❖ Legal guardians of students, school volunteers, LSIC, and business Partners-in-Education team members are welcome to participate in events or to partake in lunch with students at the school. Other visitors may be invited by special permission of the principal or designee. All visitors are expected to abide by the general rules of the school as defined by the building administrator.
- ❖ Classroom visits must be approved in advance by the principal or designee and classroom teacher.
- ❖ Visitors are not permitted to remove students from the classrooms or other school activities, without the direct permission of the legal guardian of the student and/or the building administrator accompanying the visitor during this time.
- ❖ Visitors participating in school events are expected to conduct themselves as guests of the school and to avoid disruption of any other activities ongoing at the school. Visitors may be denied future access or limited access to the school during school hours if their conduct is such that the building administrator feels it is disruptive to the school's educational program.
- ❖ Salespersons or other non-educational personnel are not allowed to disrupt class time activities. Visitors of this nature should expect to make their contacts either before school or after school, but not during school hours.
- ❖ Building principals shall have the authority to sign a complaint charging criminal trespass when deemed necessary.

(P) R.7.1. Controlling General Public Access to Schools

In order to effectively control access to buildings, Pendleton County Schools has implemented the following Access Control Procedures for the protection of students, staff and visitors to the schools.

- ❖ Access/egress to the school will be granted only through pre-assigned/designated door(s).
- ❖ All other exterior doors will be kept closed and locked to prevent access, but not egress.

(P) R.7.2. Limiting School Access of Contractors and Service Providers

Contractors, service providers and their employees cannot have unaccompanied contact with students or unaccompanied access to school grounds when students are present unless the Board verifies that the aforementioned persons have not previously been convicted of a sex offense as defined in **WVC §15-12-2**.

It shall be the policy of the Pendleton County Board of Education to require contractors and service providers to verify the criminal records of their employees before the Board grants unaccompanied contact or access.

Where prior written consent is obtained, the Board may obtain information from the Central Abuse Registry regarding contractors, service providers and their employees for the purposes of this policy. Where a contractor or service provider gives his or her prior written consent, the Board also may share information provided by the Central Abuse Registry with other county school boards.

Forms and letters required to obtain the information necessary to carry out this policy may be found in the ensuing pages.

Board of Education Access to the West Virginia Central Abuse Registry

Amendments to §15-2C-1 and §15-2C-9 authorize the State Board of Education and “qualified entities” (county boards of education) to access the West Virginia Central Abuse Registry maintained by the State Police Criminal Identification Bureau. The registry may be utilized as part of the screening process for current and prospective employees, including the screening of contractors and vendors who have or may have unsupervised access to children.

In the event the Board wishes to verify its eligibility as a qualified entity, it shall apply to the West Virginia State Police on a form prescribed by that organization.

Once verified as a qualified entity by the West Virginia State Police, the Board shall keep all records necessary to facilitate a security audit by the West Virginia State Police and shall cooperate in such audits as the West Virginia State Police or other authorities may deem necessary. Such records include, but are not limited to, criminal history records; notification that an individual has no criminal history; internal policies and procedures articulating the provisions for physical security; records of all disseminations of criminal history information; and a current, executed qualified entity user agreement with the West Virginia State Police.

(WVC §15-2C-1 and §15-2C-9)

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(P) R.7.2.1. Superintendent' Letter to Contractors and Vendors

Dear Contractor or Vendor:

I am writing to relay a policy recently adopted by the Pendleton County Board of Education, as it relates to Contractors' and their employees' access to schools within Pendleton County. This letter contains important information, which may prevent your employees from being on school property unaccompanied, so I appreciate your attention to it.

In 2007, the West Virginia Legislature amended W.Va. Code § 18-5-15c, effective July 1, 2007. The statute requires that boards of education in the State of West Virginia obtain written verification from their contractors, service providers and vendors (and on behalf of their employees) that no one who has been convicted of a qualifying offense under W.Va. Code § 15-12-2 (Sex Offender Registration Act) may have unaccompanied contact with our students or access to school property.

In order to comply with the statute and to permit the Pendleton County Board of Education to do business with its contractors and vendors, the Pendleton County Board of Education requires its Contractors and Vendors to complete the attached form as to any employee that will be on school property or may have unaccompanied access to our students. As you will note, the form requires you to certify that your employees have not previously been convicted of a qualifying offense.

In addition, the statute allows the Board of Education to request each employee's consent to perform a background check using the Central Abuse Registry. We will not do so in every case but may where we believe it to be appropriate under the circumstances. If we choose to do so, we will provide you with the appropriate forms to give to your employees to be completed. We regret any inconvenience, but trust that you share our concerns for the safety and well-being of our students.

Unfortunately, if I do not receive written verification within the next ten (20) days, further contact by your employees will not be permitted without school official accompaniment or chaperoning. That, of course, will be extremely difficult and create unnecessary burdens on your firm and the school system.

Again, I appreciate your assistance in ensuring the continued protection of the students of Pendleton County Schools. I look forward to your cooperation and prompt attention to this new law and your firm's compliance.

Sincerely,

Charles Hedrick, Superintendent
Pendleton County Schools

Verification of Criminal History of Contractor/Vendor's Employees

Name of Company: _____

Date of Verification: _____

Company Telephone Number: _____ E-Mail: _____

Address of Company: _____

Nature of Contract/Relationship with Pendleton County Schools: _____

Name of Person Completing Verification and Position/Title : _____

I hereby certify that the following employees, who may have access to Pendleton County School property, or who may have direct, unaccompanied contact with Pendleton County School students pursuant to the contract/relationship described above, have not been convicted of any offense listed in Section 15-12-2 of the W. Va. Code (sexual offender registration offenses):

(You may attach a list of additional employees)

The foregoing certification is based upon (check one):

- ☐ A criminal history background check run by this company (if checked, please attach relevant background check(s)); or
- ☐ Verification from the named employees, without an accompanying background check.

I further certify that no employees whose criminal histories have not been verified above will have access to school property or direct contact with students unaccompanied. I swear the foregoing to be true to the best of my knowledge.

Signature: _____ Date : _____

Sworn to and subscribed before me this _____ day of _____, 201__

My commission expires: _____

Notary Public _____

R.7.2.3.

Certification and Consent to Search Central Abuse Registry

I, _____, acknowledge that the Pendleton County Board of Education is required by Section 18-5-15c(e) of the West Virginia Code to verify that employees of its contractors, vendors, and service providers have not been convicted of an offense listed in Section 15-12-2 of the West Virginia Code, which would require those employees to register with the Central Abuse Registry as a sexual offender. Further, I acknowledge that as an employee of the contractor, vendor, or service provider listed below, I may not have access to school property or have direct, unaccompanied contact with Pendleton County School students if I have been convicted of an offense listed in Section 15-12-2 of the West Virginia Code.

Therefore, I certify that I have not been convicted of an offense listed in Section 15-12-2 of the West Virginia Code, which would require me to register with the Central Abuse Registry as a sexual offender.

Further, I give my consent to the Pendleton County Board of Education to search the Central Abuse Registry to determine whether I have been convicted of an offense listed in Section 15-12-2 of the West Virginia Code and whether I am registered with the Central Abuse Registry as a sexual offender.

I understand that if I wish to see the results of any search conducted by the Pendleton County Board of Education pursuant to this Consent, I need only request in writing that the Board of Education provide me those results.

Printed Name: _____ Date: _____

Signature: _____
Employer's Name

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(P) R.7.3. Loitering on School Property

No one shall be in the school buildings or on school premises after school hours unless he/she is on official school business, is participating in a supervised school activity, is authorized by the administration or is a spectator at an activity open to the public. Unauthorized person loitering upon school property may be treated as trespassers.

Any person who loiters (trespasses) on or about school grounds and buildings in violation of posted rules shall be guilty of a misdemeanor, and, upon conviction for the first offense thereof, shall be fined not more than \$100 or imprisoned in the County jail not more than 30 days, or both such fine and imprisonment. Upon a second offense or subsequent offense conviction, any such person shall be fined not more than \$500 or imprisoned in the County jail not more than one year, or both such fine and imprisonment.

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(P) R.7.3.1. Criminal Loitering by Persons on Supervised Release

Any person serving a period of supervised release of ten years or who loiters within 1000 feet of the property line of the residence or workplace of a victim of a sexually violent offense for which the person was convicted shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than thirty days.

Any person serving a period of supervised release of ten years or more for an offense where the victim was a minor who loiters within 1000 feet of the property line of a facility or business the principal purpose of which is the education, entertainment or care of minor children, playground, athletic facility or school bus stop shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not more than thirty days.

A person does not violate the above provisions unless s/he has previously been asked to leave the proscribed location by an authorized person and thereafter refuses to leave or leaves and thereafter returns to the proscribed location.

As used in this policy "Authorized person" means:

- ❖ A law-enforcement officer acting in his or her official capacity;
- ❖ A security officer employed by a business or facility to protect persons or property acting in his or her employment capacity;
- ❖ An owner, manager or employee of a facility or business having a principal purpose the caring for, education or entertainment of minors;
- ❖ A victim or parent, guardian or lawful temporary or permanent custodian thereof;
- ❖ An employee of a county Board of Education acting in his or her employment capacity.

"Facility or business, the principal purpose of which is the education, entertainment or care of minor children" means:

- ❖ A pre-school, primary, intermediate, middle or high school, either public or private;
- ❖ A childcare facility;
- ❖ A park;
- ❖ An athletic facility used by minors;
- ❖ A school bus stop.

"Loitering" means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose.

Nothing in the law shall be construed to prohibit or limit a person's presence within 1000 feet of a location or facility referenced in this policy if the person is there present for the purposes of supervision, counseling or other activity in which the person is directed to participate as a condition of supervision or where the person has the express permission of his/her supervising officer to be present.

(WVC §61-6-14a; §61-8-29)

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(P) R.7.4. Crowd Control at Extracurricular Activities

Persons who exhibit disruptive behavior at extracurricular activities may be subject to removal by the principal or his/her designee or law enforcement officers. Following an investigation of the incident, the principal may suspend the individual's privilege to attend extracurricular activities at the school for a period of 60 days. The affected individual shall be notified in writing and the Superintendent will also receive a written notification including justification for the action. Persons who are suspended have the right to appeal the suspension to the Board of Education, which has the authority to decrease or increase the length of the suspension.

(WVC §61-6-14 and §61-6-14a)

(P) R.7.5. Injury to Visitors on School Property

Accidents and/or injuries involving school patrons or visitors on school property or any other location under the jurisdiction of the Board of Education should be reported to the principal or the person in charge of the activities at the site of the incident. First aid may be administered as appropriate; however, when in doubt about the medical treatment required, 911 should be called to obtain professional medical assistance. If the principal is not present at the site of the accident, he/she shall be notified of the incident and the action taken by the person in charge.

As appropriate, relatives of the injured person shall be contacted if requested by the injured party. In the event that no relatives are available to assist school personnel, or if the injured party does not request the notification of relative, the person in charge shall take prudent actions to assure the comfort and safety of the injured party.

The principal or the person in charge shall complete an accident report utilizing the attached reporting form [(P) R.7.5.1. *Visitor/School Patron Injury Report Form*] The report shall be forwarded to the Safety Coordinator as soon as possible, but no later than the next workday. In order to expedite the processing of adult accident claims, the Business Manager shall assist the Safety Coordinator with the paperwork and accident investigation as appropriate. The person submitting the injury report shall also consult (P) P.7.1. *Worker's Compensation*, to ensure the proper response to any and all injuries on school property.

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VISITOR/SCHOOL PATRON ACCIDENT REPORT FORM

Name of Injured: _____

Home Address: _____

Home Telephone: _____ Work Telephone: _____

School Site: _____

School Employee in Charge: _____

Date Occurred: _____ Time Occurred: _____ AM PM

Date Accident Reported: _____

Specific Activity: _____

Location of Accident: _____

Description of Accident: _____

Nature of Injury: _____

Immediate Action Taken:

First Aid: _____ Yes _____ No By: _____

911 Emergency Call: _____ Yes _____ No By: _____

AUTHORIZATION:

Name

Date

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(P) R.7.6. Respect for Athletic Officials

It is the expectation of Pendleton County School officials that all community members and outside guests who attend athletic events in Pendleton County will conduct themselves in a responsible manner and exhibit good sportsmanship at all times. It is especially important that athletic officials are accorded the respect due their professional skills.

Improper behavior toward athletic officials will not be tolerated and will be addressed by school officials according to county policies. Such behavior could also lead to the following legal consequences:

- ❖ If any person commits an assault as defined in the code, to the person of an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$500, or confined in jail not more than six months, or both fined and confined.
- ❖ If any person commits a battery, as defined in the code, against an athletic official during the time the official is acting as an athletic official, the offender is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail not more than 12 months, or both fined and confined.
- ❖ For the purpose of this section, "athletic official" means a person at a sports event who enforces the rules of that event, such as an umpire or referee, or a person who supervises the participants, such as a coach.

(WVC §61-2-15a)

(P) R. 7.7. Political Activities in and on School Grounds and Facilities

The Pendleton County Board of Education wishes to remain neutral in all national, state and local political campaigns; therefore, activities that may be construed as political in nature are strictly forbidden in or upon any property owned, rented, leased or operated by the Pendleton County Board of Education. This restriction applies during the school day and during any after school activities sponsored by the Board and its agents.

Political candidates, school employees, students or other surrogates are forbidden to engage in the following activities: making political speeches; distributing posters, handouts, business cards, novelties and any other materials that may be construed to be political in nature.

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Amended/Revised: August 26, 2008; January 12, 2010; September 6, 2011; October 1, 2013; September 1, 2015; September 6, 2016

The Board recognizes that from time to time members of the public may have legitimate and justifiable complaints for which they seek redress. Although board members welcome the opportunity to discuss school programs with any citizen, the Board believes that the people most involved most easily solve problems. Therefore, solutions to complaints or grievances should be sought first at the lowest possible level in the organization. To that end, the Board promulgates the regulations defined in the following sections.

(P) R.8.1. Personal Complaints against Employees

- ❖ Whenever a complaint is made directly to the Board as a whole or a Board member as an individual, it shall be referred to the school administration for study and possible solution. The individual employee involved shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.
- ❖ Complaints must be written and signed. No person shall present orally, or discuss at any meeting of the Board, complaints against individual employees of the Pendleton County School District until after such charges or complaints shall have been presented to the Board in writing and signed by the person or persons making the charge or complaint, and the Board shall have had a reasonable opportunity to investigate the same.
- ❖ If it appears necessary, the administration, the person who made the complaint, or the employee involved, may request an executive session of the Board for the purpose of a more complete study and a discussion by this body.
 - Generally all parties involved, including the school administration, shall be asked to attend such a meeting for the purpose of presenting additional facts, making further explanations, and clarifying the issue.
 - Hearsay and rumor shall be discounted as well as emotional feelings, except as these directly relate to the facts of the situation.
 - The Board shall conduct this meeting in as fair and just a manner as possible.
- ❖ Board members shall be encouraged to refer persons making complaints about the schools to the appropriate administrative officer.

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(P) R.8.2. State Conflict Resolution Process for Citizens

The purpose of this conflicts resolution process is to provide a way for citizens to work with county school district administrative officials in seeking solutions to problems when there is a failure to provide a high quality education that resources permit the school district to provide or for violation of any other legal duty. Both the schools and the citizenry of the community are better served when a sincere effort is made to find constructive solutions to problems that arise. It is the intent of this process to provide a simple, straightforward, and easily understood method for resolving problems at the lowest possible administrative level, as fairly and as quickly as possible. The procedures set forth herein are not deemed to be a pre-condition to seeking relief in some other forum.

Definitions

- ❖ **Days.** - Days shall mean the days the business office of the county board of education is open. Such offices are generally closed on Saturdays, Sundays, and official holidays. Claims appropriately brought to the school principal at Level 1 must be made at least ten days before the end of the school year. If this deadline cannot be met, a claim may be brought at the beginning of next school year.
- ❖ **Dispute Resolution Process.** - The dispute resolution process is the method by which one or more citizens present a claim of a violation of state law or the policies, rules and regulations of the West Virginia Board of Education ("WVBE"). The written claim must identify the specific state law or WVBE policy, rule or regulation which is alleged to be violated, and shall include as much

information as possible to describe the violation. Copies of the policies, rules and regulations of the WVBE are to be available for public review at each county board of education office or at a link to <http://wvde.state.wv.us/policies/> on the county board of education website.

- The dispute resolution process shall not apply to any situation where the school district is without authority to act, or where a remedy is specifically established by law, such as for the placement of exceptional children. Neither shall the term apply when a citizen has a personal complaint about a school employee. Each county board of education shall establish its own specific procedures to handle complaints about school employees and for other citizen complaints not governed by this policy.
- ❖ **State Law.** - State law shall mean the constitution, statutes, judicial law, and administrative law of the State of West Virginia.

Procedures

- ❖ **Distribution of Conflict Resolution Process.** Copies of the appeals procedure shall be accessible to citizens at the Office of the State Superintendent of Schools, the West Virginia Department of Education website, the Office of the Pendleton County Board of Education, and each public school.
- ❖ **Claims Form.** Forms shall be available at the West Virginia Department of Education website, at the Office of the State Superintendent of Schools, the Office of the Pendleton County Board of Education, and each public school.
- ❖ **Filing of Claims.** The citizen making the written appeal shall provide as much information as possible at the time the appeal is filed; however, additional information may be presented at any level.
- ❖ **Time limits.** The number of days indicated at each level shall be considered the maximum. A time limit may be extended by mutual agreement.
- ❖ **Privacy of Conferences and Hearings** - All conferences and hearings held during the conflict resolution process shall be conducted in private
- ❖ **Representation.** The citizen claimant may have the assistance of a representative at any level
- ❖ **Written decisions.** All decisions rendered shall be in writing, setting forth the decision and the reasons therefore. The decision shall be transmitted promptly to all parties.

Processing of appeals:

Level 1

A written claim shall be filed with the principal by the citizen or by a group of citizens. The claim shall be on the prescribed form and be signed by all persons making the claim. The principal or his/her designee ("Level 1 administrator") shall meet with the citizen claimant for an informal conference within ten (10) days of receipt of the claim. A written decision by the Level 1 administrator shall be made within fifteen (15) days after the informal conference. A copy of the Level 2 claim form shall be included with the decision.

Level 2

Within fifteen (15) days after receiving the decision of the Level 1 administrator, an aggrieved citizen claimant may request in writing a conference or a hearing with the county superintendent on the prescribed form. The county superintendent or his/her designee ("Level 2 administrator") shall, within fifteen (15) days, conduct a conference or a hearing with the citizen claimant in an attempt to resolve the claim. In the event that the citizen claimant requests a hearing, he/she may present witnesses to testify under oath, and the Level 2 administrator may also take testimony from staff members deemed necessary to render a decision. Hearings shall be recorded. The Level 2 administrator shall issue a written decision within fifteen (15) days following a conference and twenty-five (25) days following a hearing. A copy of the Level 3 claim form shall be included with the decision.

Level 3

If the citizen claimant is not satisfied with the decision of the Level 2 administrator, he or she may request in writing on the prescribed form a review by the State Superintendent within thirty (30) days of receipt of the decision. A copy of the Level 1 and 2 decisions and any supporting documents shall accompany the

request for a review. In the event a Level 2 hearing was conducted, the Level 2 administrator shall forward a transcript of the hearing to the State Superintendent.

- ❖ The State Superintendent or designee ("Level 3 administrator") shall conduct a review of the claim, which will, at a minimum, consist of reviewing the record from Levels 1 and 2. He/she may also conduct an additional inquiry if necessary for resolution of the claim by contacting the citizen claimant, the county superintendent or any other individual who may be of assistance and by requesting additional documents from any source.
- ❖ Upon completion of the review, the Level 3 administrator shall render a written decision within thirty (30) days. The decision shall set out any information that the Level 3 administrator obtained during his/her additional inquiry and relied upon in making the decision. The decision by the Level 3 administrator shall be final.

Follow this link to [SBP 7211- Conflict Resolution Process for Citizens](#)

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(P) R.8.3. Pendleton County Conflict Resolution Process for Citizens

Citizens who have a legitimate and justifiable complaint concerning the violation of county policies and regulations by county school employees for which they seek redress may follow the procedure outlined in the following pages.

Definitions

- ❖ **Days.** - Days shall mean the days the business office of the county board of education is open. Such offices are generally closed on Saturdays, Sundays, and official holidays. Claims appropriately brought to the school principal at Level 1 must be made at least ten days before the end of the school year. If this deadline cannot be met, a claim may be brought at the beginning of next school year.
- ❖ **Dispute Resolution Process.** - The dispute resolution process is the method by which one or more citizens presents a claim of a violation of Pendleton County Board of Education, rules and regulations. The written claim must identify the specific county policy, rule or regulation which is alleged to be violated, and shall include as much information as possible to describe the violation. Copies of the policies, rules and regulations of the county are available for public review at the board of education office or on the county board of education website.
 - The dispute resolution process shall not apply to any situation where the school district is without authority to act, or where a remedy is specifically established by law, such as for the placement of exceptional children. Neither shall the term apply when a citizen has a personal complaint about a school employee. Complaints about school personnel are filed through (P) R.8.1. Personal Complaints against Employees.

Procedures

- ❖ **Distribution of Conflict Resolution Process.** Copies of the appeals procedure shall be accessible to citizens at the Office of the Pendleton County Board of Education, and each public school.
- ❖ **Claims Form.** Forms shall be available at the Office of the Pendleton County Board of Education, and each public school.
- ❖ **Filing of Claims.** The citizen making the written appeal shall provide as much information as possible at the time the appeal is filed; however, additional information may be presented at any level.
- ❖ **Time limits.** The number of days indicated at each level shall be considered the maximum. A time limit may be extended by mutual agreement.
- ❖ **Privacy of Conferences and Hearings** - All conferences and hearings held during the conflict resolution process shall be conducted in private.
- ❖ **Representation.** The citizen claimant may have the assistance of a representative at any level.
- ❖ **Written decisions.** All decisions rendered shall be in writing, setting forth the decision and the reasons therefore. The decision shall be transmitted promptly to all parties.

Processing of appeals:

Level 1

A written claim shall be filed with the principal by the citizen or by a group of citizens. The claim shall be on the prescribed form and be signed by all persons making the claim. The principal or his/her designee ("Level 1 administrator") shall meet with the citizen claimant for an informal conference within ten (10) days of receipt of the claim. A written decision by the Level 1 administrator shall be made within fifteen (15) days after the informal conference. A copy of the Level 2 claim form shall be included with the decision.

Level 2

Within fifteen (15) days after receiving the decision of the Level 1 administrator, an aggrieved citizen claimant may request in writing a conference or a hearing with the county superintendent on the prescribed form. The county superintendent or his/her designee ("Level 2 administrator") shall, within fifteen (15) days, conduct a conference or a hearing with the citizen claimant in an attempt to resolve the claim. In the event that the citizen claimant requests a hearing, he/she may present witnesses to testify under oath, and the Level 2 administrator may also take testimony from staff members deemed necessary to render a decision. Hearings shall be recorded. The Level 2 administrator shall issue a written decision within fifteen (15) days following a conference and twenty-five (25) days following a hearing. A copy of the Level 3 claim form shall be included with the decision.

Level 3

If the citizen claimant is not satisfied with the decision of the Level 2 administrator, he or she may request in writing on the prescribed form a review by the Pendleton County Board of Education within thirty (30) days of receipt of the decision. A copy of the Level 1 and 2 decisions and any supporting documents shall accompany the request for a review. In the event a Level 2 hearing was conducted, the Level 2 administrator shall forward a transcript of the hearing to the Board President.

The Board may elect to conduct its review in an Executive Session if it believes the issues to be discussed would be likely to affect adversely the reputation of any person if held in public.

Upon completion of the review, the Board shall instruct the Superintendent render a written decision within thirty (30) days. The decision shall set out any information that the Board obtained during its review/inquiry and relied upon in making the decision. The decision by the Board shall be final.

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Amended/Revised: October 9, 2014

PENDLETON COUNTY BOARD OF EDUCATION**R. RELATIONS WITH THE COMMUNITY****File: R.9. School Volunteers and Chaperones****Adopted: August 20, 2003****Last Review:****March 2018**

Citizens who voluntarily contribute their time and talents to the improvement and enrichment of the public schools, instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in local schools and in central and area offices to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

School Volunteers:

School volunteers are distinguished from chaperones in that they are active at school sites on a regular basis assisting with various supportive activities that are approved and supervised by the school principal and his/her professional staff.

School Chaperones:

Chaperones are those persons who have been recruited and approved by the school principal and whose names have been presented to the Board for approval to act as occasional, additional supervisors of students engaged in off-campus activities and, on occasion, on-campus activities. They, like school volunteers, are always under the direction of the principal and the professional staff.

(P) R.9.1. Selection and Utilization of School Volunteers**Recruitment:**

Recruitment, utilization, coordination and training of volunteers are a responsibility of the school administration and will be carried out as directed or delegated by the Superintendent. It shall be the responsibility of the school principal to receive and process all applications for volunteer services and conduct a background check of each applicant utilizing the Federal and West Virginia State Police Sex Offender Registries.

The principal shall review the application forms and submit a Principal's Recommendation Form containing the names of the selected volunteers to the Superintendent to be forwarded to the Board for approval.

Utilization:

Every effort should be made to utilize volunteer resources in a manner, which will ensure maximum contribution to the welfare and educational growth of pupils. The responsible school personnel will identify appropriate tasks for volunteers, and will provide training activities for them so they may become skilled in performing those tasks.

Volunteers may be involved in virtually every facet of the operation of the school district; however, volunteers may not assume responsibility for diagnosing, prescribing, evaluating instruction, grading papers, handling confidential information or the sole responsibility of supervising students. They may reinforce skills taught by the professional staff.

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(P) R.9.2. Selection and Utilization of Chaperones

Recruitment, utilization and coordination of chaperones are a responsibility of the school administration and will be carried out as directed or delegated by the Superintendent. The principal and or the sponsors in charge of school activities and trips shall provide appropriate directions and guidance for all chaperones before the activity or trip begins.

It shall be the responsibility of the school principal to receive and process all applications for chaperone services and conduct a background check of each applicant utilizing the Federal and West Virginia State Police Sex Offender Registries.

The principal shall review the application forms and submit a Principal's Recommendation Form containing the names of the selected chaperones to the Superintendent to be forwarded to the Board for approval.

(P) R.9.3. Insurance and Health Requirements for Volunteers

For the purpose of the County's insurance program, volunteers must be approved by the Pendleton County Board of Education.

School personnel (including volunteers) found or suspected to have active tuberculosis shall have their employment suspended until the local health officer, in consultation with the commissioner, approve a return to work.

The commissioner may require selective testing of students and school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease

The names of all regular school volunteers must be submitted to the Superintendent by the school principal, and, upon his/her recommendation, approved by the Board of Education.

Note: "Commissioner" means the Commissioner of the Bureau for Public Health, who is the state health officer. (WVC §16-3D-3; §18-5-13)

(P) R.9.4. Injury to Volunteers/Chaperones on School Property

Accidents and/or injuries involving school volunteers and chaperones on school property or any other location under the jurisdiction of the Board of Education should be reported to the principal or the person in charge of the activities at the site of the incident. First aid may be administered as appropriate; however, when in doubt about the medical treatment required, 911 should be called to obtain professional medical assistance. If the principal is not present at the site of the accident, he/she shall be notified of the incident and the action taken by the person in charge.

As appropriate, relatives of the injured person shall be contacted if requested by the injured party. In the event that no relatives are available to assist school personnel, or if the injured party does not request the notification of relative, the person in charge shall take prudent actions to assure the comfort and safety of the injured party.

The principal or the person in charge shall complete an accident report utilizing the attached reporting form *(P) R.9.5. Volunteer/Chaperone Accident Report Form*. The report shall be forwarded to the Safety Coordinator as soon as possible, but no later than the next workday. In order to expedite the processing of adult accident claims, the Business Manager shall assist the Safety Coordinator with the paperwork and accident investigation as appropriate. The person submitting the injury report shall also consult *(P) P.7.1. Worker's Compensation*, to ensure the proper response to any and all injuries on school property.

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VOLUNEER/CHAPERONE ACCIDENT REPORT FORM

Name of Injured: _____

Home Address: _____

Home Telephone: _____ Work Telephone: _____

School Site: _____

School Employee in Charge: _____

Date Occurred: _____ Time Occurred: _____ AM PM

Date Accident Reported: _____

Specific Activity: _____

Location of Accident: _____

Description of Accident: _____

Nature of Injury: _____

Immediate Action Taken:

First Aid: _____ Yes _____ No By: _____

911 Emergency Call: _____ Yes _____ No By: _____

AUTHORIZATION:

Name

Date

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(P) R.9.6 Background Check for School Volunteers and Chaperones

The frequency of sex offenses against children in our society has risen dramatically in recent years and school systems and other social institutions which assume responsibility for children in settings outside the home must respond to this threat in a responsible manner. While the Pendleton County Board of Education has a deep respect for the citizens of this county, it cannot assume that the county is free of sexual offenders. The Pendleton County Board of Education has the responsibility to verify that volunteers and chaperones have not been convicted of an offense listed in Section 15-12-2 of the West Virginia Code, which would require them to register with the Central Abuse Registry as a sexual offender. Further, West Virginia law requires all school systems to adopt and implement policies which protect children entrusted to their care from sexual predators and which clearly define the circumstances under which individuals who are not school employees may have unrestricted access to students.

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Amended/Revised: January 12, 2010; August 2, 2011

PENDLETON COUNTY SCHOOLS
Volunteer/Chaperone Application

I AM APPLYING TO BE A: ☐ VOLUNTEER ☐ CHAPERONE ☐ BOTH

(Please Type or Print)

Section I.

Name _____
Last First Middle Social Security Number

Present Address _____
Street Address Telephone (home)

_____ Mailing Address Telephone (cell)

_____ City State Zip

Email Address _____

Activities for which I am volunteering/chaperone _____

_____ Date(s) I am available for volunteer/chaperone _____

Are you volunteering as a driver to transport students? ☐ Yes, ☐ No If yes, complete Section II.

Section II.

Have you ever been convicted of Driving under the Influence of Drugs or Alcohol? ☐ Yes ☐ No

Have you been convicted of Reckless Driving in the past 10 years? ☐ Yes ☐ No

Do you have required excess Liability Insurance? ☐ Yes ☐ No

***Please attach a copy of your insurance coverage to this application to document the limits of your excess liability insurance.**

GENERAL BACKGROUND INFORMATION

You must give complete answers to all questions. If you answer "Yes" to any question, you must list all offenses, and for each conviction provide date of conviction and disposition, regardless of the date or location of occurrence. Conviction of a criminal offense is not a bar to service as a school volunteer in all cases. Each case is considered on its merits. Your answers will be verified with appropriate police records.

Criminal Offense includes felonies, misdemeanors, summary offenses and convictions resulting from a plea of "nolo contendere" (no contest).

Conviction is an adjudication of guilt and includes determinations before a court, a district justice or a magistrate, which results in a fine, sentence or probation.

You may omit: minor traffic violations, offenses committed before your 18th birthday which were adjudicated in juvenile court or under a Youth Offender Law, and any convictions which have been expunged by a court or for which you successfully completed an Accelerated Rehabilitative Disposition program.

Were you ever convicted of a criminal offense? ☐ Yes ☐ No	Are you currently under charges for a criminal offense? ☐ Yes ☐ No

CERTIFICATION AND RELEASE AUTHORIZATION

I hereby authorize any organization affiliated with the Pendleton County Board of Education to investigate my background as necessary for the consideration of my application. This authorization includes a search of the Federal and West Virginia State Police Sex Offender Registry to determine whether I have been convicted of an offense listed in Section 15-12-2 of the West Virginia Code and whether I am registered with the Central Abuse Registry as a sexual offender.

I farther authorize all persons, schools, companies, organizations, credit bureaus and law enforcement agencies to supply all information concerning my background and to furnish reports thereon and I hereby release them and any organization affiliated with the Pendleton County Board of Education from any and all liability and responsibility arising from their doing so.

I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application may result in refusal of or separation from volunteer service upon discovery thereof.

_____ Date	_____ Signature of Candidate (in ink) (must be original)

As required by federal laws and regulations, the Pendleton County Board of Education does not discriminate on the basis of sex, race, color, religion, handicapping conditions, marital status, or national origin in employment or in its education programs or activities. Inquiries may be referred to the Title IX and Section 504 Coordinator, Pendleton County Board of Education, at the Board of Education Office. Phone: 304-358-2207 or to the Department of Education's Executive Director of the Office of Human Resources.

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PENDLETON COUNTY SCHOOLS
VOLUNTEER RECOMMENDATION FORM

Name of Volunteer

Criminal Offenses*

_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No

*An explanation is attached for all yes boxes.

I have thoroughly reviewed each application and have conducted the required background checks. The applicants have met the requirements set forth in *Policy R.9. School Volunteers and Chaperones* and I do hereby recommend the following volunteers/applicants to be approved by the PCBOE. In addition, I have on file the applications for the persons listed above."

Principal's Signature

Date

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PENDLETON COUNTY SCHOOLS
CHAPERONE RECOMMENDATION FORM

Name of Volunteer

Criminal Offenses*

_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
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_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No
_____	☐ Yes ☐ No

*An explanation is attached for all yes boxes.

I have thoroughly reviewed each application and have conducted the required background checks. The applicants have met the requirements set forth in *Policy R.9. School Volunteers and Chaperones* and I do hereby recommend the following volunteers/applicants to be approved by the PCBOE. In addition, I have on file the applications for the persons listed above."

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PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.10. Parental Involvement in Title I	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education has long recognized the importance of parental support and a cooperative effort between the schools and the parents in the establishment and maintenance of quality educational programs in the county schools. Therefore, the Board heartily endorses the procedures set forth in the following pages that will guide its employees in their efforts to enhance parental involvement in regular, two-way and meaningful communication involving student academic learning and other school activities, especially those associated with the Title I program.

(P) R.10.1. Title I Policy Requirements

The Pendleton County Board of Education agrees to implement the following statutory requirements:

- ❖ The school district will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.
- ❖ Consistent with section 1118, the school district will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- ❖ The school district will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.
- ❖ In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the school district and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- ❖ If the LEA plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, the school district will submit any parent comments with the plan when the school district submits the plan to the State Department of Education.
- ❖ The school district will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- ❖ The school district will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

- ❖ that parents play an integral role in assisting their child's learning;
- ❖ that parents are encouraged to be actively involved in their child's education at school;
- ❖ that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
- ❖ the carrying out of other activities, such as those described in section 1118 of the ESEA.

(P) R.10.2. Actions to be taken to implement the Policy Components

- ❖ The Pendleton County Board of Education will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA:
 - Conduct an annual meeting.
- ❖ The Pendleton County Board of Education will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:
 - Conduct an annual meeting; and
 - Distribute a county-wide parent survey and tabulate results.
- ❖ The Pendleton County Board of Education will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:
 - Staff meetings as needed;
 - Classroom orientations; and
 - Use of Parent Community Coordinator.
- ❖ The Pendleton County Board of Education will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs: Head Start by:
 - Joint staff development opportunities; and
 - Annual Meetings.
- ❖ The Pendleton County Board of Education will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The school district will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

The school satisfaction surveys will be developed with parents and administration. These surveys will be administered and results distributed by the principals to all parents.
- ❖ The Pendleton County Board of Education will build the schools' and parent's capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:
 - The school district will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by the school district or school, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph:
 - the State's academic content standards;
 - the State's student academic achievement standards;
 - the State and local academic assessments including alternate assessments;
 - the requirements of Part A;
 - how to monitor their child's progress; and
 - how to work with educators.
 - Parent-Teacher Conferences will be conducted at least twice a year. Teachers will also be available for additional conferences as needed.
 - Report Cards will be sent home four times a year.
 - Schools will maintain monthly newsletters and their school webpage to inform parents and community of school activities.
 - State and county academic reports will be distributed. Parents will be informed about state testing procedures, academic standards and new state mandates through letters, workshops, newspaper articles, and the county webpage.
 - County and School Plans will be available at all schools for parental inspection and review.

- ❖ The school district will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children's academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:
 - Each elementary school will provide at least one yearly workshop for parents;
 - Schools will sponsor an Open House program; and
 - A Parent Educator Resource Center will be maintained at the Board Annex.
- ❖ The school district will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:
 - Semi-annual workshops will be offered for teachers and staff.
- ❖ The school district will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by:
 - Schools will coordinate and support parent meetings with Head Start efforts.
- ❖ The school district will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:
 - LEA project information will be available at each school and the county board office; and
 - Each school will distribute the Parent Involvement Policy, School-Parent Compact/Policy in the Student Handbooks.

(P) R.10.3. Discretionary District-Wide Parental Involvement Policy Components

The District wide Parental Involvement Policy may include additional paragraphs listing and describing other discretionary activities that the school district, in consultation with its parents, chooses to undertake to build parents' capacity for involvement in the school and school system to support their children's academic achievement, such as the following discretionary activities listed under section 1118(e) of the ESEA:

- ❖ Involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
- ❖ Providing necessary literacy training for parents from Title I, Part A funds, if the school district has exhausted all other reasonably available sources of funding for that training;
- ❖ Paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- ❖ Training parents to enhance the involvement of other parents;
- ❖ In order to maximize parental involvement and participation in their children's education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
- ❖ Adopting and implementing model approaches to improving parental involvement;
- ❖ Establishing a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- ❖ Developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and
- ❖ Providing other reasonable support for parental involvement activities under section 1118 as parents may request.]

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.11. Release of School Personnel for County Disaster Emergencies	Adopted: August 20, 2003 Last Review: March 2018

The Board recognizes that small, rural counties such as Pendleton have a tradition of depending upon local individuals and groups to respond to emergency situations that sometimes arise. Therefore, upon request by the Office of Emergency Services, the Superintendent, principal, or designees may excuse school employees to assist with an emergency if their duties can be sufficiently covered within the school. Such excusals may only occur after all other potential possibilities are exhausted by the Office of Emergency Services as verified by the OES Director or the person acting in said capacity.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.12. Parent, Family, and Community Involvement in the Educational Program	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education supports the concept that the successful education of its youth must be a shared responsibility of the parents, family and community at large. Strong partnerships between homes, schools, and communities are needed to ensure a quality education for all children. Parents, teachers, and community members, by fostering a sense of cooperative responsibility, can reinforce each other's efforts. Parents, as their children's first and most enduring teachers, can complement their children's school learning and behavior by serving as collaborators in the educational process. Community involvement, including strong business partnerships, promotes a safe and supportive school climate that connects students to a broader learning community. The resulting home-school-community partnerships can have positive effects on parent, teacher and student attitudes, classroom instruction, and student achievement. The intent of this policy is to provide guidelines for strengthening parent, family, and community involvement in Pendleton County.

(P) R.12.1. Definitions

- ❖ The term "parents", as used in this policy, are those with legal or quasi-legal custodianship (e.g. biological, adoptive, foster parents).
- ❖ The term "family" includes family members (e.g. parents, aunts, brothers, grandparents) and significant others whose involvement may be important to the child.
- ❖ The term "community" refers to all of the individuals who reside in a common locality including: residents, businesses, social organizations and networks, faith-based organizations, and civic leaders.

(P) R.12.2. The Strategic Planning Committee

Committee Structure:

The Strategic Planning Committee shall be comprised of the following members:

- ❖ Three elementary teachers (one from each school);
- ❖ One high school teacher;
- ❖ One middle school teacher;
- ❖ Three elementary principal;
- ❖ High school/middle school principal;
- ❖ One parent from each representing early childhood, elementary grades, middle school grades and high school grades;
- ❖ One representative from the community at large; and
- ❖ One representative from the business community.

Teacher representatives shall be selected by the Faculty Senate. Parent/family representative shall be selected by the Superintendent from a list of nominees submitted by the Local School Improvement Committees. The Superintendent shall also make community and business representative appointments.

Committee members shall serve two-year terms and said terms shall be staggered in a manner to be determined by committee bylaws.

The Committee's Role:

The responsibilities of the Strategic Planning Committee include, but are not limited to establishing and implementing long and short-term goals, setting priorities, identifying the core beliefs and mission of the committee and developing a means whereby the progress toward meeting goals and objectives may be measured.

(P) R.12.3. Planning Guidelines

The plan shall include strategies for achieving the stated goals and objectives. The plan should also identify resources both inside and outside the school system which may be accessed as appropriate. Budgetary resources (if any) shall be explored and identified.

The committee should consider all existing groups such as the school Faculty Senate, Local School Improvement Council, Superintendent's Citizen Advisory Committee, Title I groups, PTA, school curriculum teams, booster groups, etc. to be valuable resources for input and support in the implementation of any plans put forth.

Avenues of communication between the school system and its constituents shall be clearly defined. The strategic plan shall include an ongoing, two-way communication system that includes feedback mechanisms for parents, families, communities and school staff. The Board recognizes that many of its constituents rely on the printed word and the visual media to obtain and dispense information; however, the Board shall seek out ways to encourage a greater use of technology in the homes and community at large. The Board believes this effort will be important to 21st Century learning practices in Pendleton County Schools.

Pendleton County's strategic plan shall include objectives relative to continuously improving parent and student support. In establishing such objectives, the Board recognizes its responsibility to form partnerships with all families including parents who work outside the home, divorced parents with or without custody, families of minority race and language, and guardians of children in non-traditional families. The objectives should support the implementation of the following guiding principles:

- ❖ Welcoming all parents, families, community members and businesses to participate in all students' education;
- ❖ Utilizing many different modes of communication to ensure parents, families and communities participate in the education of students and are encouraged to communicate with the school.
- ❖ Providing educational opportunities for educators about current research, model programs and best practices for engaging parents, families, and community members in improving student achievement.
- ❖ Celebrating successes of students to encourage student achievement.
- ❖ Having high expectations for parents, families and community members to become partners in education.
- ❖ Involving businesses to enhance educational opportunities, career development, and experiential learning.
- ❖ Utilizing the community to provide resources to strengthen school programs, families, and student learning.

(WVC §18-2-5; SBP 2200 – Parent, Family and Community Involvement in Education)

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PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.1. Pendleton County's Commitment to Students	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County School system is dedicated to providing equal educational opportunities to all students regardless of race, color, creed, national origin, political affiliation, religion, handicap or gender. The Board also believes that students are enrolled in Pendleton County Schools to secure the tools necessary to succeed in life. It is not enough to possess a skill, vocation, talent, or a profession. The program of studies must teach students respect for the rights of others as much as their own, and it must offer them the opportunity to acquire the values, attitudes, knowledge, and skills necessary to enable them to adapt to school and life. This Board believes students function best when:

- ❖ They are free to learn;
- ❖ They have pleasant surroundings in which to learn;
- ❖ When they are aware of their responsibility and obligations, and are held accountable for their actions and reactions;
- ❖ They are emotionally, mentally, and physically well-adjusted; and
- ❖ They are aware that their parents, the school, and the community are interested and concerned about their progress and their future.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.2. Persons to Whom the Schools are Open	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Schools shall be open to all persons who meet the following criteria:

- ❖ Persons who meet the age requirements as determined by state law.
- ❖ Persons who are residents living with a parent, guardian or foster parent.
- ❖ Persons who have a legal domicile in the county. Legal domicile, as construed by the courts, implies the presumption that the individual has the intention of remaining in that location for an extended period of time. Such persons may be living with relatives, friends, alone or they may be residents of an institution located within the county.
- ❖ Non-residents as defined in *(P) S.5.1. Out-of-County Students*.
- ❖ Post-graduate students are eligible to attend those classes designated for adult education by the state and local school boards.
- ❖ Homeless children living in temporary shelters are eligible to attend school.
(WC §18-2-13h; §18-5-15; §18-5-18; §18-5-19b; §18-8-1; §18-8A-1 thru 4; §18-20-1; §18-20-1a)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.3. School Entrance Requirements****Adopted: August 20, 2003****Last Review:****March 2018**

Entrance and enrollment requirements for the Pendleton County Schools shall conform to the provisions defined in State Code and State Board of Education Policy.

(P) S.3.1. Age and Immunization Requirements**Age:**

Parents desiring to enroll their children in Pendleton County Schools must provide documentation of the following:

- ❖ Children enrolling in kindergarten must be at least five years of age prior to July 1 of the year of entrance;
- ❖ Children enrolling in the first grade must be six years of age prior to July 1 of the year of entrance;
- ❖ Children enrolling in pre-school programs must be four years of age prior to July 1 of the year of entrance; and

Immunization Requirements:

The immunization requirements for entry into the Pendleton County Schools are established by the West Virginia Department of Health and Human Resources interpretative rule 64CSR95 Immunization Requirements and Recommendations for New School Enterers; SBP 2423 Communicable Disease Control Policy and state codes WVC §16-3-4; §16-3D-3 and §18-5-15.

No child or person may be admitted or received in any of the schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough or produces a certificate from the commissioner granting the child or person an exemption from the compulsory immunization requirements of WVC §16-3-4.

Any school or state-regulated child care center personnel having information concerning any person who attempts to be enrolled in a school or state-regulated child care center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons to the commissioner.

The immunization requirements of the Department of Health and Human Resources by age groups are listed below:

Minimum Immunization Requirements for Pre-K Program Entry

Vaccine	Requirement	Vaccine	Requirement	Provisional Enrollment
Hepatitis A	2 doses	Hepatitis B	3 doses	Students may be provisionally enrolled with at least one dose of each required vaccine and allowed up to 8 months to obtain up-to-date status
DTaP	4 doses	Varicella	2 doses	
IPV	3 doses	MMR	2 doses	
Hib	4 doses	PCV	4 doses	

Minimum Immunization Requirements for New School Enters K-12

Vaccine	Requirement	Provisional Enrollment
DTaP/DTP Td/Tdap	4 doses	After one dose, student may be allowed up to 8 months to complete the series.

Polio (IPV)	3 doses	After one dose, student may be allowed up to 90 days to complete the series.
Measles, Mumps & Rubella (MMR)	2 doses	After one dose, student may be allowed up to 30 days to complete the series.
Varicella	2 doses	After one dose, children less than 13 years of age may be allowed up to 90 days to obtain 2nd dose; children aged 13 years and older may be allowed up to 30 days to obtain the 2nd dose.
Hepatitis B	3 doses	After one dose, student may be allowed up to 4 months to complete the series.

West Virginia Immunization Requirements for 7th and 12th Graders

Beginning in 2012-2013, state law and rules require that all children entering school in West Virginia in grades 7 and 12 must show proof of immunization against diphtheria, pertussis, tetanus, and meningococcal disease unless properly medically exempted.

Pursuant to State Board of Education *Policy 2423 – Communicable Disease Control*, beginning in the school year 2012-2013, two additional vaccine requirements shall be added for students entering the 7th and the 12th grades, in accordance with the guidance from the Advisory Committee on Immunization Practices (ACIP) and the revised rule of the West Virginia Bureau for Public Health 64CSR905. Proof of Tdap and Meningococcal vaccination shall be presented upon entry to seventh and twelfth grade as indicated in Interpretive Rule, Immunization Requirement and Recommendations for New School Enterers, 64CSR95.

The table below outlines immunization requirements as most commonly met. The West Virginia Bureau for Public Health recommends that vaccine doses administered 4 days or fewer before the minimum interval or age should be considered valid.

7th Grade School Entry Requirement

Vaccine	Requirement	Provisional Enrollment
Tdap (tetanus, diphtheria, acellular pertussis)	Proof of booster dose of Tdap vaccine	No provisional enrollment permitted
MCV4 (meningococcal / meningitis)	Proof of 1 st dose of MCV4 vaccine	No provisional enrollment permitted

12th Grade School Entry Requirement

Vaccine	Requirement	Provisional Enrollment
Tdap (tetanus, diphtheria, acellular pertussis)	Proof of booster dose of Tdap vaccine	No provisional enrollment permitted
MCV4 (meningococcal / meningitis)	One or two doses required. One dose of MCV4 is required if Received after the 16th birthday. Second dose is required if the first dose was before 16th birthday.	No provisional enrollment permitted

Exemptions to Immunization:

The Commissioner (Bureau official who serves as State Health Officer) is authorized to grant, renew, condition, deny, suspend or revoke exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

- ❖ A request for an exemption to the compulsory immunization requirements of §16-3-4 must be accompanied by the certification of a licensed physician stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine;
- ❖ The Commissioner is authorized to appoint and employ an Immunization Officer to make determinations on request for an exemption to the compulsory immunization requirements of §16-3-4 on a statewide basis, and delegate to the Immunization Officer the authority granted to the commissioner by §16-3-4;
- ❖ A person appointed and employed as the Immunization Officer must be a physician licensed under the laws of this state to practice medicine;
- ❖ The Immunization Officer's decision on a request for an exemption to the compulsory immunization requirements of §16-3-4 may be appealed to the State Health Officer; and
- ❖ The final determination of the State Health Officer is subject to a right of appeal pursuant to the provisions of §29A-5-1 to 29A-5.

West Virginia State Law does not allow for non-medical exemptions to immunization requirements; therefore, requests for exemption on the basis of religious beliefs cannot be granted.

Testing for Tuberculosis

Students found or suspected to have active tuberculosis shall be temporarily removed from school while their case is reviewed and evaluated by their personal physician and the local health officer. Students shall return to school when their personal physician and the local health officer, in consultation with the commissioner, indicate that it is safe and appropriate for them to return.

The commissioner may require selective testing of students and school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism or they have signs and symptoms indicative of the disease. School nurses shall identify and refer any students or school personnel to the local health department in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

Note: "Commissioner" means the Commissioner of the Bureau for Public Health, who is the state health officer.

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(P) S.3.2. General Enrollment Requirements

- ❖ All students entering school for the first time must undergo hearing, speech and language and vision screening;
- ❖ No student shall be admitted for the first time to any school in Pendleton County unless the person enrolling the student presents a copy of the student's original birth record certified by the State register of vital statistics confirming the student's identity, age, and state file number of the original birth record.
 - If a certified copy of the student's birth record cannot be obtained, the person so enrolling the student shall submit an affidavit explaining the inability to produce a certified copy of the birth record. The principal shall report the failure to produce a proper birth certificate to local law enforcement officials;
 - Within 14 days after enrolling a transferred student, the principal of the receiving school shall request that the principal or his/her designee of the school in which the student was previously enrolled transfer a certified copy of the student's birth record.
 - Military personnel who are in transit owing to military orders may be granted a three week extension to submit birth records.

- ❖ Children desiring to enter the first grade are required to have successfully completed a public or privately supported state-approved kindergarten or Montessori kindergarten program or have successfully completed the Metropolitan Test of Basic Readiness Skills.
- ❖ An entrance examination shall be administered in lieu of kindergarten attendance only under the extraordinary circumstances listed below:
 - Serious illness verified by a physician's statement;
 - Instruction in the home, provided permission for such instruction has been granted by the Pendleton County Board of Education pursuant to the State School Code;
 - Hazardous conditions as verified by the appropriate school board personnel.
- ❖ Parents of students who have requested an exception to kindergarten attendance for one of the extraordinary circumstances will be notified of the time, place, and date of the readiness examination and shall be required to bring their child to a designated school to be tested.
- ❖ Students who achieve a composite stanine score of three or more on the Metropolitan Test of Basic Readiness Skills shall be recommended for placement in the first grade in lieu of successfully completing an approved kindergarten program. Parents of students who composite score is less than three may request further testing to assure the proper placement of their child.
- ❖ A child may be removed from a kindergarten program when the principal, teacher and parent or guardian concurs that the best interest of the child would not be served by requiring further attendance. The principal shall make the final determination with regard to compulsory school attendance;
- ❖ A student is officially enrolled when one of the following conditions occurs:
 - Student was enrolled the previous year;
 - Student appears at school to enroll with or without a parent/guardian; or
 - Student and/or parent/guardian appear at school to enroll with or without records.
- ❖ The provisions of this policy shall not prevent a student from another state from transferring and enrolling in a school in Pendleton County in such grade as the student was enrolled at the school from which he transferred.

(WVC §18-2-5; §18-2-5c; §18-5-17 §18-5-18; and §18-8-1a)

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(P) S.3.3. Early Entrance into Kindergarten

For children whose birth date falls after July1, the Pendleton County Board of Education does provide the opportunity for parents to petition for their child's early entrance into kindergarten when they believe circumstances clearly warrant such a request, To be eligible for early entrance into kindergarten, the child must meet both of the following criteria:

- ❖ Ability, which falls in, the very superior range as measured by an individual test of ability.
- ❖ Developmental skills, which are also advanced and commensurate with a very superior ability.

Parents who wish for their child to be evaluated for early entrance to kindergarten must contact the Director of Students Services and Personnel. Following this contact an appointment will be established with the school psychologist to complete the evaluation. The test battery will consist of the McCarthy Scales and the Kaufman Test Educational Achievement. The school psychologist will conduct the evaluation and submit a report with a recommendation as to whether the child has met the above stated criteria. This report will be shared with the parent/guardian.

(WVC 18-5-18 and Blessing v. Mason County Board of Education)

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Amended/Revised: October 19, 2005; September 25, 2007; October 2, 2012; September 1, 2015

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.4. Home Schooling****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education recognizes the right of parents to choose the option of home instruction or private schooling for their children. West Virginia Code §18-8-1 (c) (2) grants parents the legal status to home school their children once they have met the requirements outlined in the code. This policy will address that exemption to public school attendance.

(P) S.4.1. Home Instruction under §18-8-1 (c) (2)

A child is exempt from the compulsory school attendance requirement set forth in §18-8-1a if the requirements of either subdivision (1) or subdivision (2) of §18-8-1, both relating to home instruction, are met.

The instruction shall be in the home of the child or children or at some other place approved by the county board and for a time equal to the instructional term set forth in §18-5-45. If the request for home instruction is denied by the county board, good and reasonable justification for the denial shall be furnished in writing to the applicant by the county board.

The instruction shall be conducted by a person or persons who, in the judgment of the county superintendent and county board, are qualified to give instruction in subjects required to be taught in public elementary schools in the state.

The person or persons providing the instruction, upon request of the county superintendent, shall furnish to the county board information and records as may be required periodically with respect to attendance, instruction and progress of students receiving the instruction.

The Superintendent may, after a showing of probable cause, seek from the circuit court of the county an order denying home instruction of the child. The order may be granted upon a showing of clear and convincing evidence that the child will suffer neglect in his or her education or that there are other compelling reasons to deny home instruction.

Requirements to be met by the Person Providing Home Instruction:

- ❖ Upon commencing home instruction under §18-8-1(c) (2), the parent of a child receiving home instruction shall present to the county superintendent or county board a notice of intent to provide home instruction that includes the name, address, and age of any child of compulsory school age to be instructed and assurance that the child shall receive instruction in reading, language, mathematics, science and social studies and that the child shall be assessed annually in accordance with this subdivision. This is a one-time notice.
- ❖ Provided, That if a child is enrolled in a public school, notice of intent to provide home instruction shall be given on or before the date home instruction is to begin.
- ❖ The person providing home instruction shall notify the county superintendent upon termination of home instruction for a child who is of compulsory attendance age.
- ❖ Upon establishing residence in a new county, the person providing home instruction shall notify the previous county superintendent and submit a new notice of intent to the superintendent of the new county of residence.
- ❖ The person or persons providing home instruction shall submit satisfactory evidence of a high school diploma or equivalent, or a post-secondary degree or certificate from a regionally accredited institution or from an institution of higher education that has been authorized to confer a post-secondary degree or certificate in West Virginia by the West Virginia Council for Community and Technical College Education or by the West Virginia Higher Education Policy Commission.

Academic Assessment of the Students:

Annually the person or persons providing home instruction shall obtain an academic assessment of the child for the previous school year in one of the following ways, as per WVC 18-8-1:

- ❖ The child receiving instruction in the home takes a nationally normed standardized achievement **test which** is:
 - published or normed not more than ten years from the date of administration of the test; and
 - administered under conditions as set forth by the published instructions of the selected test; and
 - administered by a person qualified in accordance with the test's published guidelines in the subjects of reading, language, mathematics, science and social studies.

The child shall be considered to have made acceptable progress when the mean of his/her test results in the required subject areas for any single year is within or above the fourth stanine or if below the fourth stanine shows improvement from the previous year's results. **Or**
- ❖ The child participates in the testing program currently in use in the Pendleton County Schools. The test shall be administered at a public school within the county at the scheduled time for testing in that school. Determination of acceptable progress will be based on current guidelines of the state-testing program. **Or**
- ❖ A portfolio of samples of the child's work is reviewed by a certified teacher who determines whether the child's academic progress for the year is in accordance with the child's abilities. The teacher shall provide a written narrative about the child's progress in the areas of reading, language, mathematics, science and social studies and shall note any areas, which, in the professional opinion of the reviewer, show need for improvement or remediation. If the narrative indicates that the child's academic progress for the year is in accordance with his/her abilities, he/she shall be considered to have made acceptable progress **Or**
- ❖ The child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the Superintendent.
- ❖ A parent or legal guardian shall maintain copies of each student's Academic Assessment for three years. When the annual assessment fails to show acceptable progress as defined under the assessment options defined above, the person or persons providing home instruction shall initiate a remedial program to foster acceptable progress.
- ❖ The Pendleton County Board of Education, upon request, shall notify the parents or legal guardian, in writing of the services available to assist in the assessment of the child's eligibility for special education services. The identification of a disability shall not preclude the continuation of home schooling.
- ❖ In the event a child fails to achieve acceptable progress for a second consecutive year, the person or persons providing instruction shall submit to the Superintendent additional evidence that appropriate instruction is being provided.
- ❖ The parent or legal guardian shall submit to the county superintendent the results of the academic assessment of the child at grade levels three, five, eight and eleven, as applicable, by June 30 of the year in which the assessment was administered.
- ❖ All home schooled students who wish to enroll at Pendleton County High School must adhere to the following procedures in order to receive high school course credit:
 - Produce adequate records that would indicate the dates each specific course was taught.
 - Pass the same course exam that BHS students have completed for course credit. A grade of D or above is needed on the exam for course credit.

Providing County Assistance to Home School:

- ❖ The Superintendent or his/her designee shall offer such assistance, including textbooks, other teaching materials and available resources, as may assist the person or persons providing home instruction subject to their availability
- ❖ Any child receiving home instruction may upon approval by the Board exercise the option to attend any class offered by the Pendleton County Schools that the person or persons providing home instruction may consider appropriate subject to normal registration and attendance requirements.

(WVC §18-8-1 and §18-28-1 thru 6)

(P) S.4.2. Admission of Students from Home Schools and Private Schools

Students previously enrolled in home schools or private schools may apply for admission to the public schools of Pendleton County under the conditions set forth in the following procedures. Students will be admitted at the semester change. Parents are to contact the Attendance Director who will provide a county application form and discuss the scheduling of a placement meeting. Three weeks must be allowed from the time the county application form is received by the Attendance Director and the time the students enters the public school system. Additional time must be allowed if application is made during summer months. Such admission shall be made upon meeting the following requirements:

Enrollment Requirements:

- ❖ Satisfactorily meet all residency requirements.
- ❖ Satisfactorily document that the requirements of S.2. *Persons to Whom the Schools are Open*, (P) S.3.1. *Age and Immunization Requirements*, and (P) S.3.2. *General Enrollment Requirements* have been met.
- ❖ Satisfactorily meet all academic requirements.

Academic Requirements:

- ❖ Students previously enrolled in private schools, located within West Virginia shall be considered for grade level placement based upon the following criteria:
 - A review of private school achievement records, administering academic assessments;
 - Interviews with the students and/or parents; and
 - Recommendation of the private school.
- ❖ Home schools operating under Exemption §18-8-1 (c) (2) shall have appropriate grade level placement for students determined by the educational staff of Pendleton County Schools. While home school documents regarding credits earned may be useful in determining the appropriate grade placement for home schooled students in the public schools of Pendleton County, they will not be automatically accepted as the criteria for student placement. The determination of the appropriate placement for these students may include review of home school achievement records, administering academic assessments, and interviews with the students and/or parents.
- ❖ Students previously enrolled in home schools or private schools located outside of Pendleton County, or receiving an education through any other legal exemption, shall have appropriate grade level placement determined by the educational staff of Pendleton County Schools. This determination may include review of home school or private school achievement records, administering academic achievement measurements, and interviews with the students and/or parents.

(WVC §18-8-1 and §18-28-1thru 6)

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(P) S.4.3. Elementary Home Schooled Students' Participation on Athletic Teams

The Pendleton County Board of Education fully supports the right of parents to choose to home school their children, but to quote the State Supreme Court in the *Jones v. Marion County Board of Education, et al.*, case: "these parents have also chosen to forego the privileges incidental to a public education, one of which is the opportunity to qualify for participation in interscholastic athletics."

It is the Board's policy that only students who are officially enrolled in its elementary schools may participate in elementary athletic programs. This policy does not preclude all home schooled students from participation in these programs. Home schooled students may become eligible by enrolling in the public school in their attendance zone in the following manner:

- ❖ Elementary students must enroll in at least four (4) content areas, two (2) of which must be in the core curriculum.
- ❖ Elementary students must be enrolled for a 9-week grading period, demonstrating a 2.0 GPA in the subject areas for which they are enrolled prior to participation in athletic activities.

This enrollment procedure will allow the school system to count these students in its average daily attendance and enrollment numbers for formula purposes.

The Board's interest is not just economic; it is two-fold. It is has an interest in providing a stable, consistent educational program for all students and to support student participation in wholesome athletic endeavors which contribute to the overall educational experience for the youth of the county.

In addition to meeting Pendleton County Board of Education enrollment requirements, all students participating in athletic programs must meet grade requirements, age limits and any other regulations established by the Board.

Parents and students who choose this attendance option may utilize the county transportation system in so far as the student's schedule matches the transportation schedule. Students who have schedules that do not match the morning and evening transportations will have to provide their own transportation (i.e. a student who rides a bus to school, but his/he school day ends at mid-day would have to provide his/he own transportation home)

Jones v. W. Va. State Bd. of Educ., 622 S.E.2d 289 (W. Va. 2005).

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Amended/Revised: October 9, 2014; September 6, 2016

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.5. Transfer Students****Adopted: August 20, 2003****Last Review:****March 2018**

It shall be the policy of the Pendleton County Board of Education to annually review requests from out-of-county students to attend its schools and requests from Pendleton County students who wish to attend schools in bordering counties. All such requests will be reviewed on a case-by-case basis and permission may be granted to those students who comply with the required procedures.

The county board may establish attendance zones within the county to designate the schools that its resident students shall attend. Upon the written request of any parent or guardian, or person legally responsible for any student, or for reasons affecting the best interests of the schools, the Superintendent may transfer students from one school to another within the county. Any aggrieved person may appeal the decision of the Superintendent to the county board, and the decision of the county board is final.

(P) S.5.1. Out-of-County and Out-of-State Students**First-time Out-of-County and Out-of-State Residents Requesting Transfer In:**

- ❖ Requests for a transfer must be processed through the office of the Director of Student Services and Personnel;
- ❖ In general, out-of-county and out of state students will be accepted into Pendleton County Schools with the following exceptions and requirements:
 - A student who has been expelled/suspended from school in another county or state may be enrolled under the provisions defined in (P) S.5.4.
 - A student who would cause the employment of additional staff may not be enrolled.
 - All transfers of students from neighboring counties and states are subject to the written approval of both boards of education.
- ❖ The Pendleton County Board of Education shall charge all non-state resident, full-time, day students the actual cost per pupil expenditure for the school year which is payable in advance including any extra costs associated with summer school and before/after school programs
- ❖ The student and his/her parent must supply transportation to school or an existing Pendleton County school bus route;
- ❖ Should the enrollment exceed the legal limits for class size during the school term requiring the cost of additional staff, the permission to attend Pendleton County Schools will be rescinded; and
- ❖ If more than one student, who is a non-resident of Pendleton County, is in the class that exceeds the legal size limits, the student who last received permission to attend shall be the student whose permission is rescinded.

Out-of-County Students Currently Attending Pendleton County Schools:

These students shall be subject to the following regulations:

- ❖ The student and his/her parent must supply transportation to school or an existing Pendleton County school bus route;
- ❖ Once granted permission to attend school in Pendleton County, the students must request permission of the Pendleton County Board of Education to return to school each year. Legal class size limits may be a determining factor; and
- ❖ If more than one student, who is a non-resident of Pendleton County, is in the class that exceeds the legal size limits, the student who last received permission to attend shall be the student whose permission is rescinded.
 - A student who would cause the employment of additional staff may not be enrolled.

Pendleton County Student Residents Requesting Transfer Out:

Pendleton County students who have been granted permission by official action of both boards of education to attend an out-of-county school shall be subject to the following regulations:

- ❖ Transportation must be worked out between parent and the receiving county school system;
- ❖ Once granted initial permission to attend an out-of-county school, the student must submit a renewal application annually to the Pendleton County Board of Education requesting permission to continue the transfer; and
- ❖ Should the enrollment exceed the legal limits for class size, the permission to attend an out-of-county school may be denied, at the discretion of the out-of-county Board of Education, as per that county's Board Policy.

Procedural Steps:

- ❖ The parent must phone or send a letter to the Pendleton County Director of Student Services and Personnel requesting an "Out-Of-County Transfer Request" application form;
 - ❖ Return completed application form to the Director of Student Services and Personnel;
 - ❖ Upon Pendleton County Board of Education's temporary approval, the parent will seek approval from the other Board of Education;
 - ❖ The letter of approval from that Board must be sent to the Pendleton County Director of Student Services and Personnel; and
 - ❖ Pendleton County will send a final approval notice for the remainder of the school year.
 - ❖ For subsequent transfers:
 - Incoming students – repeat all of the above steps;
 - Outgoing students – repeat the first two steps.
 - The County Director of Student Services and Personnel will send confirmation to the parent.
- (WV Code §18-5-15f; §18-5-16; §18-5-16a; SBP 7200 and SBP 7212)

Appeals Process:

- ❖ Students whose applications for transfer from one county to another have been denied by either the sending or receiving county may file an appeal with the State Superintendent of Schools who shall have the authority to require the county school board to approve the transfer.
- ❖ Such appeals must be made within 30 days of the county board of education denial of the transfer request.
- ❖ Hearings will be conducted according to State Board policy.
- ❖ Parents filing the appeal must demonstrate to the satisfaction of the State Superintendent that the proposed transfer is based upon sound educational grounds and is in the best interest of the student.
- ❖ The State Superintendent's decision must be rendered within 30 days following the hearing.
- ❖ The State Superintendent's decision is final.
- ❖ An approved transfer shall remain in effect until and unless the parents make proper application to both the sending and receiving county boards of education to revoke the transfer prior to January 1 for the following school year.
- ❖ The county is not responsible for transportation costs unless the county initiates the transfer process.

Follow these links to [SBP 7200-Intercounty Transfer Arrangements](#) and [SBP 7212-Intercounty Transfer Appeal](#)
(WVC §18-2-5; §18-5-16; §18-5-13; §18-9A-14; §18A-4-8i; SBP 7200 & SBP 7212)

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(P) S.5.2. Intracounty Student Transfers

School attendance areas are carefully designed to meet the educational needs of students and to provide the most effective and efficient instructional program possible. The Board shall have the authority to designate attendance areas and the Superintendent shall have the authority to grant intracounty student transfers.

Students will be expected to attend the school to which they are assigned. It shall be the responsibility of the school principal to determine the residence of students and report to the County Attendance Director any exceptions. There are two types of intra-county transfers: Parent Request for Transfer and Administrative Transfer.

Administrative Transfer:

- ❖ A student who is involved in a serious disciplinary or extraordinary situation in a school may be considered for an administrative transfer when such transfer appears to be in the best interests of the student and the school district; and
- ❖ Any student enrolled in a school where the student/teacher ratio exceeds state requirements may be transferred to another school in the district where the student/teacher ratio is within limits. When a student has been transferred due to class size, it is the desire of the administration to offer the student the opportunity to return to the school of residence when space opens up;

Parental Request for Transfer:

Decisions to grant permission to transfer are based on class size at both the student's school of residence and the receiving school. Parental requests will be granted only under extenuating circumstances. Once denied, the student remains in school of residence for the entire year. Once approved, the parent must understand that the student may be returned to the school of residence at any time within the school year should the class size exceed limits set by state law.

Students previously approved for enrollment in a school out of their home school attendance zone on the effective date of the amendments to this policy (fall 2006) shall be considered to be in the correct school attendance zone until one of the following occurs:

- ❖ The student progress on to another grade level in a different school; or
- ❖ The student moves to a new residence in a different attendance zone; or
- ❖ The student's parents request a transfer back to the home attendance zone.

All others requesting transfers after the effective date of these amendments shall follow the guidelines set forth by the policy in its amended form.

Procedures Controlling Student Transfers are as Follows:

- ❖ The parent may submit a letter to the Pendleton County Director of Student Services and Personnel requesting an "in-county transfer.
- ❖ Such requests shall contain all relevant information and include the specific reasons for a transfer request. After careful investigation, the request shall be presented to the Superintendent for approval or denial.
- ❖ Students who are granted a transfer shall also be provided county transportation whenever possible.
- ❖ All students are to attend their respective school in the zone in which they reside. Those that move during the school year may complete their current year at the school currently enrolled if such school is in a different zone and county transportation is available. However, at the conclusion of that school year, such students will enroll in the school that serves the zone where they currently live. These requirements shall be effective with the 2006-07 school term.
- ❖ Approval shall be granted for the remainder of the current school term. Changes in circumstances or conditions may require the withdrawal of approval by the Board. Therefore, parental requests for transfer must be submitted annually to the Pendleton County Director of Student Services.
(WVC §18-2-5 and §18-5-16)

Transfers from Seriously Impaired School:

When a school is determined to be seriously impaired and fails to improve its status within one year, following state intervention in the operation of the school to correct the impairment, any student attending the school may transfer once to the nearest fully accredited school in the county, subject to approval of the fully accredited school and at the expense of the school from which the student transferred.

Appeals Process:

Any aggrieved person may appeal the decision of the Superintendent to Board of Education. The decision of the Board shall be final.

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(P) S.5.3. Admission of Exchange Students

Pendleton County Schools will accept a limited number of students from other nations who come to the county via exchange programs. These programs must seek and receive official recognition by the Pendleton County Board of Education prior to acceptance of the exchange student.

Students accepted for enrollment, and their sponsoring families, must comply with all local, state, and federal rules, regulations, and policies. A letter of agreement shall be prepared by the high school principal and must be signed by the school principal, the sponsoring family and the student. This letter will include information regarding immunization requirements prior to enrollment, responsibilities for school cost and fees, and responsibilities of sponsoring family regarding attendance and other policy requirements.

Exchange students will receive a "class audit review" of their work in each class for which they are enrolled. This narrative information, along with an assigned letter and number grade, will be given to the student and sponsoring family, and forwarded to the student's home school. In order for students to be granted high school credit they shall be enrolled in a Pendleton County School for at least two full years, have submitted a complete academic record from their home school, and have their planned program of study approved by the school principal, the student, and the sponsoring family.

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(P) S.5.4. Transfer Student's Suspension and/or Expulsion Status

Prior to the admission of a pupil to any public school in Pendleton County, the school principal, acting as the Superintendent's agent, shall require the pupil's parent(s), guardian(s) or custodian(s) to provide, upon registration, a sworn statement or affirmation indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in West Virginia or another state. Any person willfully making a materially false statement or affirmation shall be guilty of a misdemeanor and, upon conviction, the penalty shall be the same as provided for "false swearing" pursuant to §61-3-5-3 of the West Virginia Code.

The principal his/her designee shall consult the WVEIS (West Virginia Education Information System) to determine whether the pupil requesting admission is, at the time of the request for admission, serving a suspension or expulsion from another public school in West Virginia.

The WVEIS system has been programmed to disallow the recording of the enrollment of any pupil who is, at the time of attempted enrollment, serving a suspension or expulsion from another public school in West Virginia, and the system will notify the user who has attempted to record such enrollment that the pupil may not be enrolled, and to notify that user of the reason for the suspension or expulsion.

Any student who has been suspended or expelled from school pursuant to §18A-5-1 of the code, or who has been suspended or expelled from a public or private school in another state, due to actions described in §18A-5-1, may not be admitted to any public school within the state of West Virginia until the period of suspension or expulsion has expired.

However, consistent with the *Cathey A v. Doddridge County Bd. of Education*, 200 W. Va. 521, 490 S.E.2d 340 (1997), the Safe Schools Act was amended to permit a public school to deny educational services to a student only when, following notice and a formal hearing, s/he is found to be a dangerous student. As defined by the court, and dangerous student one who is substantially likely to cause serious bodily injury to himself/herself or another individual within that student's educational environment, which may include any alternative education environment, as evidenced by a pattern or series of violent behavior exhibited by the pupil, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense. Even then, the county must

hold another hearing after three months to determine whether the student still meets the definition of dangerous student.

The Court directed that such a determination be made on a case-by-case basis and predicted that such a denial of educational services would be justified only in the most extreme cases.

If, when enrolling a previously expelled student, the Superintendent reasonably determines that the conduct resulting in the discipline is conduct described in the Safe Schools Act, the student may be offered alternative education for the period of the suspension or expulsion. Consistent with WVC §18-5-15, a student has the right to petition the county board of education to challenge the Superintendent's decision to offer only alternative education instead of regular school attendance.

(WVC §18A-5-1; §18A-5-1a; Superintendent Interpretation, January 26, 2007; Cathe A v. Doddridge County Bd. of Education, 200 W. Va. 521, 490 S.E.2d 340 (1997))

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(P) S.5.5. Interstate Compact on Educational Opportunity for Military Children

The state of West Virginia has entered into the *Interstate Compact on Educational Opportunity for Military Children*; therefore, Pendleton County joins in the effort, in so far as possible, to remove public school barriers to educational success faced by school-aged children enrolled in grades Pre-K through 12 who are in the household of an active duty uniformed services member (including members of the Guard and Reserve pursuant to active duty orders under federal law).

The Compact aims to ease the educational effects of military families' frequent moves and the deployment of parents. Among its provisions are these:

Educational Records and Enrollment:

If official education records cannot be released to a student's parents or guardians for the purpose of the student's transfer to a school in another state, the custodian of records in the sending state must prepare and furnish to the parents a complete set of unofficial educational records.

The receiving school must enroll and conditionally place the student based upon information in the unofficial records pending validation by the official records. The school shall request an official record from the sending school and said record must be processed and furnished within 10 days.

Immunizations:

The Board must allow a student 30 days from the date of enrollment to obtain any required immunizations unless the rules of the Interstate Commission establish another time period. Where a series of immunizations is required, the student must obtain the initial vaccination within 30 days of enrollment unless the rules of the Interstate Commission establish another time period.

Enrollment at Current Grade Level:

Regardless of the student's age, s/he must be permitted to enroll in the grade level in West Virginia, including kindergarten, which is commensurate with the grade level in which the student was enrolled in the sending state at the time of transition.

Regardless of age, a student who satisfactorily completed the prerequisite grade level in the sending state is eligible for enrollment in the next highest grade level in West Virginia.

Course Placement:

A student who transfers to West Virginia before or during the school year must be initially placed in courses based on the courses in which he or she was enrolled in the sending state and/or on the educational assessment conducted in the sending state if the courses are offered at the school to which the student is transferring. These include Honors, Advanced Placement, vocational, technical, and career pathways courses. A school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in any course.

Educational Program Placement:

A transferring student must initially be placed in educational programs based on current educational assessments conducted at the sending school or based upon participation or placement in like programs in the sending state. The programs include gifted and talented programs and English as a Second Language. The receiving school may perform subsequent evaluations to ensure appropriate placement.

Special Education Services:

A West Virginia school must initially provide to a transfer student with disabilities comparable services based on his or her current IEP. It must also make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 or Title II plan, so as to provide the students with equal access to education. The school may perform subsequent evaluations to ensure appropriate placement.

Placement Flexibility:

County administrative officials have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses or programs offered under the authority of the Board.

Absence as Related to Deployment Activities:

A student whose parent or legal guardian is on active duty and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support zone posting must be granted additional excused absences at the discretion of the Superintendent in order to visit with the parent or guardian relative to such leave or deployment.

Eligibility for Enrollment:

A special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

A county board may not charge local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school district other than that of the custodial parent. Such a child may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

Eligibility for Extracurricular Participation:

The State Board of Education and county boards must facilitate the opportunity for transitioning military children to be included in extracurricular activities, regardless of application deadlines; to the extent the children are otherwise qualified.

Graduation:

To facilitate on-time graduation of children of military families, the State Board of Education and county boards must incorporate certain procedures. These include:

- ❖ Either the waiver of specific courses required for graduation if a student has satisfactorily completed similar course work in another local education agency, or providing reasonable justification for the denial;
- ❖ Where a waiver is denied to a student who would otherwise qualify to graduate from the sending school, providing an alternate means of acquiring required coursework so that the student may graduate on time in the receiving school district; and
- ❖ If a student transferring at the beginning of or during the senior year is ineligible to graduate in West Virginia after all alternatives have been considered, working with the sending state to ensure that the student receives a diploma from the sending state if s/he meets the graduation requirements of the school in the sending state.

(WVC §18-10F-1; §18-10F-2)

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Amended/Revised: October 4, 2004; September 20, 2006; September 6, 2011; August 21, 2012;
September 22, 2015; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.6. Attendance Policy	Adopted: August 20, 2003 Last Review: March 2018

While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance, and to provide an environment conducive to, and encouraging of, attendance. To that end, the Pendleton County Board of Education promulgates the procedures and regulations that are contained in the following pages.

(WVC §18-2-5, §18-8-1, §18-8-4, §18-8-6, SBP 4110) Follow this link to [SBP 4110-Attendance Policy](#).

Philosophy

The Pendleton County Board of Education recognizes that a direct relationship exists between students' daily school attendance and academic performance, graduation, and good work habits. Daily attendance is necessary for students to meet their schools' academic program standards as each day's learning builds on the work previously completed. The Board also realizes that absenteeism often leads to higher delinquency, a higher dropout rate and unproductive adults with few or no marketable skills. Absenteeism can touch the total community spreading from the schools into industry, business and government.

Realizing the importance of good attendance, the Pendleton County Board of Education will enlist the help of many segments of society responsible for promoting good school attendance. This will include school personnel, parents, and community organizations such as Mental Health, Department of Human Services, Health Department and local law enforcement officials.

The Board of Education will further endeavor to promote good attendance by creating a positive, safe learning environment that is committed to helping students develop responsibility, self-discipline and good work habits. The instructional program will be designed to offer instructional opportunities designed to meet student needs, to satisfy high school graduation requirements, to identifying potential dropouts and to develop preventative programs, and to provide programs of instruction for dropouts to continue their education.

Board of Education Responsibilities

The Pendleton County Board of Education, not later than August 1, of each year, shall employ a certified Director of Attendance as required by WVC §18-8-3. Assistants to the County Coordinator of Attendance have the same authority as the Coordinator in carrying out certain duties of the office.

The Board shall support and require the county attendance director and his/her assistants to implement and execute the duties as defined in W. Va. Code §18-8-4:

The Board may establish special and professional qualifications for Attendance Coordinator and assistants as are deemed expedient and proper and are consistent with regulations of the state Board of Education relating thereto: *Provided*, That if the position of Attendance Coordinator has been posted, the Board may employ a person who holds full attendance certification or a person who holds a professional administrative certificate.

Policy Development

It shall be the practice of the Pendleton County Board of Education to seek input from teachers, principals, attendance directors, parents, and community leaders when developing or revising a county attendance policy. A part of that process will be an annual attendance evaluation to determine the effectiveness of the policy. Each revision of the county attendance policy will be submitted to the WVDE for approval.

Students and their parents/guardians shall be made aware of the county attendance policy and their responsibilities and accountability for regular school attendance through student/parent handbooks, newsletters, the news media and other appropriate means of communication.

The county attendance policy will be posted on a county school district's website and readily available to the public.

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(P) S.6.1. Definitions

- ❖ **Absence:** Not being physically present in the school facility for any reason. A student may not be suspended solely for failure to attend class.
- ❖ **Allowable Deduction:** Beginning with the 2016-2017 school year, the only allowable deductions will be absences that result from school approved curricular/co-curricular activities, failure of the bus to run/hazardous conditions, students not in attendance due to disciplinary measures and school/county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.
- ❖ **Attendance:** For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the following definitions:
 - Full-day attendance is being present at least .74 of the school day.
 - Half-day attendance is being present at least .50 of the school day.
- ❖ **Attendance Rate:** The number of days present divided by the number of days of membership, multiplied by one hundred, equals attendance rate for students on the attendance registers in classes K-12.
- ❖ **Dropout:** A dropout is a student who:
 - Was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
 - Was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
 - Has not graduated from high school, obtained a Test Assessing Secondary Completion (hereafter TASC) diploma, or completed a state- or district-approved education program; and
 - Does not meet any of the following exclusionary conditions:
 - Transfer to another public school district, private school, registered home school, or state- or district-approved education program; or
 - Temporary school-recognized absence due to suspension or illness; or
 - Death.
- ❖ **Dropout Date:** The school day after the dropout's last day of attendance.
- ❖ **Enrollment:** A student is officially enrolled when one of the following conditions occurs:
 - Student was enrolled the previous year;
 - Student appears at school to enroll with or without a parent/guardian; or
 - Student and/or parent/guardian appear at school to enroll with or without records.
- ❖ **Enrollment Count:** A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education.
- ❖ **Excused Student Absences Include: - See File: (P) S.6.2. Managing Student Absences**
- ❖ **Homeless Children and Youths -** As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:
 - children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
 - children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.
- ❖ **Membership Days:** The days present plus the days absent.
- ❖ **School of Origin -** As defined in the McKinney-Vento is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

- ❖ **Transfer:** A process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out of state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

(SBP 4110)

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(P) S.6.2. Managing Student Absences

Enrolled students may be lawfully absent from school for the causes or conditions listed below. Each cause or condition shall be subject to confirmation by the County Attendance Director. The Board authorizes the Superintendent to respond to county-wide health emergency such as a flu epidemic in a manner that is in the best interest of the school system. He/she may temporarily suspend portions of the attendance procedure such as the requirement for a physician's note for absences that exceed three days as a means of assisting the community at large in combating a wide-spread infection.

Excused Absences

- ❖ Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan meetings; and other county board approved excused absences.
 - ❖ Personal illness or injury of the student;
 - Illness or injury of the student requiring physician's verification;
 - Illness of the student verified by parent/guardian not to exceed three consecutive or five total days per semester. Verification by a physician will be required if absences exceed three consecutive days;
 - Personal illness or injury of the student's parent, guardian, custodian, or family member: *Provided*, That the excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family;
 - ❖ Medical or dental appointment with written excuse from physician or dentist when the appointment cannot be scheduled outside the school day;
 - ❖ Documented chronic medical conditions that may require multiple or regular absences. These conditions must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See §126-81-5.3.c.4.).
- Note: The Board may not require more than a parental excuse for absences resulting from a documented chronic medical condition or a documented disability as defined in §126-81-4.10.d. and §126-81-4.10.e.**
- ❖ Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement;
 - ❖ Documented disabilities consisting of any mental or physical impairment that substantially limit one or more major life activities and are documented annually with a valid physician's note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See §126-81-5.3.c.4.).
 - ❖ Calamity, such as a fire or flood;
 - ❖ Death in the family, limit three days for each occurrence except in extraordinary circumstances. "Family" is defined as mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, brother's children, sister-in-law, sister's children, student's children, or any person living in the same household;
 - ❖ Judicial obligation or court appearance involving the student;
 - ❖ Military requirement for students enlisted or enlisting in the military;
 - ❖ Personal or academic circumstances approved by the principal;
 - ❖ Such other situations as may be further determined by the county board; *Provided* That absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith.
 - ❖ Leaves of educational value. (Example: family educational trips, 4-H educational activities, serving as a Page, etc.) Parent must fill out county forms and the leave must adhere to the following stipulations:

- Obtain prior approval of school administrator;
- The parent must submit an obtain prior approval of the educational plan detailing objectives and activities;
- The leave may not exceed five days, and there must be verification of implementation of the education plan upon the student's return; and
- A leave that extends more than five days requires County Board of Education approval.
- ❖ Observance of religious holidays.
- ❖ All documentation relating to absences (excused or unexcused) shall be provided to the school no later than three instructional days after the first day the student returns to school.

Unexcused Absences

"Unexcused absence" shall be any absence not specifically included in the definition of "excused absence".

Procedural Steps in Dealing with Unexcused Absences

- ❖ In the case of three total unexcused absences of a student during a school year, the attendance director, assistant, or principal shall make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.
- ❖ In the case of five total unexcused absences, the attendance director or assistant or principal shall again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending school and not incurring any additional unexcused absences.
- ❖ In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian or custodian before a magistrate of the county.

If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state.

More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten (10) calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

- ❖ When a student's school and residence are not in the same county, an action to enforce compulsory school attendance may be brought in either county. The magistrate court and circuit court of either county have jurisdiction to try offenses arising under the truancy laws.
- ❖ When calculating unexcused absences for the purpose of making complaints against a parent, guardian or custodian before a magistrate; unexcused absences resulting from suspensions or expulsions from school shall not be considered.
- ❖ The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in §50-1-8 shall assign the case to a magistrate within 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least 10 days' advance notice of the date, time and place of the hearing.
- ❖ A student may not be suspended solely for failure to attend class.
(WVC §18-8-3; §18-8-4; §18-8-5 and SBP 4110)

Unexcused Tardiness/Unexcused Leaving School Grounds

Leaving school grounds anytime throughout the day will be reported to the office as excused or unexcused. Each school will determine and post times of the day according to what time constitutes a full day (.74) or one-half day (.50) present. A student is tardy when he/she arrives at school or class after the time designated as the beginning of instruction.

At the beginning of each school year and throughout the school term, each principal will communicate to the parents the importance of the students arriving at school on a punctual basis. Each teacher will periodically explain to the students and parents, when possible the inconvenience and disruption that a late student causes. This disruptive factor will also be explained in each student's school handbook, the principal or designee will notify the parent/student in writing when a student has been tardy six times. Once a student has been tardy ten times, the principal or designee will refer the student to the Attendance Director who shall have a conference with the student and parent.

As deterrents to tardiness, schools may use, but are not limited to, after school detention, behavior improvement program loss of certain privileges, etc. Excessive tardiness will be addressed through each school's discipline policy.

Makeup Work for Excused and Unexcused Absences

Regardless of the reason for the absence, the student will be allowed the number of days missed plus one in which he/she is responsible to make up all work missed during the absence. Grades for assignments missed during an absence may not be withheld unless the student, after given an opportunity to make up the work, fails to do so.

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(P) S.6.3. Attendance Director Responsibilities and Authority

The County Attendance Director and his/her assistants shall diligently promote regular school attendance by performing the following tasks:

- ❖ Ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age as defined under §18-8-1a;
- ❖ Take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so.
- ❖ When any doubt exists as to the age of a student absent from school, the Attendance Director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student.
- ❖ In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.
- ❖ When any doubt exists as to the age of a student absent from school, the Attendance Director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student.
- ❖ The Director is responsible to make a monthly attendance report to the Superintendent of Schools and the Board showing the activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code §18-8-4.
- ❖ Support and require the school principal to implement and execute the duties as defined in WVC18-8-5.

In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant director also shall perform the following duties:

- ❖ Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;
- ❖ Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees;
- ❖ Cooperate with existing state and federal agencies charged with enforcing child labor laws;

- ❖ Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at such times and in such detail as may be required.
- ❖ Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct;
- ❖ Participate in school teachers' conferences with parents and students;
- ❖ Assist in such other ways as the county superintendent may direct for improving school attendance;
- ❖ Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal;
- ❖ Serve on the county's Dropout Prevention Committee comprised of principals, teacher/counselors, parents and community leaders;
- ❖ Develop a countywide good attendance recognition program;
- ❖ Conduct an annual attendance evaluation to determine the effectiveness of this policy; and
- ❖ Serve as the liaison for homeless children and youth.

All attendance directors and assistants hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director and assistants are responsible under direction of the county superintendent for efficiently administering school attendance in the county.

(P) S.6.3.1. Attendance of Homeless Children

The Director shall serve as the liaison for homeless children and youth as defined in W.Va. Code §18-8-4. As the liaison for homeless children and youth, the attendance director is required to:

- ❖ Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
- ❖ Ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.
- ❖ Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin.
- ❖ Help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision.
- ❖ Immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained.
- ❖ Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies.
- ❖ Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency.
- ❖ Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.
- ❖ Ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

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(P) S.6.4. Principal Responsibilities

The principal shall be the local school attendance coordinator and as such he/she shall:

- ❖ Take an active role in the promoting of school attendance;
- ❖ Make the final determination concerning the classification of an absence, within the limits of state code and county policy;
- ❖ In the case of five (5) total unexcused absences, the attendance director or assistant shall serve

written notice to the parent, guardian or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.

- ❖ Compare the school census with school enrollment, and reports any discrepancies to the County Attendance Director;
 - ❖ Work with teachers appointed to serve on At Risk Committee to develop and carry out a plan of action;
 - ❖ Collect and maintains attendance records including daily attendance records;
 - ❖ Review student data and determines potential truancy problems;
 - ❖ Provide a copy of the County Attendance Policy to each student at the beginning of each school year, or includes policy sections which apply to students in the Student Handbook;
 - ❖ Make prompt reports to the County Attendance Director, or proper assistant, of all cases of unexcused absences arising within the school that require the services of an attendance worker;
 - ❖ A student whose educational services are guided by an existing SAT plan, IEP or 504 Plan may warrant special consideration when a pattern of multiple single or chronic absences exist. The child's current status should be reviewed by the SAT, IEP, or 504 Team as deemed appropriate and in accordance with state and federal laws.
 - ❖ Perform other duties as may be required.
- (WVC §18-8-5)

(P) S.6.5. Teacher Responsibilities

- ❖ Homeroom teachers shall collect and send all written excuses dealing with absences to the office.
- ❖ Encourage student attendance:
 - Discuss absenteeism with students to determine if there is a problem of which the school is unaware; and
- ❖ Keep a classroom record of tardy and absent students from each class during the day and report those absent immediately to the office.
- ❖ Demonstrate a willingness to serve on Dropout Prevention Committee.
- ❖ Share ideas to incorporate in a school-level Dropout Prevention Plan.
- ❖ Develop positive public relations with parents.

(P) S.6.6. Parent or Guardian Responsibilities

- ❖ Each parent, guardian, or custodian shall have the responsibility of fully cooperating in and completing the enrollment process by providing: immunization documentation (W.Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W.Va. Code §18-2-5c), signed suspension and expulsion document (W.Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.
 - ❖ Encourage his/her children to attend school.
 - ❖ Know the difference between an excused and an unexcused absence.
 - ❖ Support his/her children in excused absences only.
 - ❖ Write notes and provide other documentation to school officials explaining each absence within three (3) days of student's return to school.
- (WVC §18-8-2 and §18-8-7)

(P) S.6.7. Student Responsibilities

- ❖ Know the difference between an excused and an unexcused absence.
- ❖ Upon his/her return from an absence the student shall promptly submit to the designated personnel in the school office a note from home explaining the absence.
- ❖ Promptly returns to school from an absence with a note from home explaining the absence.
- ❖ Avoid putting parents into legal difficulty by willfully not attending school.
- ❖ Accept the responsibility for the results of his/her own truant behavior, such as driver's license

revocation and warrants served on parent or self, if eighteen years of age.
(SBP 4373)

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(P) S.6.8. Dropout Prevention

The Pendleton County educational system is based on the assumption that all students will regularly attend school. Attendance shall be supported and encouraged for all students so that they may complete the entire educational program that leads to high school graduation. Toward this end, dropout prevention shall be considered a vital component of the overall education program. The following programs and procedures shall be considered for students identified as potential dropouts, or those who may formally withdraw from school.

Corrective and preventative measures include:

- ❖ The County will develop and provide alternative programs to encourage the improvement of school attendance, such as:
 - The South Branch Career-Technical Center Alternative Educational Program;
 - South Branch Career-Technical Center;
 - Early Childhood Education Program;
 - Co-op program;
 - Career education classes;
 - Other alternatives, which may come from the school or County committees; and
 - School Guidance Counselor and SAT referral.
- ❖ Attendance Plan of Action:
 - Developed by school personnel, parent and often the student.
 - Contains student-parent data and attendance information.
 - States problems, goals and strategies to reach goals.
 - Dated, signed and agreed upon by all parties involved.
- ❖ School dropout prevention committee/plan: Each school has a committee, appointed by the principal, to develop a plan which would include:
 - Preventative procedures to maintain attendance and avoid truants/dropouts;
 - Incentives to improve attendance (examples: rewards for home-room with the best monthly attendance, perfect attendance, certificates, etc.);
 - Other innovative ideas that best meet the needs of the individual school. (i.e. exam exemption, other privileges); and
 - The plan is to be developed and submitted to county office by October 31 of each school year.
- ❖ Utilizing school SAT and other agencies to aid in dropout prevention:
 - When the Attendance Director and or the student's teacher have identified a student as having attendance problems, the student will be referred to the school counselor. Referrals for follow-up procedures may be made to the Attendance Director, school psychologist, school based mental health counselor, school nurse, SAT, and any other person or agency deemed necessary to resolve the student's attendance problem. The school may utilize outside agencies such as Potomac Mental Health Guild and the Department of Health and Human Resources.
 - The SAT may refer a student to other services whenever such referral is deemed to be in the best interest of the student. Any recommendation of the SAT will be discussed with the parent and student and appropriate changes in the student's program will be made. The SAT shall review suggested interventions to determine their effectiveness. Interventions may include but are not limited to:
 - School-wide positive behavior support system (Elementary and Middle Schools);
 - Responsible student program; and
 - Peer mediation.
- ❖ Dissemination of information by Attendance Director through:

- Media (Pendleton Times or school's newsletter);
- PTO or classroom presentations; and
- Materials developed to educate and inform parents and students concerning attendance laws.

(P) S.6.9. Encouraging Good Attendance

Each school will develop and implement a program that is designed to promote good attendance habits for all students. These programs may include but are not limited to any of the following:

- ❖ Awarding certificates or pins for perfect or faithful attendance.
- ❖ Principals may reward students on a monthly basis with pencils, T-shirts, or any appropriate reward for perfect attendance.
- ❖ Principals may contact the Superintendent in order to recognize students with good attendance at a Board meeting at the end of each grading period.
- ❖ Special treats for classrooms with the best average daily attendance each month.
- ❖ Recognition in local newspapers and other media outlets.

School personnel are encouraged to utilize flexibility and creativity to develop programs specifically suited to the needs of their students.

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(P) S.6.10. Commencement and Termination of Compulsory School Attendance

Pursuant to the State statutes, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten continues to the seventeenth birthday or for as long as the student shall continue to be enrolled in a school system after 17th birthday.

This policy does not apply to students who are exempt from compulsory attendance under WV Code 18-8-1. Exemptions from compulsory attendance as defined in the code are:

- ❖ Instruction in a private or home school setting;
- ❖ Physical or mental capacity as confirmed in writing by a doctor or school nurse;
- ❖ The existence of conditions that render school attendance hazardous to the life, health or safety of the child;
- ❖ A child shall be exempt from the compulsory school attendance requirement upon regular graduation from a standard senior high school or alternate secondary program completion as determined by the state board;
- ❖ A child shall be exempt from the compulsory school attendance requirement if he/she is granted a work permit pursuant to this code. The Superintendent may, after due investigation, grant work permits to youths under termination age designated in WVC 18-8-1a of the code, subject to state and federal labor laws and regulations: *Provided*, That a work permit may not be granted on behalf of any youth who has not completed the eighth grade of school;
- ❖ Serious illness or death in the immediate family of the student. It is expected that the county Attendance Director will ascertain the facts in all cases of such absences about which information is inadequate and report the facts to the Superintendent;
- ❖ Destitution in the home which shall be verified in writing by the Attendance Director;
- ❖ A child is exempt from the compulsory school attendance requirement set forth in the code if the requirements relating to church ordinances and observances of regular church ordinances, are met. The county board may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children. This exemption is subject to the rules prescribed by the county superintendent and approved by the county board.

Completion of the eighth grade does not exempt any child under the termination age designated in WVC §18-8-1a from the compulsory attendance provision of this code.

Special Circumstances for Kindergarten Students

It should be noted that a child who was five years old prior to July 1 of the current school year and who are enrolled in a kindergarten program may be withdrawn from that program during the school term when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: Provided, however, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.

It should also be noted that the option of withdrawal from a kindergarten program is not available to students who are six years of age prior to July 1 of the current school term and who are enrolled in a kindergarten program. Compulsory attendance laws require that all six year old children must be enrolled in an appropriate public education, private school or home instruction program.
(WVC §18-8-1a)

Special Circumstances for Students 18 Years of Age and Older

The compulsory school attendance provision of WVC §18-8-1a and §18-8-2 shall be enforced against a person 18 years of age or older for as long as the person continues to be enrolled in a school system, and shall not be enforced against the parent, guardian, or custodian of such person.

Any person 18 years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of the provisions of WVC §18-8-2 or without just cause, shall be guilty of a misdemeanor and shall, upon conviction of a first offense, be fined not less than \$50 nor more than \$100 together with the costs of prosecution and required to attend school and remain throughout the school day.

Upon conviction of a second offense, a fine may be imposed of not less than \$50 nor more than \$100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school.

Upon conviction of a third offense, any person 18 years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter shall be conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year.

(WVC §18-8-2)

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(P) S.6.11. Individual Exception to Four-Year Attendance Requirement

Attendance for all four years during grades 9-12 is important to attain full benefit from the educational programs offered in the schools of Pendleton County. Therefore, all students shall be scheduled in the defined high school curriculum, college courses, career and technical programs, credit recovery, Option Pathway, experiential learning, or virtual school courses for the full instructional day for all four years.

Exceptions may be made by the Pendleton County Board of Education to accommodate placement into college courses, advanced vocational/technical programs, participation in the WV Virtual School, or for other compelling circumstances.

The Pendleton County Board of Education establishes the following regulations and guidelines for parents and students who are seeking an exception to the four-year attendance requirement. Requests for exceptions must be presented to the County Attendance Director.

Exceptions for Educational Reasons:

- ❖ The principal and guidance counselor must recommend the student for an educational exception.
- ❖ The student must establish a planned high school program by the end of his/her sophomore year.
- ❖ The student's high school record must show the potential for success. Information to be reviewed shall include grades, achievement test scores, ability test scores, etc.
- ❖ The student must show verification of attendance during his/her senior year.
- ❖ Seniors may be excused from one or more of the required daily instructional periods in order to

enroll in college courses that are the equivalent or in excess of the content of high school courses. Evidence of enrollment will be required. Three college/post-secondary hours will equal one high school unit.

- ❖ Seniors may be excused for an entire semester or school year if they provide evidence that they have been accepted and are enrolled as full-time college or post-secondary students. A minimum of four high school units must be taken to qualify as a full-time student.
- ❖ Students may substitute college credit for the senior year of high school including courses required for graduation provided the substitution fulfills state requirements and has prior approval of the high school principal.
- ❖ Only those college and post-secondary programs recognized by the State of West Virginia and those granting a recognized degree and/or certification shall be considered by the Board of Education for approved placement.
- ❖ Students are required to submit a copy of their grades to the high school counselor at the end of each semester.
- ❖ Diplomas shall be awarded to students who complete the graduation requirements in the manner described above.

Exceptions for Compelling Circumstances:

Sometimes students find themselves faced with circumstances beyond their control that make it impossible for them to attend school for a full instructional day for four years; therefore students who can demonstrate a compelling circumstance may be excused from part or all of the requirement.

- ❖ Students must present documentation verifying the uniqueness of their case.
- ❖ The County Attendance Director, and/or other appropriate personnel will investigate all requests for such exemptions.
- ❖ The principal and guidance counselor must recommend the exemption.
- ❖ Compelling circumstances include:
 - Parenthood—having a child that requires your attention.
 - Family responsibilities—spouse or other immediate family members are dependent upon you as a means of care and support.
 - Financial need—financial circumstances in the home require your assistance in maintaining the well-being of the family.
 - Health reasons—serious health problems to an immediate family member require your assistance at home.
 - Travel abroad as an exchange student.
 - Other compelling circumstances. In the event of a request for early graduation based on compelling circumstances not considered above, the Board of Education shall make their decision based upon the recommendation of the Superintendent after careful investigation by the Superintendent and/or his/her designee.

Special Conditions That Do Not Require Exceptions:

- ❖ Students receiving homebound instruction as prescribed by Board Policy;
- ❖ Students participating in supervised work-study programs for one or more of their instructional periods; and
- ❖ Students who have already attended four years in grades 9-12 may be allowed to enroll in only those classes needed to meet graduation requirements.

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The Pendleton County Board of Education shall submit an annual attendance report to the State Department of Education. The report shall list the total number of students scheduled for less than the full instructional day and the reasons, based on the county policy, for the exceptions granted.

(WVC §18-2-5; §18-8-1; SBP 2510)

(P) S.6.12. Student Early Dismissal Precautions

No student shall be released during school hours excepting into the custody of a parent, guardian, or other known responsible person, and then only after securing approval of the principal. When release is made to anyone other than the parent or guardian, written permission from the parent or legal guardian is required prior to release. All students leaving school during school hours must notify and secure permission of the principal or his/her designee. Those failing to do so shall be treated as unexcused.

(P) S.6.13. Work Permits

Students who are 14 or 15 years of age may be employed or permitted to work in any gainful occupation, except as provided in WVC §21-6-2. The person, firm or corporation by whom the child is employed or permitted to work, shall obtain and keep on file and accessible to officers charged with the enforcement of the code, a work permit issued by the superintendent of schools of the county in which the child resides, or by some person authorized by him or her in writing.

Students under the age of 16, even though they are legally employed, may not work during school hours except in work experiences and career exploration programs approved by the U.S. Secretary of Labor. The Superintendent's Office shall be responsible for the taking and issuing of work permits.

The Superintendent or person authorized by him or her in writing shall issue the work permit only upon receipt of the following documents:

1. A written statement, signed by the person for whom the child expects to work, that he or she intends legally to employ the child;
2. A brief written description of the job the child is expected to perform;
3. A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births;
4. A certificate signed by the principal or registrar of the school attended showing that the child is attending school; and
5. The written consent of the parent or parents, guardian or custodian of the child
6. The superintendent of schools may not require a physical examination to be included in the application for a work permit.
7. The superintendent of schools is not required to certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit.

(WVC §21-6-3 thru 10)

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(P) S.6.14. Maintenance of Student Attendance Records

An up-to-date daily register/record of attendance for every student must be maintained. From these records a periodic report, or reports as requested by the County Office in compliance with regulations of the West Virginia Department of Education, shall be electronically sent by use of the WVEIS system.

Data pertaining to absences should be accurately recorded by the teacher each school day for each class, reported daily to the school offices, and should be checked regularly by the school principal. From this data, any monthly term or other attendance report as required by the Pendleton County Board of Education and/or West Virginia Department of Education may be compiled. The WVEIS file shall carry an attendance record of each student. Attendance data should also be reported on the report cards to inform parents about their children's absences.

❖ Maintenance of Records:

- Each school will keep a daily, computerized record of attendance for each student. The record should include classification of absences.
- Parental notes for all absences must be presented to the school within ten days of the last day absent. Otherwise the absence will automatically be classified as "unexcused".
- The principal and/or his/her designee will determine the classification of the absence according to definition.
- The principal will have a procedure to inform the student of the category of each absence.
- The appropriate reports on County-provided forms are to be sent to the County Attendance

Director.

- ❖ State Attendance Reports must be made through the WVEIS in the following manner:
 - First month - net enrollment of students by grade;
 - Second month - net enrollment by grade, verification of certified list of all students by name and grade, and total days present to date;
 - Tenth Month – Verification of grade; number of promotions, retentions, and withdrawals; number of students enrolled in other states; accumulated days present; and number of days school was in session.
- (SBP 4110)

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(P) S.6.15. Exclusions for Health Reasons

A student may be excluded from the school by the principal for health reasons. Extended or permanent exclusion may be made only by the action of the Superintendent following consultation with the School Nurse. Exclusion as used here shall mean an action brought by school officials in order to prevent a child's attendance for reasons of having an infectious disease. Any student so excluded shall not be readmitted to school until such time as the student has complied with all requirements set by the Superintendent or has presented a certificate of health signed by the medical examiner or other proper health officer. The student may not ride the school bus until approved as "disease-free" by trained school personnel or the Health Department. A letter of information and instruction will be provided when the student is identified.

(WVC §18A-5-1)

(P) S.6.16. Non-compulsory School Age Student Withdrawal

Any student sixteen years of age or older who wishes to withdraw from school, having parental approval, is to contact the school counselor/principal to set up an exit interview for the purpose of formally withdrawing. The parent should be included in this conference unless the student is eighteen years of age or older. The exit interview will be used to fill out the West Virginia Department of Education Student Dropout Report, as well as to collect any school-owned books, lunch money, fines, etc. Students above the age of sixteen who are not attending school, and have not declared their intention to withdraw, shall be notified by certified letter of their need to do so. Students who fail to respond to this notification shall be identified as withdrawn.

(WVC §18-8-1 and SBP 4110)

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(P) S.6.17. School Attendance as a Requirement for Driver License

In accordance with the provisions of W. Va. Code §17B-2-3 and §17B-2-5, the WVDVM shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of 18 who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person:

- ❖ is enrolled and making satisfactory progress in a course leading to a GED from a state approved institution or organization, or has obtained such certificate; or
- ❖ is enrolled in a secondary school of this state and making satisfactory academic progress; or
- ❖ is a West Virginia resident enrolled in an out-of-state school; or
- ❖ is excused from such requirement due to circumstances beyond his or her control; or
- ❖ is enrolled in an institution of higher education as a full-time student in this state or any other state.

(WVC 18-8-11)

Definitions:

- ❖ **Circumstances outside the Control of the Student**—shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student, and for purposes of this policy shall be considered an unexcused absence.

- ❖ **Driver's Eligibility Certificate**—documentation provided by the county to the student verifying that he/she has met the attendance, behavioral and academic expectations set forth by §18-8-11 that are required to obtain a license or instruction permit to drive a motor vehicle.
- ❖ **Satisfactory Academic Progress** – means the attaining and maintaining of grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five years or by age 19, whichever is earlier (beginning with the completed 2008-2009 school year).
 - A student must earn a minimum of five credits each year to allow graduation in five years based upon the graduation requirements set forth in SBP 2510.
 - Three of the five credits earned annually must be from the core requirements identified in SBP 2510.

Issuing a Driver's Eligibility Certificate:

The Attendance Director or Superintendent shall upon request provide a Driver's Eligibility Certificate on a form approved by the Department of Education to any student at least 15 but less than 18 years of age who is properly enrolled and is making satisfactory academic progress in the Pendleton County School system. The student's record must also verify that s/he is maintaining a satisfactory standing with regard to attendance. The student may use the Certificate to apply to the Division of Motor Vehicles for or reinstatement of an instruction permit or a license to operate a motor vehicle.

Consequences for Withdrawal from School or Failure to Maintain Satisfactory Academic Progress:

Withdrawal—for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the school system shall deny or revoke a Driver's Eligibility Certificate from any student at least 15 but less than 18 years of age:

- ❖ More than 10 consecutive or 15 total days unexcused absences during a school year; or
- ❖ Suspension pursuant to WVC §18A-5-1a and §18A-5-1b which includes the following behaviors when committed on the premises of an educational facility, at school-sponsored function, or on a school bus:
 - Assault and/or battery on school employees;
 - Possessing deadly weapons;
 - Sale of a narcotic drug;
 - Committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult; and/or
 - Unlawfully possessing a control substance governed by the uniform controlled substances act as described in §60A-1-1 et seq.

No later than five days after following appropriate due process from the date of withdrawal, the Attendance Director or the Superintendent shall notify the WVDMV of the withdrawal from school of any student fifteen years of age, but less than eighteen years of age, except as provided in WVC §18-8-11(d).

The Attendance Directory or the Superintendent shall notify the WVDMV whenever a student at least 15 but less than 18 years of age withdraws from school is suspended pursuant to W. Va. Code §18A-5-1a and §18A-5-1b, and/or fails to maintain satisfactory academic progress, except when the situation is due to circumstances outside the control of the student.

Notification must be provided to the WVDMV no later than five days from the date of the withdrawal and/or suspension. Notification must be provided to the WVDMV no later than five days from the end of the school year for failure to maintain satisfactory academic progress.

The Board may not include attainment by a student of any certain grade point average as a measure of satisfactory progress toward graduation.

Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice shall be sent to the Division of Motor Vehicles to suspend the student's motor vehicle operator's license and if the student is applying for a license, the

Attendance Director or the Superintendent shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section.

Student's Right to a Hearing before the Superintendent:

Within five days of receipt of a withdrawal notice, the Division of Motor Vehicles shall send notice to the student that his/her instruction permit or license to operate a motor vehicle will be suspended under the provisions §17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of §18-8-11 is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the Superintendent or his/her designee concerning whether the student's withdrawal from school or failure to maintain satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. If suspended, the division may not reinstate an instruction permit or license until such time as the student returns to school and shows satisfactory academic progress or until such time as the student attains 18 years of age.

The Superintendent with the assistance of the Attendance Director and any other staff or school personnel shall be the sole judge of whether any of the grounds for denial or suspension of a license as provided by this section are due to a circumstance or circumstances beyond the control of the student.

Hearing before the WVDMV:

Upon written request of a student, within 10 days of receipt of a notice of suspension as provided by the code, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

Reinstatement of Driver's Eligibility Certificate:

Students may have their Driver's Eligibility Certificate reinstated by the Pendleton County Board of Education upon demonstration of satisfactory progress as follows:

- ❖ Reinstatement requests related to withdrawal for unexcused absences shall be reviewed, as outlined in W.Va. §126CSR81, WVBE Policy 4110: Attendance, at the end of the semester following that in which the withdrawal occurred;
- ❖ Reinstatement requests related to withdrawal for failure to make satisfactory academic progress shall be reviewed at the end of each school year; and
- ❖ Reinstatement requests related to withdrawal for suspension pursuant to §18A-5-1a and §18A-5-1b shall be reviewed after all disciplinary sentences have been served.

(WVC §18-8-11, §17B-2-3, §17B-2-5; SBP 4110; SBP 4150)

Follow this link to [SBP 4150-Student Driver Eligibility Certificate](#)

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PENDLETON COUNTY BOARD OF EDUCATION

Student Driver Eligibility Certificate

This certificate is issued to the named student to verify that he/she is enrolled in a Pendleton County school and is making satisfactory academic progress; or is enrolled and making satisfactory progress in a course leading to a GED from a state approved institution or organization, or has obtained such certificate; or is excused from such requirement due to circumstances beyond his/her control; or is enrolled in an institution of higher education as a full-time student in this state or any other state.

School: _____

School Year: _____ First Semester: _____ Second Semester: _____

Student: _____ Age: _____ Grade: _____

Student's Current Status:

Enrolled and making satisfactory academic progress: _____

Enrolled in GED program and making satisfactory progress: _____

Satisfactorily completed GED program: _____

Enrolled in an institution of higher education: _____

Excused from requirements because of circumstances beyond his/her control: _____

Specific circumstances: _____

Student's Signature

Principal's Signature

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(P) S.6.18. Appeals Process for Absences

Students who believe the attendance policy has been misapplied regarding their absences are entitled to

appeal the decision of the local school officials. The student or the custodial parent/guardian may make a written appeal to the school principal/designee to have his/her case reviewed. The review shall include the presentation of documents and evidence from both the school and the student. Students whose custodial parents/guardians are unsuccessful in their appeal at the school level may make a written appeal to the Superintendent and the Board in that order.

(P) S. 6.19. Early Release of Seniors

A June 26, 2007 memo from the State Superintendent of Schools reaffirmed that the Board may exercise its option to release seniors up to one week (five instructional days) prior to the end of the regular instructional term for students.

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(P) S.6.20. Participation in Circuit Court Juvenile Probation Truancy Program

The Board may enter into a truancy program agreement with the circuit court of the county that provides for the referral of truant juveniles for supervision by the court's probation office pursuant to WVC §49-5-11. If the program requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, it shall be reimbursed for one-half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's cost shall be pro rata.

(WVC §18-8-6a)

(P) S.6.21. Juvenile Status Offender who is a Habitual Truant

If a juvenile is adjudicated as a status offender because he or she is habitually absent from school without good cause, the jurisdiction of the court which adjudged the juvenile a status offender continues until either the juvenile becomes twenty-one years of age, completes high school, completes a high school equivalent or other education plan approved by the court, or the court otherwise voluntarily relinquishes jurisdiction, whichever occurs first. If the jurisdiction of the court is extended pursuant to this subdivision, the court has the same power over that person that it had before he or she became an adult: Provided, That no person so adjudicated who has attained the age of nineteen may be ordered to attend school in a regular, nonalternative setting.

(WVC §49-5-2)

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Amended/Revised: October 4, 2004; September 20, 2006; August 26, 2008; February 9, 2010; August 24, 2010; September 6, 2011; October 1, 2013; October 9, 2014; September 1, 2015; September 6, 2016; September 5, 2017; September 4, 2018; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.7. Student Rights and Responsibilities which Complement SBP 4373	Adopted: August 20, 2003 Last Reviewed: March 2018

Rights and responsibilities go hand in hand. Citizens of the United States have a right to equal protection under the law, and they have the responsibility to obey the laws of our nation, state and municipalities.

The Board supports the concept of equal educational opportunity for all students as being essential to education in the public schools of the County. Consistent with federal mandates, the Board reaffirms its commitment to provide appropriate educational opportunities to the enrolled student body irrespective of gender, race, color, religion, handicapping condition, or national origin. All course offerings are to be available to both female and male students. Also see: Pendleton County Board Policy, *1.3. Equal Opportunity in Pendleton County Schools*.

(P) S.7.1. Married and/or Pregnant Students

Married students and unwed parents are encouraged to enroll in the regular high school program. Teachers, principals, and guidance counselors will make every attempt to insure the availability of a regular high school education to all students under similar rules, regulations and requirements.

After a pregnancy is reported to the principal, guidance counselor, health nurse, or any administrator, the appropriate parties shall take whatever steps are necessary to provide for the ongoing education of the student. The personnel responsible for developing programs should keep in mind the best interests of the student and the school

Student rights and responsibilities are shared by both married and unmarried students and by students who are pregnant, whether or not married. Marriage, motherhood or pregnancy does not impair their right to an education. A pregnant student (married or unmarried) may not be denied the right to attend school as long as she has her doctor's permission to attend. However, the student may transfer to an alternative educational program or activity. Such program must be comparable to those offered to other students.

Mature minors of any age may receive family planning information in a confidential manner from the County Health Department. Mature minors may be provided educational and medical contraceptive services at the public family planning clinic without regard to chronological age and without a requirement for parental consent or knowledge.

(SBP 4373)

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(P) S.7.2. Dress Code

Students are encouraged to dress and groom themselves neatly and in good taste. State Board Policy 4373 forbids students dressing or grooming in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. Students may not dress in a manner that is distractive or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes any drug, alcohol, or tobacco-related product that is prohibited in school buildings on school grounds, in school leased or owned vehicles and at school affiliated functions. Hats are not to be worn in school. Students dressed in such a manner that they disrupt classroom decorum will be referred to the principal and possibly sent home for a change of clothing. Students may be required to wear protective clothing or to remove certain items of clothing in order to protect their health and safety in certain instructional environments such as workshops and science labs.

(WVC §18-2-5; §18-2-35; SBP 4373 and 1st Amendment of the U.S. Constitution)

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(P) S.7.3. Student Publications

Both the United States and West Virginia Constitution guarantee freedom of the press. A student-run press has freedom similar to the freedom enjoyed by the press at large. This freedom includes the responsibility not to publish obscene, libelous or false information and not to interfere with the orderly process and normal operation of the school.

All student publications (i.e. newspapers and yearbooks) shall be included as a part of the school curriculum thereby assuring they have an educational purpose as well as being an avenue for student expression and pursuit of student interests.

(SBP 4373; U. S. Constitution, First and Fourteenth Amendments; Constitution of West Virginia, Article III, Section 7)

School-Sponsored Publications

- ❖ All school-sponsored publications shall be included in the curriculum and the teacher shall have the responsibility of seeing that material printed is handled in good taste.
- ❖ All school-sponsored publications shall be subject to editorial oversight by the school principals and the classroom teacher.
- ❖ The First Amendment does not protect obscenity for either adults or students.
- ❖ Obscene, libelous, vulgar and disruptive publications are prohibited.
- ❖ Personal attacks are prohibited in all publications.
- ❖ Publications containing language that is otherwise acceptable but the import of which is to create violence or disorder within the school or schools may **not** be sold or distributed in any school in the school system.
- ❖ Material that encourages actions which endanger the health and safety of students may not be published or distributed on school property.
- ❖ Students who fail to observe these regulations shall be subject to disciplinary action.

Non-School-Sponsored Publications

The unauthorized distribution of non-school-sponsored publications by non-students will not be permitted on school property at any time.

Students, who edit, publish or distribute handwritten, printed or duplicated matter among their fellow students within the schools, must assume responsibility for the content of these publications. Such publications shall meet the same standards of journalism as those required of school-sponsored publications. These written expressions must be signed by the author. Students who fail to observe these regulations shall be subject to disciplinary action.

The distribution of non-school-sponsored student newspapers published by students of the school district may be distributed in the manner and at such times and places as the school authorities designate.

(SBP 4373; United States Constitution, First and Fourteenth Amendments; Constitution of West Virginia, Article III, Section 7; Hazelwood v. Kuhlmeir, 108 S.Ct. 592 (1988))

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(P) S.7.4. Disruptive Student Demonstrations

Disruptions of the normal operations of any Pendleton County School, or other Pendleton County facility operated by the school system, or Pendleton County School Bus by a demonstration, strike, or any other disruptive behavior on the part of students, staff, or outside people shall not be tolerated. The principal and/or the Superintendent or his designee shall take such steps as are necessary to assure that the normal operation of Pendleton County School facilities and equipment resume as quickly as possible.

These regulations are not intended to discourage or prohibit the peaceful expression of opinions or ideas. However, since the Board is required by law to provide proper school facilities and to maintain an appropriate program of instruction, and is further required to bar any disruption of the schools or interference with their normal operation, the following steps shall be taken in the event of any disruption of the normal operation of the schools.

- ❖ The disruption shall be immediately brought to the attention of the Superintendent or his representative by the principal of the school. The superintendent and/or the principal shall have the authority, at their discretion, to alert the police authorities.
- ❖ Students participating in a disruptive demonstration shall be directed by the building principal or his representative to go to their regular classroom assignment. At the same time, the principal may, at his/her discretion, arrange for a meeting with the individuals or leaders of the group to discuss the problem which has caused the disorder in a rational, orderly manner.
- ❖ Nonstudent demonstrators and other unauthorized persons will be directed by the building principal or his representative to remove themselves from school property forthwith. The Superintendent or the principal may ask the police to remove any individual failing to comply.
- ❖ The principal or the Superintendent may take whatever steps are necessary to insure the safety of the students, the staff, and school property.
- ❖ During a disruption, the principal and school staff shall be alert to take notes on who participated in the disruption, and if possible, to record the disruptive behavior on photographs, tape, or videotape. Immediately following the disruption, the principal shall compile a detailed report off the disruption, including the names of all known participants.
- ❖ Whether involved directly or indirectly, students who participate in the planning or execution of any disruptive demonstrations or protests may be disciplined in accordance with state law and the policies and regulations of the Board.

(WC §18-5-1; §18-5-13; §18-5-42; §18-5-43; §18A-5-1; 1st Amendment of the U.S. Constitution)

(P) S.7.5. Student Bill of Rights and Responsibilities

The Legislature has declared that the mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood. Democratic citizenship and productive adulthood begin with standards of conduct in schools; therefore, schools should be safe havens for learning with high standards of conduct for students which emphasize that rights necessarily carry responsibilities. The enumerated rights and responsibilities for students and school personnel are defined as:

- ❖ The right to attend a school and ride a bus that is safe, orderly and drug free;
- ❖ The right to learn and work in a school that has clear discipline codes with fair and consistently enforced consequences for misbehavior;
- ❖ The right to learn and work in a school that has alternative educational placements for violent or chronically disruptive students;
- ❖ The right to be treated with courtesy and respect;
- ❖ The right to attend a school and ride on a bus that is free from bullying;
- ❖ The right to support from school administrators when enforcing discipline policies;
- ❖ The right to support from parents, the community, public officials and businesses in their efforts to uphold high standards of conduct; and
- ❖ The responsibility to adhere to the principles in this Bill of Rights and Responsibilities for Students and School Personnel, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

(WVC §18A-5-1c)

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Amended/Revised: August 26, 2008; August 21, 2012; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.8. Expected Behavior in Safe and Supportive Schools	Adopted: October 2, 2012 Last Reviewed: March 2018

Purpose

The West Virginia Board of Education (WVBE) recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. Public schools should undertake proactive, preventive approaches to ensure a positive school climate and culture that fosters learning and personal-social development. This rule requires county boards of education to design and implement procedures to create and support continuous school climate and culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning.

SBP 4373 - Behavior in Safe and Supportive Schools is a far-reaching policy and one that is required reading for all school personnel, especially professional personnel. The complexity of this policy requires that it be reviewed as a whole. Individual sections should not be viewed in isolation without the context of the whole policy. Taking any section to review in isolation may lead to significant misunderstanding. Follow this link to [SBP 4373 – Expected Behavior in Safe and Supportive Schools](#)

Authority

West Virginia Constitution, Article XII, §2, West Virginia Code §§16-9A-4, 16-9A-9, 18-2-5, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5A-2, 18-8-8, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, 61-7-11a, 20 U.S.C. § 1400 et seq. and 20 U.S.C. § 6301 et seq.

Application

The expectations outlined in these regulations apply in public schools in West Virginia 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 a county board of education, WVDE, WVBE, or in another facility or upon any other property being used by any of these agencies. These expectations apply to students, staff, and public guests respectively as noted within the policy. School staff will be subject to disciplinary and licensure action in accordance with W. Va. Code §§18-17-8, 18A-3-2a, 18A-3-3, and 18A-3-6.

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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)
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Introduction

The West Virginia Manual for Expected Behavior in Safe and Supportive Schools provides guidance to assist all public schools to design and implement procedures to create and support positive school climate and culture improvement processes that will ensure an orderly and safe environment that is conducive to teaching and learning.

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STUDENT PROTECTIONS

School officials are responsible for student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to his/her designated bus stop. It is a student's responsibility to follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

Section 1. Student Inquiry and Expression

Schools may not conduct, sponsor, or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially or substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools shall limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off-campus conduct that would reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

School-sponsored student publications that are a part of the curriculum are subject to teacher editorial control and therefore student speech may be regulated in a manner reasonably related to educational purposes.

Please refer to:

(P) I.9.7. Religious Instruction in the Schools

(P) I.9.7.1. Permissible Student Religious Expression

(P) I.9.7.2. Baccalaureate Services and Graduation Prayer

(P) P.9.5. Electronic Mail, Social Media and Networking

(P) S.7.3. Student Publications

File: S.9. Hazing

File: S.10. Harassment, Intimidation or Bullying Prohibition

(P) S.10.1. Obscene, Anonymous, Harassing and Threatening Communications

(P) S.10.3. Cyberbullying

Section 2. Non-curriculum Related Student Groups

When high schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this meeting is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are voluntary, monitored by the school, and do not interfere with the conduct of school activities.

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Section 3. Protection from Unreasonable Searches and Seizures and Self-Incrimination

Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of lockers or students by school officials

must be reasonable and based upon the information known by them at the time of the search. Personal

property may be searched by those authorized where there is reasonable suspicion to believe that student property contains stolen articles, illegal items, or other contraband as defined by law or by local board or school policy.

Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. The students are entitled to be informed of their right against self-incrimination if they are in a custodial setting, in other words, the students are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or Prevention Resource Officers (PRO) acting under the supervision of school officials who are investigating school-related misconduct.

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Section 4. Child Abuse and Neglect Prevention

This section sets forth when the West Virginia Department of Health and Human Resources and law enforcement must be notified about child abuse and neglect. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

24 Hour Notice Requirement

Mandatory reporters, such as teachers, school personnel, counselors, nurses, coaches, or volunteers who provide organized activities for children, or other professionals within a school who suspect that a student is being abused or neglected, shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources (DHHR). Mandatory reporters shall also inform their immediate supervisor immediately following and not more than 24 hours after reporting suspected abuse or neglect to (DHHR). In any case, where the reporter believes that the child suffered serious physical abuse, sexual abuse, or sexual assault, the reporter shall immediately report same to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.

Mandatory reporters who are also staff or volunteers of an entity or organization that provides services to a school or otherwise organizes activities at a school or on school premises, must immediately notify the person in charge of the entity or organization providing services or activities to a school. The mandatory reporter must follow any additional reporting requirements established by such entity or organization.

In determining whether conduct falls within the exception to the mandatory reporting requirement, mandatory reporters are encouraged to err on the side of caution and report the conduct within the mandatory reporting time frame.

State law contains criminal penalties for failure to meet the reporting requirements outlined in this section. For more information on those penalties, refer to W. Va. Code §49-2-802.

Please Refer to:

File: (P) P.9.3. Reporting Suspected Child Abuse and Neglect

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Section 5. Age-appropriate Body Safety Information

Beginning July1, 2019, children in grades K-12 shall receive body age-appropriate safety information at least once per academic school year, with a preference for four times per academic year, addressing education and prevention of the sexual abuse of children.

To facilitate this process, the WVDE will provide resources and guidance that address the following:

- developmentally appropriate education and resources;
- social media usage and content;

- implementation of best practices;

- resources that support differing county and school sizes, demographics, etc., for implementation strategies;
- strategies for dealing with disclosures of sexual abuse;
- processes to include community shareholders and inclusion of family voice; and
- offender dynamics and child-on-child scenarios.

Standards will be developed and shared on the WVDE website for supplementary materials, and will include posting of the child abuse hotline in schools. Protocols for local crisis response will be provided to school systems and posted on the WVDE website.

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Section 6. Preventing Child Sexual Abuse

WVDE shall establish standards, effective July 1, 2019, for Preventing Child Sexual Abuse (PCSA) training requirements of all public school employees focused on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect.

The required PCSA training shall include comprehensive instruction and information to better equip schools and their employees to recognize and prevent child sexual abuse, including:

- recognizing sexually offensive behaviors in adults, questionable behaviors such as boundary violations, and signs in adults that might indicate they pose a sexual risk to children;
- recognizing, and appropriately responding to, sexually inappropriate, coercive, or abusive behaviors among children and youth served by schools;
- recognizing behaviors and verbal cues that might indicate a child or youth has been a victim of abuse or neglect;
- supporting the healthy development of children and youth and the building of protective factors to mitigate against their sexual victimization by adults or peers;
- recognizing and appropriately responding to student infatuations and flirtations with adults in schools;
- recognizing appropriate and inappropriate social media usage by adults and children;
- providing consistent and standard protocols for responding to disclosures of sexual abuse or reports of boundary-violating behaviors by adults or children in a supportive and appropriate manner which meet mandated reporting requirements;
- providing adequate understanding of the age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education which will be offered to their students; and
- recognizing effects of Adverse Childhood Experiences (ACEs) and providing trauma-informed care.

Public school employees shall be required to complete a PCSA training beginning July 1, 2019. The training shall be at least a cumulative four hours of instruction on the elements identified in this section and shall occur during non-instructional time. Training will not be assigned during teachers' planning time. A skills renewal training is required every two years thereafter. The mode of delivery for the trainings may include in-person or e-learning instruction and may include a series of trainings or modules. The WVBE will provide e-learning modules that cover the required standards and certificates of satisfactory completion. Should the county boards of education choose to provide in-person training, the standards stated above shall be covered, and the county boards of education shall provide the WVBE with a list of employees who have completed the required training. The WVBE shall provide certificates of satisfactory completion for the employee and the employer documenting that the employee completed the required training.

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Section 7. Dress Codes Requiring School Uniforms for Students

County boards of education may implement a dress code requiring students to wear school uniforms. The uniforms may be required by the county board of education for either the entire county or for certain schools within the county.

school uniforms shall create an advisory committee consisting of parents or guardian, school employees, and students. The advisory committee shall consider whether the county board of education should adopt a dress code requiring school uniforms for students in the county or for certain schools within the county. If the advisory committee recommends to the county board of education a dress code requiring school uniforms, then the county board of education may adopt a dress code requiring school uniforms for students. The advisory committee shall make recommendations on methods of paying for the school uniforms. However, nothing in this policy shall require any level of funding from the Legislature, state, or county boards of education, or any other agency of the government.

This policy does not require county boards of education to adopt dress codes requiring students to wear school uniforms nor prevent a county board of education from adopting a dress code policy.

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Chapter 2

INAPPROPRIATE BEHAVIOR AND MEANINGFUL INTERVENTIONS AND CONSEQUENCES

Section 1. Addressing Inappropriate Behavior with Meaningful Interventions and Consequences

The purpose of these regulations is to provide the Pendleton County Schools with policy that creates and ensures an orderly and safe environment that is conducive to learning. This policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals.

Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse and/or violence. All interventions and consequences are in effect on all school property and at all school-sanctioned events, including extracurricular activities. Each county will implement proactive, preventative, and responsive programs, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior.

This policy defines disciplinary levels and provides definitions (see Appendices) for common inappropriate student behaviors. County policies may provide additional guidance in the implementation and classification for specific offenses and/or levels provided the treatment of the inappropriate behavior is consistent with W. Va. Code.

County and school policies should identify appropriate and meaningful interventions and consequences. The interventions and consequences in this policy serve as examples, with the exception of Level 4 offenses. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff should exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

Appropriate and meaningful interventions and consequences for Pendleton County Schools may include those recommended by the county administration to be included in Student Handbooks as well as those examples provided by the State Board of Education. It is a requirement that all schools offer those intervention and consequence listed in this policy and adopted by the Board.

Out-of-school suspension strategies should be used sparingly and shall never deny students access to instructional material and information necessary to maintain their academic progress.

Out-of-school suspension should only be considered when all other interventions and consequences have not proven to correct the behavior. The determination of interventions and consequences is at the discretion of the school administrator, with input considered from teachers/service personnel. W. Va. Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. 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.

protection under the Individuals with Disabilities Education Act (IDEA), W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419), and/or Section 504 of the Rehabilitation Act.

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Section 2. Inappropriate Behavior Levels:

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

Level 2: Disruptive and Potentially Harmful Behaviors disrupt the educational process and/or pose potential harm, danger, or educational detriment 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.

Level 3: Severely Disruptive, Imminently Dangerous, Illegal, and/or Aggressive Behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property. (Specific level 3 behaviors are outlined in W. Va. Code §18A-5-1a (c) and the principal shall address these inappropriate behaviors accordingly.)

Level 4 Behaviors	
LEVEL 4: Safe Schools Act Behaviors are defined in W. Va. Code §18A-5-1 and §18A-5-1a. These laws require that the principal, county superintendent, and county board of education address Level 4 behaviors in a specific manner as outlined in W. Va. Code §18A-5-1a and paraphrased in this chapter.	
W. Va. Code §§18A-5-1 and 18A-5-1a require mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for possession of a deadly weapon, battery on a school employee, or sale of a narcotic drug.	
Battery on a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or causing physical harm to a school employee as outlined in W. Va. Code §61-2-15(b). A student who violates this code section ~~will~~ <u>may</u> be suspended and expelled.
Felony	A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in W. Va. Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson as outlined in W. Va. Code §61-3-1; malicious wounding and unlawful wounding, as outlined in W. Va. Code §61-2-9; bomb threat, as outlined in W. Va. Code §61-6-17; sexual assault, as outlined in West Virginia Code §61-8B-3; terrorist act or false information about a terrorist act, hoax terrorist act, as outlined in W. Va. Code §61-6-24; and grand larceny, as outlined in W. Va. Code §61-3-13. The principal shall suspend a student from school or from transportation if the principal determines the student committed an act or engaged in conduct that would constitute a felony. If a student is suspended, the principal may request that the superintendent recommend to the board the student be expelled.

Level 4 Behaviors	
Illegal Substance Related Behaviors	A student will not sell or distribute a narcotic drug as defined in W. Va. Code §60A-1-101 on the premises of an educational facility, at a school-sponsored function, or on a school bus. A student guilty of this behavior shall be suspended and expelled. A student will not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the Uniform Controlled Substances Act as described in W. Va. 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 district. This includes violations of W. Va. 126CSR25A, WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, and instances of prescription drug abuse. The principal shall suspend a student from school or from transportation for possession of a controlled substance governed by the Uniform Controlled Substance Act. The principal determines consequences for other violations listed herein.
Possession and/or Use of Dangerous Weapon	According to W. Va. Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in W. Va. Code §61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in W. Va. Code §61-7-11a. As defined in W. Va. 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, revolver, or other firearm. 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. The student shall be suspended and expelled for violating W. Va. Code §61-7-11a.

Note: The behavior definitions, example interventions and consequences charts for Level 1, Level 2 and Level 3 may be found in Appendix A and Appendix B.

Section 3. Classification of Persistently Dangerous Schools

The following criteria are set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the West Virginia Education Information System (WVEIS) in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1 of each year if the school has for two consecutive years substantiated Level 4 behaviors that exceed 5% of the total number of students enrolled in the school based on the school's second month enrollment:

- battery on a school employee as defined in W. Va. Code §61-2-15;
- commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school-sponsored function, or on a school bus;
- possession of a firearm or deadly weapon as defined in W. Va. Code §61-7-2 on the premises of an educational facility, at a school-sponsored function, or on a school bus; or
- sale of a narcotic drug as defined in W. Va. Code §60A-1-101 on the premises of an educational facility, at a school-sponsored function, or on a school bus.

WVDE Requirements Related to Persistently Dangerous Schools:

- provide targeted technical assistance to any school that has for two consecutive years substantiated Level 4 behaviors that exceed 3.75% of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a school identified as persistently dangerous or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends or while attending a school-sponsored activity, shall be allowed to attend an alternative setting as determined by the county school system.

Section 4. Use of Physical Punishment Prohibited

W. Va. Code §18A-5-1(e) prohibits school employees from using corporal (bodily) punishment on any student. No physical punishment of any kind can be inflicted upon a student. This includes:

- hitting or striking a student on their physical person;
- requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- use of noxious stimuli (e.g., pepper spray), denial of food or water, or other negative physical actions to control behavior; and
- seclusion - a removal in which a student is left unsupervised in any space as an intervention or consequence to inappropriate behavior.

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Section 5. Use of Restraint

Restraint, reasonable force, may be used to prevent a student from hurting himself/herself or any other person or property. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the student and others. When the use of physical restraint is necessary, the following guidelines must be followed:

- shall be limited to the use of such reasonable force as is necessary to address the emergency;
- shall not restrict breathing (e.g. prone restraint); place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat; or cause physical harm;
- shall be discontinued at the point at which the emergency no longer exists;
- shall be implemented in such a way as to protect the health and safety of the student and others; and
- shall not deprive the student of basic human necessities.

Appropriate (intended use) utilization of mechanical restraints, such as seat belts or feeding tables, when applied for their intended purpose is not prohibited. The application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

A core team of personnel in each school, including an administrator designee and any general or special education personnel likely to use restraint, must be trained annually in the use of:

- nationally recognized restraint process, and
- current professionally accepted practices and standards regarding behavior interventions and supports including prevention and de-escalation techniques.

Any non-trained personnel called upon to use restraint in an emergency must receive training within 30 days following the use of restraint if the principal determines the situation is likely to reoccur.

Comprehensive documentation and immediate notification of restraint usage is required.

Time Requirement	Documentation/Notification
Within one hour following the use of restraint	The principal/designee must be provided verbal and written description of the restraint process used on a given student.
Same day	A good faith effort shall be made to verbally notify the parent or guardian of the restraint process used.

Within one school day	Written notification of the use of restraint must be: - provided to the parent or guardian, and - included in the student's official school record. The written notification includes: - name of the student; - name of the staff member(s) administering the restraint; - date of the restraint and the time the restraint began and ended; - location of the restraint; - narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint, and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and - documentation of all parental/guardian contact and notification efforts. This notification must be available to determine if the student's behavior impacts the student's learning and/or the creation of or revision to a behavior plan.

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Section 6. Collaboration with Law Enforcement

Police can enter schools if they suspect a crime has been committed, have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

Prevention Resource Officers (PRO). PRO are certified police officers, working fulltime within a public school. The PRO duties, salary, and responsibilities should be determined through an agreement with the county board of education and the authorized police department. The principal is the immediate supervisor while the PRO officer is present in the school. There may be a time during the course of PRO duties when the officer's position as law enforcement would take precedence.

Police Conducting an Investigation in the School. When a student is questioned by the police or by school officials in the presence of the police, the school administration and police must cooperate to ensure the privacy of the student is protected. It is the police officer's responsibility to ensure the student's constitutional rights are not violated and to determine if the student's parent or guardian, or lawyer should be contacted prior to questioning. The officer must also determine when the use of restraints is necessary to control an unruly student to prevent the student from harming him/herself or others during questioning.

W. Va. Code §49-4-701 specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his/her lawyer is present. Statements made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyers are present or a parent or guardian is present and, the parent or guardian has been informed of the student's rights.

Although SBP 4373 grants great latitude to the police in performing their duties, it is incumbent upon the school principal to be fully informed about the nature of any request by the police to question or conduct an investigation of any student's actions in order that s/he may properly execute his/her duties in behalf of the Board of Education in such matters.

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Chapter 3

PROCEDURES FOR ADDRESSING ALLEGATIONS OF INAPPROPRIATE BEHAVIORS

Section 1. Procedures for Reporting Complaints of Inappropriate Behavior

All Pendleton County School employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be address consistently in accordance with the Interventions and Consequences outlined within the policy. However, incidents of inappropriate behavior do not always occur in the presence of school employees and are reported to school authorities after the behavior has occurred for a follow-up investigation..

Reporting Complaints of Inappropriate Behavior

- ❖ The school principal or his/her designee shall receive all complaints regarding **Inappropriate Behaviors**.
 - ❖ School Employees, students or public guests who observe **Inappropriate Behaviors** must report them to the designated school official.
 - ❖ As appropriate, a person may report **Inappropriate Behaviors** directly to the Superintendent, or to the West Virginia Human Rights Commission, or to a law enforcement agency.
 - ❖ The failure of employees to respond to **Inappropriate Behaviors** shall be reflected in the employee's Performance Evaluation as defined in State Board Policy 5310.
 - ❖ These procedures do not deny the right of individuals to pursue other avenues of redress of their grievances that may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal and/or federal law.
- (SBP 4373)

Please Also Refer to:

File: B.19. Racial, Sexual, Religious, Ethnic Harassment & Violence

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Section 2. Procedures for Investigating Allegations of Inappropriate Behavior

The county designee shall immediately undertake or authorize an investigation upon receipt of a report or complaint. The investigation may be conducted by school/county officials, or by a third party designated by the county school system.

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 within the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When a student is to be interviewed pursuant to a Level 3 or 4 behavior, a reasonable effort shall be made to contact the student's parent or guardian, and invite them to be present during the interview, provided such notification does not compromise overall school/student safety. Parental/guardian notification is encouraged at Level 2 and discretionary at Level 1.

The principal shall:

- determine whether the alleged conduct constitutes a violation of this policy;
- take immediate and reasonable steps to protect the complainant, students, teachers, administrators, or other personnel pending completion of an investigation; and
- assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

Upon completion of the investigation:

- a report shall be provided to the principal which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy;

- the report shall be recorded and filed at the county/school level as determined in county policy; and
- the conclusion of the investigation will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

Confidentiality of the filing of complaints, the identity of subjects and witnesses, and 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 shall be provided information. Violations of confidentiality may itself be grounds for disciplinary action.

County boards of education and the WVDE shall develop procedures following the above guidelines to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education. For the WVDE, the State Superintendent of Schools shall take the place of the Principal.

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Section 3. Procedures to Prevent Reprisal

Appropriate action will be taken against 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. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Similarly, appropriate disciplinary action will be taken against any student, administrator or other school personnel who falsely reports violations of these procedures.

If an investigation reveals that an employee, student, parent/guardian or member of the public making the complaint has falsely (and in bad faith or out of malice) accused an employee or student of harassment as defined in this policy, or has falsely reported Inappropriate Behaviors, the complaining individual shall be subject to discipline and/or legal action.

Disciplinary actions for students who commit reprisals or falsely reported inappropriate behaviors will follow the guidelines set forth in *File: (P) S.8.2.1. Addressing Inappropriate Behavior and Meaningful Interventions and Consequences*

Disciplinary action for employees may include but not limited to oral or written reprimand, suspension, termination of employment.

Parents/guardians and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment or Inappropriate Behaviors as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action

Chapter 4 PROCEDURES FOR TAKING ACTION ON SUBSTANTIATED INAPPROPRIATE BEHAVIORS

Section 1. Interventions and Consequences of Inappropriate Behavior

It is the intent of the Pendleton County Board of Education for its schools to be pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based 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 academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 and 2 behaviors; however, **the determination of interventions and consequences is at the discretion of the school administrator (with input considered from teachers/service personnel) for levels 1, 2 and 3.** Specific Level 3 behaviors mentioned in code shall be referred directly to the appropriate administrator because of the serious/unlawful nature of the misconduct.

In determining the appropriate intervention and/or consequence in response to a substantiated Level 1, or 2, behavior, the principal, superintendent and/or local board of education 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.

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Section 2. Guidelines for Specific Responses to Inappropriate Behavior

(P) S.4.2.1. Exclusion

According to W. Va. Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who is guilty of disorderly conduct; interferes with the orderly educational process; threatens, abuses, or otherwise intimidates a school employee or student; willfully disobeys a school employee; or directs abusive or profane language at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee.

The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken.

If the principal finds that disciplinary action is warranted, s/he shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s).

When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns and agree on a course of action.

Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in *WVBE Policy 4336 – West Virginia School Bus Transportation Policy and Procedures Manual*. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion. The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

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(P) S.4.2.2. Suspensions of Students

Suspension of students shall be at the discretion of the principal. The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days.

Behaviors for Which Students may be Suspended

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 principal after an informal hearing, has:

- ❖ threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel;
- ❖ willfully disobeyed a teacher;
- ❖ possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function;

- ❖ used profane language directed at a school employee or student;
- ❖ intentionally defaced any school property;
- ❖ participated in any physical altercation with another person while under the authority of school personnel; or
- ❖ habitually violated school rules or policies.

If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the county board that the student be expelled.

Suspension for the behaviors listed above typically takes one of two forms:

- ❖ **In-School Suspension:** Instances in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains in direct supervision of school personnel.
- ❖ **Out-of-School Suspension:** Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to W. Va. Code §18A-5-1a (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension.

Behaviors Which Require a Student's Suspension

A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing, has committed on a school bus, on the premises of an educational facility or at a school-sponsored function:

- ❖ battery on a school employee;
- ❖ possession of a deadly weapon; or
- ❖ sale of a narcotic drug.

If a student has been suspended for these reasons, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has committed: (1) an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (2) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act.

If a student has been suspended for these reasons, the principal may present evidence to the Superintendent and request s/he recommend to the Board that the student be expelled.

Informal Hearings

A student is entitled to an informal hearing when faced with an out-of-school suspension of 10 days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why she/he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in W. Va. Code §18A-5-1 and §18A-5-1a and include:

- ❖ parent or guardian must be notified promptly in all cases of suspension;
- ❖ county superintendent or designee must be notified, preferably in writing, of the time and conditions pertaining to the suspension;
- ❖ student may not participate in any school-sponsored activities and is not permitted on school grounds during the period of suspension; or
- ❖ student may not be suspended from school solely for not attending class.
- ❖ Each suspension imposed upon a student must be recorded in the WVEIS by the principal within 24 hours of the suspension.

Exclusions and in-school suspensions do not deprive a student of his/her educational opportunities; therefore, they do not require due process.

Students will not be permitted to return to school until a satisfactory conference with the student, teacher, parent or guardian, and administrator is held. At that conference, plans will be made for improved behavior on the part of the student.

An out-of-school suspension of more than 10 days (long suspension) requires a formal hearing before the Pendleton County Board of Education. The school and county must adhere to the following procedures as outlined in W. Va. Code §18A-5-1 and §18A-5-1a when dealing with suspensions of more than 10 days:

- parents or guardian must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based;
- upon the student's parent or guardian's request, a formal hearing must be scheduled before the county board of education;
- students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel; and
- students are entitled to be given reasonable time to prepare for the hearing.

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(P) S.8.4.2.3. Expulsion

Students may be expelled only by action of the Pendleton County Board of Education upon the recommendation of the Superintendent. The recommendation of the Superintendent shall be based upon the recommendation and factual information presented by the school principal who must conduct an informal suspension hearing for the student as a part of the fact-finding process.

Students are not permitted to engage in the following conduct on school premises, on school buses or school transportation, or at school-sponsored functions:

GROUP A

- ❖ Intentionally make physical contact of an insulting or provoking nature with a school employee while he or she is performing job duties; is commuting to or from work; or in retaliation to the school employee's action to supervise or discipline students
- ❖ Possess a firearm or other deadly weapon
- ❖ Participate in the sale of a narcotic drug

GROUP B

- ❖ Committing an act or engaging in conduct that would constitute a felony in West Virginia if committed by an adult
- ❖ Possessing a controlled substance governed by the Uniform Controlled Substance Act

GROUP C

- ❖ Injuring, or threatening to injure, a student, teacher, administrator, or other school personnel
- ❖ Willfully disobeying a teacher
- ❖ Possessing alcohol
- ❖ Using profane language directed at a school employee or student
- ❖ Intentionally defacing school property
- ❖ Participating in a physical altercation with another person while under the authority of school personnel
- ❖ Habitually violating school rules or policies

When a principal has notified the Superintendent of a student's suspension for conduct described in Group A above and makes the mandatory request to the Superintendent that the student be expelled, the Superintendent shall recommend to the Board that the student be expelled. Upon receiving the superintendent's recommendation, the county board shall hold a hearing following the procedures outlined below. If it is determined the student did commit alleged the county board shall expel the student in accordance with Level 4, Chapter 4, Section 2 SBP 4373.

When a principal has notified the county superintendent of a student's suspension for conduct described in Groups B and C above and submits a request to the Superintendent that the student be expelled, the Superintendent may recommend to the county board that the student be expelled. If the Superintendent makes such recommendation, the Board may hold a hearing following the procedures outlined below. If it is determined the student did commit the conduct alleged, the Board may expel the student.

Students who have been recommended for expulsion shall be placed on a ten-day suspension to allow time to arrange for an expulsion hearing before the Board

Hearing Procedures and Student Due Process Rights

In all cases involving expulsion, the student is entitled to formal due process procedures. These procedures are outlined in W. Va. Code §18A-5-1 and §18A-5-1a. requires mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion include:

- ❖ Prior to a hearing, the Board shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include:
 - The date and time at which the hearing shall be held (within ten days of the beginning of the suspension); and
 - If there will be an attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim.
 - This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges;
- ❖ At the hearing, the Board shall determine: (1) if the student should be reinstated, or (2) if the student should be expelled from school. If the Board determines the student should be expelled from school, it may also determine whether the student is a dangerous student. If the written notice for the hearing did not clearly articulate that evidence would be presented to establish the student as a dangerous student, the Board shall schedule a second hearing within 10 days to decide that issue. A second hearing attempting to establish a student as a dangerous student may be postponed for good cause shown by the student; such student shall remain under suspension until after the second hearing.
- ❖ The student and parent or guardian have the right to be present at the county board of education hearing and to defend against the charges;
- ❖ At any hearing before the Board, the student may be represented by counsel (at his/her own expense), may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her.
- ❖ All hearings before the Board shall be recorded by mechanical means unless recorded by a certified court reporter.
- ❖ In all hearing, facts shall be found by a preponderance of the evidence.
- ❖ A hearing before the Board may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing.
- ❖ At the conclusion of the hearing the Board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county.
- ❖ If the board of education decides that the charges against a student do not warrant his/her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment;
- ❖ A Board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education.

- A hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education.
- During such hearings, the Board may consider the history of the student's conduct as well as any improvements made subsequent to the expulsion.
- If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.
- ❖ In connection with proceedings related to a recommended student expulsion or dangerous student determination, the superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents. Upon written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both following the subpoena requirements set forth in W. Va. Code §29A-5-1.
- ❖ Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs.
- ❖ Students may be expelled for a period not to exceed one school year, except that if a student is determined to have committed conduct described in Group A above the student shall be expelled for a period of not less than twelve consecutive months.
 - The Superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the Superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The Superintendent shall submit the statement to the Board, the principal, the faculty senate and the Local School Improvement Council. The Superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:
 - The extent of the student's malicious intent;
 - The outcome of the student's misconduct;
 - The student's past behavior history;
 - The likelihood of the student's repeated misconduct; and
 - If applicable, successful completion of satisfactory progress towards successful completion of Juvenile Drug Court.
- ❖ All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
- ❖ Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.

Expulsion by the board of education is final. However, if a student or parent or guardian believes that the student was not given procedural due process, he/she may appeal to the State Superintendent of Schools. If the State Superintendent of Schools finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

While the decision to expel is final, it does not release the school system from responsibility for providing the student with an education. Recent court cases have made it clear that expelled students are entitled to placement in an alternative instructional setting.

Board of Education's Options for Conducting Student Hearings

- ❖ The Board may employ an attorney to conduct the expulsion hearing.
- ❖ The attorney must be licensed to practice in West Virginia and may not be an employee of the Board.

- ❖ The hearing examiner's decision carries the same force of law as decisions made by the Board.
- ❖ Parents, guardians, custodians, or the Superintendent may make a written request of the Board to review the decision of the hearing examiner. The Board may affirm, modify, or reverse the decision of the hearing examiner.

Superintendent's Authority in Conducting Student Hearings

The Superintendent may apply to the circuit judge or magistrate for authority to subpoena witnesses and documents.

Return to school through Juvenile Drug Court for certain students

When a student is expelled from school pursuant to §18A-5-1a, the county board, county superintendent or principal for the school from which the student was expelled or the parent, guardian or custodian may refer the student to a Juvenile Drug Court, operated pursuant to §49-5-2b of this code. Upon such referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. Such jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

A student's exit from the Juvenile Drug Court may proceed in the following manner:

- ❖ Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to section one-a of this article.
- ❖ The Juvenile Drug Court shall notify the county superintendent of such completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court and the student assistance team of the school from which the student was expelled to discuss the student's history, progress and potential for improvement.
- ❖ The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced and the student reinstated in school.
- ❖ The student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by §18A-1-1a and place the student in an appropriate school within the district.
- ❖ A student to be reinstated shall be permitted to return to school no later than the tenth regular school day following notice by the court to the superintendent regarding the student's successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.

Expulsion by the Pendleton County Board of Education is final; however, if the student believes that s/he was not given procedural due process or that other of his rights were violated, then the student may appeal to the State Superintendent of Schools. If the State Superintendent finds that the Board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

Section 3. Considerations for Transferring Students with Expulsions

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment in the county school system unless determined to be a "dangerous student" under the procedures set forth in West Virginia Code §18A-5-1a. Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students (Superintendent's Interpretation of January 26, 2007).

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Section 4. Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans

The Pendleton County discipline policies apply to students with exceptionalities as well as regular students. The only exception is if a direct causal relationship between the exceptionality and the misconduct exists. The following information applies to students with exceptionalities.

Students with exceptionalities who are subject to disciplinary actions by a district are entitled to all of the due process rights afforded students without exceptionalities under WVC §18A-5-1a. In addition to these rights, IDEA 2004 provides added procedures and safeguards to a student with an exceptionality when the district is considering removing from his or her current educational placement for disciplinary reasons. When determining whether a change of placement is appropriate, the district must consider any unique circumstances on a case-by-case basis. These procedures do not prevent district personnel from maintaining a safe environment conducive to learning that is critical for all students.

State Board Policy 2419 and the Director of Special Education should always be consulted when in doubt about the manner in which disciplinary rules are to be applied to students who have exceptionalities.

Suspensions Which Are Not a Change of Placement

School personnel may suspend student, including a student with an exceptionality, for up to 10 consecutive school days in a school year if the student is guilty of inappropriate behavior. During the initial 10 cumulative days of removal, services need not be provided to a student with a disability unless services are provided to students without exceptionalities. These removals must be applied to the same extent as they are applied to students without exceptionalities.

School personnel may suspend a student with a disability for up to 10 consecutive school days per incident for separate acts of misconduct in a school year as long as the removals do not constitute a pattern resulting in a change of placement.

For each subsequent removal beyond 10 cumulative school days in a year that is not a change in placement, school personnel in consultation with at least one of the student's teachers must determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Procedures to be followed when considering a Disciplinary Change of Placement

A manifestation determination is required if the district is considering removing a student with an exceptionality from his or her educational placement for disciplinary reasons beyond ten consecutive school days or more than 10 cumulative school days when the district deems that a pattern exists. A manifestation determination is defined as a review of the relationship between the student's exceptionality and the behavior subject to disciplinary action. Whenever considering disciplinary action that will result in a change of placement, the district must:

- ❖ Provide same day written notice of the removal, PWN, and the procedural safeguards notice to the parent/adult student of the disciplinary action to be taken; and
- ❖ Within 10 school days of any decision to change placement, meet with the parent and relevant members of the IEP Team (as determined by the parent and district) to conduct a manifestation determination by reviewing all pertinent information in the student's file, including the student's
- ❖ IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - If the conduct in question was caused by, or had a direct and substantial relationship to the student's exceptionality; or
 - If the conduct in question was the direct result of the district's failure to implement the IEP.

If the district, the parent and relevant members of the IEP Team determine that either of the conditions described above were met, the conduct must be determined to be a manifestation of the student's exceptionality, and the district must take immediate steps to remedy those deficiencies.

Procedures to be followed when Conduct is determined to be a Manifestation of the Student's Exceptionality

The IEP Team shall:

- ❖ Conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) if one has not been completed; or
- ❖ Review the existing BIP and revise as needed to address the current behavior(s); and
- ❖ Return the student to the placement from which the student was removed unless the parent and the district agree to a change of placement as part of the modification of the BIP as determined by the IEP Team.

Procedures to be followed when Conduct is determined not to be a Manifestation of the Student's Exceptionality

- ❖ Determine appropriate disciplinary action, which may include relevant disciplinary procedures applicable to students without exceptionalities;
- ❖ Convene IEP Team to develop an IEP that specifies the educational services to be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
- ❖ Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Procedures to be Followed When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury

Regardless of whether the behavior is a manifestation of the student's exceptionality, school personnel may remove a student to an interim alternative educational setting (IAES) for not more than forty-five school days, if the student:

- ❖ Carries or possesses a weapon at school, on school premises or at a school function; or
- ❖ Knowingly possesses, carries, or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or
- ❖ Inflicts serious bodily injury to another person at school, on school premises, or at a school function.

Districts must use the following definitions when removing students because of the above special circumstances:

- ❖ Weapon – a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less than 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)).
- ❖ Illegal drug – a controlled substance, a drug or other substance identified under schedules I, II, III, IV or V in Section 202(c) of the Controlled Substance Act (21 U.S.C. 812 (c)). An illegal drug does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or used under any other authority under that Act or under any other provision of federal law.
- ❖ Serious bodily injury - a bodily injury that involves:
 - A substantial risk of death;
 - Extreme physical pain; or
 - Protracted and obvious disfigurement; or
 - Protracted loss or impairment of the function of the bodily member, organ or mental faculty.

The IAES must enable the student to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the student's IEP. As appropriate, the setting must include a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

Protections for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and related services and who has violated any rule or code of conduct of the district may assert the protections of the IDEA 2004 if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Basis of Knowledge

With limited exceptions, which are described in item 2 of this section, the district will be deemed to have knowledge that an individual is a student with an exceptionality if one or more of the following is true:

- ❖ The parent/adult student has expressed concern to district professional personnel that results in written documentation that the student may need special education and related services.
- ❖ The parent/adult student has requested in writing that the student be evaluated for special education.
- ❖ The student's teacher or other district personnel have expressed concern about a pattern of behavior demonstrated by the student directly to the director of special education or to other district supervisory personnel in accordance with the district's established child find system and referral process.

No Basis of Knowledge

The district will be deemed not to have knowledge that an individual is a student with an exceptionality if one or more of the following is true:

- ❖ An evaluation was conducted and a determination was made that the student did not have an exceptionality;
- ❖ The parent/adult student did not give written consent for an evaluation; or
- ❖ The parent/adult student refused special education services.

If the district did not have a basis of knowledge that a student was a student with an exceptionality prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

Transfer of Discipline Records

West Virginia Code §18A-5-1a requires that whenever a student transfers to a new school in West Virginia, the principal of the school from which the student transfers shall provide written record of any disciplinary action taken against the student to the principal of the school to which the student transfers. WV Board of Education Policy 4350 describes the procedures and record requirements for transfer of records between WV schools.

The above procedures are a good summary of the protections that must be granted to students with exceptionalities when disciplinary actions are taken, but school personnel should always consult SBP 2419 when there is a question that still remains about the proper procedures to be followed.

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Section 5. Procedures for Reporting Action on Substantiated Incidents

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. The Pendleton County Schools shall utilize the WVEIS as a platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans.

Therefore, all inappropriate behaviors as described in *File: S.8.4. Inappropriate Behavior and Meaningful Interventions and Consequence*, Levels 1, 2, 3 and 4 shall be reported through:

- ❖ Teacher level documentation – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal.

- ❖ Principal level WVEIS data entry – shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.
- ❖ Superintendent level WVEIS data entry – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the Superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

Recording Suspension and Expulsion Information on the WVEIS

Each suspension or expulsion imposed upon a student shall be recorded in the uniform West Virginia Education Information System.

- ❖ The principal of the school at which the student is enrolled shall create an electronic record within 24 hours of the imposition of the suspension or expulsion.
- ❖ Each record of a suspension or expulsion shall include the student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension or expulsion.
- ❖ The State Board of Education shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under WVC §18-5-15f to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students' disciplinary histories.
(WVC §18A-5-15a; SBP 4373)

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Section 6. Conflict Resolution Process

If someone believes that the Board has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE Policy 7211 – Conflict Resolution Process for Citizens. However, this policy does not address personal complaints against a school employee. The procedures set forth in Policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

Chapter 5 Alternative Education Requirements for Disruptive Students

The provisions of this policy govern only alternative education programs for disruptive students and/or certain students who have been expelled.

The Pendleton County alternative education program is a temporary departure from the regular school program and it is designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. It shall also be the placement for students who have been expelled from school according to State School Board policies and/or state laws (WVC §18A-5-1a).

A thorough and efficient education must be available to all students, whether they are placed in regular or alternative programs.

Purposes:

Pendleton County Alternative Learning Programs are designed to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of Pendleton County and (2) meet the educational needs of disruptive students (and others) through the development of this alternative education program.

Program Description:

The Pendleton County Alternative Education program shall be a six-hour block of instructional time, which shall be scheduled at the South Branch Career and Technical Center on a daily basis. The goal of this program is to more appropriately meet the academic needs of these students by concentrating on a program that will reinforce basic learning skills and life skills.

The Director of Curriculum and Instruction, in cooperation with other appropriate professional personnel, shall develop a curriculum that meets state approved instructional goals and objectives. The program shall include a component for teaching and learning responsible behavior. These students will also have access to vocational and career related programs as appropriate on a case-by-case basis.

Counseling services will be available through the established program in the Pendleton County schools. Students shall also receive services such as social work or psychological services which shall be provided as indicated in his/her written plan. Students who have special needs that have been identified and addressed in an IEP shall continue to receive the required services.

The Pendleton County Board of Education shall include in its alternative education program a plan to improve student retention and increase the graduation rate in the county. The plan is subject to approval of the state board, and shall include strategies the Board will implement to achieve the following goals:

- ❖ Increasing the graduation rate for the county;
- ❖ Identifying at the earliest age possible those students who are at risk of dropping out of school prior to graduation; and
- ❖ Providing additional options for delivering to at-risk student's academic credentials and career-technical training if appropriate or desired by the student.

The options may include such programs as Techademics, Earn a Degree-Graduate Early (EDGE), Health Sciences and Technology Academy (HSTA), Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), truancy diversion, early intervention, dropout prevention, prevention resource officers, GED option, credit recovery, alternative learning environments, or any other program or strategy approved by the state board.

Career and technical education programs that only students in certain upper high school grade levels to enroll may make exceptions for those at risk students and enroll any of those at risk students who are in grades nine and above.

Students in the alternative program shall participate in the State Assessment Program in accordance with SBP 2340. The test scores for these students shall be counted in the results of the school of referral.

Home-based programs may also be deemed as appropriate for disruptive students who meet eligibility criteria or for students who have been expelled under the Productive and Safe Schools Act.

Eligibility Criteria:

Students may be placed in the Alternative Education Program for a variety of reasons, which shall include but are not limited to:

- ❖ Violations of the Productive and Safe School Act (§18A-5-1a);
- ❖ Repeated violations of the discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school;
- ❖ Continuation of educational services during periods of suspension or expulsion.

Students who have been expelled shall be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code §18A-5-1a. Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a "dangerous student" under the procedures set forth in West Virginia Code §18A-5-1a.

Placement Process:

The referring school's Student Assistance Team shall make placement decisions, excluding short-term in-school suspensions. The SAT shall develop a written plan for the student. The placement team for all students with disabilities shall be the IEP team and the written plan shall be the IEP. The placement plan shall contain provisions for periodic review of the student's progress at the end of each nine-week grading period.

The student's parents shall be included in the placement process and shall be given ample opportunity for input into the process.

The SAT, as appropriate, may seek input and information from the Department of Health and Human Resources, the Juvenile Justice System or other community based resources.

Instruction:

Pendleton County will deliver instruction according to the following standards:

- ❖ activities will be consistent with the written curriculum and appropriate for the student's developmental levels;
- ❖ instructional materials will be age appropriate, functionally appropriate and of high interest level for students;
- ❖ the Pendleton County Alternative Education Program will provide for individualized instruction and will accommodate the entry and exit of students;
- ❖ all curricular and instructional practices will reflect high expectations for students;
- ❖ the Pendleton County Alternative Education Program will be delivered in a climate conducive to learning; and
- ❖ will have sufficient instructional materials, supplies, and equipment to deliver a high quality instructional program.

Personnel:

Pendleton County Schools will hire only the most qualified applicant(s) to implement its alternative education program. Classroom teachers shall be selected on the basis of their demonstration of competence in meeting the following standards:

- ❖ ability to effect positive behavior in disruptive students;
- ❖ effective leadership and/or mentoring skills in working with youth;
- ❖ successful experience in providing education to troubled or disruptive youth;
- ❖ specialized training or experience in non-traditional programs; and
- ❖ specialized training in behavior management skills.

Licensure:

A teacher assigned to deliver the academic subjects within the Pendleton County Education program must possess a valid West Virginia professional teaching certificate in any area or a Temporary Authorization valid for one year will be granted to a successful candidate for an Alternative Education Program position. The Superintendent shall verify that the applicant possesses the required competencies. A Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

Units of Credit:

Pendleton County Schools will grant units of credit for work satisfactorily completed in its Alternative Education Program. Units of credit may be based upon mastery of performance criteria but generally are the standard units of credit.

Program Completion:

Pendleton County students may complete their alternative education program in one of the following ways:

- ❖ fulfillment of the criteria for re-entry to the regular school program;
- ❖ completion of high school graduation requirements that leads to awarding of a high school diploma from Pendleton County Middle/ High School;
- ❖ completion of identified performance criteria leading to a high school diploma; and
- ❖ completion of a G.E.D. in accordance with WV State Board of Education Policy 2444.4.

Accountability for Results:

Pendleton County Schools will conduct an annual evaluation of the effectiveness of the Alternative Education programs. The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as:

- ❖ academic gains;
- ❖ reduction in dropout rates;
- ❖ reduction in the incidences requiring disciplinary action;
- ❖ improvement in attendance rates;
- ❖ rates of successful program completion and subsequent return to regular school programs; and
- ❖ rates of successful completion of high school graduation requirements (or) attainment of G.E.D. (WVC § 18-2-6; §18-8-6; §18-9A-21; SBP 2510)

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Appendix A: Behaviors and Definitions

Behaviors	Definitions
Battery Against a Student	Injuring another student unlawfully and intentionally.
Cheating	Plagiarizing or copying the work of others or breaking rules to gain advantage in a competitive situation. Interventions could result in academic sanctions.
Defacing School Property/ Vandalism	Defacing or damaging 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.
Deceit	Deliberately concealing or misrepresenting the truth, deceiving another, or causing another to be deceived by false or misleading information.
Disruptive/ Disrespectful Conduct	Exhibiting behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered, and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson or has to stop instruction to address the disruption.
Failure to Serve Detention	Failing to serve an assigned detention of which student and/or parent or guardian have been notified.
False Fire Alarm	Setting-off a fire alarm knowingly and willingly without cause.
Falsifying Identity	Providing false identification to any school official with intent to deceive school personnel or falsely obtain money or property.
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 defraud authorities.
Gambling	Engaging in any game 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.
Gang-Related Activity	Using violence, force, coercion, threat of violence or gang activity that causes disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's educational mission. Gang activity includes: • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member or otherwise symbolizes support of a gang. • Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member, or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs.
Habitual Violation of School Rules or Policies	Persistently refusing to obey the reasonable and proper orders or directions of school employees, school rules, or policies. Student must have had one or more previous discipline referrals.

Harassment/Bullying/Intimidation	W. Va. Code §18-2C-2 defines harassment, intimidation, or bullying as any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission, or threat that: • a reasonable person should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his/her person, and/or placing a student in reasonable fear of damage to his/her property; • is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or • disrupts or interferes with the orderly operation of the school. An electronic act, communication, transmission or threat includes, but is not limited to, one which is administered via telephone, computer, pager, or any electronic or wireless device, and includes, but is not limited to, transmission of any image or voice, email, or text message using any such device. Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic. When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:
• Sexual Harassment	Sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education; or submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment. Amorous relationships between county board of education employees and students are prohibited.
• Racial Harassment	Physical, verbal or written conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or otherwise adversely affects an individual's academic opportunities.

• Religious/Ethnic Harassment • Sexual Violence • Racial Violence	Physical, verbal, or written conduct related to an individual's religion or ethnic background when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment. Physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to: touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing. Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
Hazing	Hazing or conspiring to engage in the hazing of another person. Hazing means to cause 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.
Imitation Drugs: Possession, Use, Distribution, or Sale	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.
Improper or Negligent Operation of a Motor Vehicle	Operating a motor vehicle intentionally and recklessly on the grounds of any educational facility, parking lot, or at any school-sponsored activity, which endanger the safety, health, or welfare of others.
Inappropriate Appearance	Dressing or is grooming in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. Distractive or indecent dress that interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.
Inappropriate Display of Affection	Engaging in inappropriate displays of intimate affection, such as kissing or embracing.
Inappropriate Language	Using profanity in general context whether verbally or in writing, with or without photographs or drawings. (not directed toward any individual or group).
Inhalant Abuse	Deliberately inhaling or sniffing common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging.

Insubordination	Ignoring or refusing to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.
Larceny	Taking another person's property or having another person's property in his/her possession without permission. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with W. Va. Code §61-3-13.
Leaving School without Permission	Leaving the school building, campus, or school activity without permission from authorized school personnel.
Physical Fight without Injury	Engaging in a physical altercation using blows with intent to harm or overpower another person or persons.
Possession of Imitation Weapon	Possesses any object fashioned to imitate or look like a weapon.
Possession of Inappropriate Personal Property	Possessing personal property that is prohibited by school rules or that is disruptive to teaching and learning.
Possession of Knife not meeting Dangerous Weapon Definition (W. Va. Code §61-7-2)	Possessing a knife or knife-like implement under 3½ inches in length. W. Va. Code §61-7-2 clarifies that a pocket knife with a blade 3½ 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.
Possession/Use of Substance Containing Tobacco and/or Nicotine	Possessing, use, or be 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.
Profane Language/ Obscene Gesture/ Indecent Act Toward an Employee or a Student	Directing profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This includes but is not limited to verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.
Sexual Misconduct	Exposing himself/herself publicly and indecently, 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.
Skiping Class*	Failing to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent or guardian. W. Va. 126CSR81, WVBE Policy 4110
Tardiness*	Failing to be in his/her place of instruction at the assigned time without a valid excuse.
Technology Misuse	Violating W. Va. 126CSR41, WVBE Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet.
Threat of Injury/Assault against an employee/student	Threatening (verbal or written) or attempting to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in W. Va. Code §61-2-15.)
Trespassing	Entering the premises of county school system property, other than the assigned time and the location without authorization from proper school authorities.
Vehicle Parking Violation	Engaging in improper parking of a motor vehicle on school property.

Appendix B: Sample Interventions and Consequences

Interventions
Administrator/student conference or reprimand
Administrator and teacher-parent or guardian conference
Counseling referrals to support staff or agencies
Notification of appropriate Health and Human Resources
Daily/weekly academic and/or behavioral progress reports
Referral to Student Assistance Team (SAT)
Behavioral contracts
Change in the student's class schedule, locker assignment, or seat assignment
School service assignment
*W. Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
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 or 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.

Consequences
Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced, if cheating did not occur on the earned grades and credits.
Confiscation of inappropriate item
Revocation of privileges
Detention (lunch, before and/or after school)
Denial of participation in class and/or school activities
Restitution/restoration
Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (W. Va. Code §18A-5-1)
Voluntary weekend detention (State Superintendent of Schools' Interpretation of May 12, 2006)
In-school suspension
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.
Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 4, Section 2) W. Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
Out-of-school suspension for up to ten (10) days. (See guidelines in W. Va. Code §18A-5-1(d).)
The principal and/or county superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
Expulsion (See guidelines in W. Va. Code §18A-5-1(d).) innocent
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.
Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment 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). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school-sponsored functions, notification of law enforcement and/or human services.

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Appendix C: Requirements

W. Va. Code	WVBE and WVDE Requirements
§18-2-7b Programs in drug prevention and violence reduction	• Prescribe programs within the existing health and physical education program which involve teachers, counselors, and other staff in the teaching of resistance and life skills to counteract societal and peer pressure to use drugs, alcohol, and tobacco. • Prescribe programs to coordinate violence reduction efforts in schools and between schools and their communities and to train students, teachers, counselors, and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary, and shall begin in elementary school.
§18-2C-1, et seq. Prohibiting harassment, intimidation, or bullying	• Compile WVEIS incident data for harassment, intimidation, and bullying and report it annually to the Legislative Oversight Committee on Education Accountability.
§18-9F-9 School Crisis Prevention and Response Plan	The WVBE, in conjunction with the Division of Homeland Security and Emergency Management, has developed a School Crisis Prevention and Response Plan Template containing the requirements for school specific School Crisis Prevention and Response Plans. The School Crisis Prevention and Response Plan Template to be used by schools may be found on the WVDE website. This template aligns with the safe schools initiatives of the School Building Authority and Homeland Security and Emergency Management. Additionally, those portions of a school's access safety plan may be included in the School Crisis Prevention and Response Plan if there are any overlapping requirements.
§61-7-11a Possessing deadly weapons	The WVBE shall keep and maintain reports received by the State Superintendent of Schools from school principals that discover the unlawful possession of firearms on school premises or school buses. The WVBE may establish procedures for making and delivering such reports, entering into WVEIS, and notifying the State Superintendent of Schools via email and telephone as soon as possible, per W. Va. Code §61-7-11a, after the principal becomes aware of such unlawful or unauthorized possession.
W. Va. Code	County Board of Education Requirements

W. Va. Code	County Board of Education Requirements
§18-2C-1, et seq. Prohibiting harassment, intimidation, or bullying	• Establish a policy prohibiting harassment, intimidation, or bullying using a process that includes representation of parent or guardian, school employees, school volunteers, students, and community members. • Include the following minimum policy components: • Effective on school property, school bus, school bus stop, and school-sponsored events; • Defined with all components of the definition set forth in W. Va. Code §18-2C-3 and this policy; • Procedures for reporting incidents; • Requirement that school personnel report incidents of which they are aware; • Requirement that parent or guardian of any student involved in an incident be notified; • Procedures for responding to and investigating reported incidents; • Strategies for protecting a victim from additional harassment, intimidation, or bullying and from retaliation following a report; • Discipline procedures for any student guilty of harassment, intimidation, or bullying; • Procedures to ensure confidentiality of any information relating to a reported incident; and • Requirement that each incident be reported within the WVEIS. • When/if the county policy is revised, submit a copy to the State Superintendent of Schools. • Post notice of the county policy in any student handbook, and in any county board of education publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. • Incorporate into each school's current employee training program Information regarding the county board of education policy prohibiting harassment, intimidation, and/or bullying. • Provide training, to the extent state or federal funds are appropriated, on the harassment, intimidation, or bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.
§18-5A-2 Local School Improvement Councils (LSIC)	• Annually, the LSIC shall develop and deliver a report, adhering to all applicable student privacy regulations, to the county superintendent (council on productive and safe schools) that includes: • Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school, or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies, and student involvement strategies. • Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. • The county superintendent or designee shall respond to the LSIC in writing within 10 days of receiving the report. • The county board of education shall retain and file all such correspondence for public review.

W. Va. Code	County Board of Education Requirements
§18-9F-1, et seq. School Access Safety Act	Each county board of education seeking funds for school access safety projects during a fiscal year shall submit to the School Building Authority (SBA) a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. The safety plan shall include at least the following: • A prescribed countywide inventory of each school facility's means of ingress to and egress from the school for students, school employees, parent or guardian, visitors, and emergency personnel; • The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the county board of education assessment of the recommendations and guidelines; • Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies, and local emergency service agencies in the county; • An assessment of the current status of crime committed on school campuses and at school-related functions; • A projected school access safety repair and renovation schedule for all school facilities in the county; • A prioritized list of all projects contained in the plan, including the projected cost of each project; • A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the county board of education safety plan, facilities plan, and school major improvement plan; • Notation of the funds available for allocation and disbursement to the county board of education from the School Access Safety Fund; • A description of any source of local funds that the county board of education intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements; and • Any other element considered appropriate by the SBA or required by other regulations. 34

W. Va. Code	County Board of Education Requirements
§18-9F-9 Crisis Response Plan	County board of education is required to: • Keep the current School Crisis Prevention and Response Plans for each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis prevention and response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan; • Employ the approved safeguards put in place by the school to protect information contained in each crisis prevention and response plan that may be considered protected critical infrastructure information, law enforcement sensitive information, or for official use; and • Make available to the public, upon request, a redacted copy of a school crisis prevention and response plan with any information removed that is necessary for compliance with the necessary safeguards. The county board of education should support schools in the development and updating of school crisis prevention and response plans by providing the following guidance and support: • Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis prevention and response plan as appropriate when one agency or service provider serves all schools within the county; • Standardized lists of existing county board of education policies that support the requirements of the school crisis prevention and response plan; • Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis prevention and response plan; • Standardized procedures for the annual review/update of each school crisis prevention and response plan; and • Resources for training school personnel on school specific school crisis prevention and response plans.
§18A-5-1 Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished	• The county board of education shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct disruptive student behaviors so disruptive students can return to a regular classroom without engaging in further disruptive behavior. • Corporal punishment of any student by a school employee is prohibited. • The county board of education is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with state laws to govern disciplinary actions. These policies shall encourage the involvement of parent or guardian in the maintenance of school discipline. • The county board of education shall provide for the implementation of a preventive discipline program including student involvement. • The county board of education shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. • The county board of education also may establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management, and decision making for students and any other program related to preventive discipline.

W. Va. Code	County Board of Education Requirements
§18A-5-1a Possessing deadly weapon; possessing a controlled substance; assaults and batteries upon teachers or other school personnel; sale of narcotic; expulsion; exception; alternative education	Students are not permitted to engage in the following conduct on school premises, on school buses or school transportation, or at school-sponsored functions: GROUP A • Intentionally making physical contact of an insulting or provoking nature with a school employee while he or she is performing job duties; is commuting to or from work; or in retaliation to the school employee's action to supervise or discipline students • Possessing a firearm or other deadly weapon • Participating in the sale of a narcotic drug GROUP B • Committing an act or engaging in conduct that would constitute a felony in West Virginia if committed by an adult • Possessing a controlled substance governed by the Uniform Controlled Substance Act GROUP C • Injuring, or threatening to injure, a student, teacher, administrator, or other school personnel • Willfully disobeying a teacher • Possessing alcohol • Using profane language directed at a school employee or student intentionally defacing school property • Participating in a physical altercation with another person while under the authority of school personnel • Habitually violating school rules or policies When a principal has notified the county superintendent of a student's suspension for conduct described in Group A above and makes the mandatory request to the county superintendent that the student be expelled, the county superintendent shall recommend to the county board of education that the student be expelled. Upon receiving the county superintendent's recommendation, the county board of education shall hold a hearing following the procedures outlined below. If it is determined the student did commit the alleged conduct, the county board of education shall expel the student in accordance with Level 4, Chapter 2, Section 2. When a principal has notified the county superintendent of a student's suspension for conduct described in Groups B and C above and submits a request to the county superintendent that the student be expelled, the county superintendent may recommend to the county board of education that the student be expelled. If the county superintendent makes such recommendation, the county board of education may hold a hearing following the procedures outlined below. If it is determined the student did commit the alleged conduct, the county board of education may expel the student. Hearing Procedure • Prior to a hearing, the county board of education shall issue written notice which states the charges and the recommended disposition to be served upon the student and his/her parent, guardian or custodian(s). The notice shall include: ○ The date and time at which the hearing shall be held (within ten days of the beginning of the suspension); and ○ If there will be an attempt to establish the student as a "dangerous student," the notice must state this intention and include any evidence which will be used to assert this claim.

W. Va. Code	County Board of Education Requirements
	• At the hearing, the county board of education shall determine: (1) if the student should be reinstated; or (2) if the student should be expelled from school. If the county board of education determines the student should be expelled from school, it may also determine whether the student is a dangerous student. If the written notice for the hearing did not clearly articulate that evidence would be presented to establish the student as a dangerous student, the county board of education shall schedule a second hearing within 10 days to decide that issue. A second hearing attempting to establish a student as a dangerous student may be postponed for good cause shown by the student; such student shall remain under suspension until after the second hearing. • At any hearing before a county board of education, the student may be represented by counsel, may call his/her own witnesses to verify his/her version of the incident, and may confront and cross-examine witnesses supporting the charge against him or her. • All hearings before the county board of education shall be recorded by electronic means unless recorded by a certified court reporter. • In all hearings, facts shall be found by a preponderance of the evidence. • A hearing before the county board of education may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing. • At the conclusion of the hearing, the county board of education shall either: (1) order the student reinstated immediately at the end of his/her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county. • A county board of education that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. ○ A hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. ○ During such hearings, the county board of education may consider the history of the student's conduct as well as any improvements made subsequent to the expulsion. ○ If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period. • In connection with proceedings related to a recommended student expulsion or dangerous student determination, the superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents. Upon written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents, or both following the subpoena requirements set forth in W. Va. Code §29A-5-1. • Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs. • Students may be expelled for a period not to exceed one school year, except that if a student is determined to have committed conduct described in Group A above the student shall be expelled for a period of not less than twelve consecutive months.

W. Va. Code	County Board of Education Requirements
	○ The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board of education, the principal, the faculty senate, and the local school improvement council. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion: ▪ the extent of the student's malicious intent; ▪ the outcome of the student's misconduct; ▪ the student's past behavior history; ▪ the likelihood of the student's repeated misconduct; and ▪ if applicable, successful completion of satisfactory progress towards successful completion of Juvenile Drug Court. • All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 <i>et seq.</i> • Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.

W. Va. Code	County Board of Education Requirements
W. Va. Code §49-2-803 Persons mandated to report suspected abuse and neglect; requirements.	County boards of education are responsible for providing all of its employees with a written document setting forth the notification requirements when child abuse or neglect is suspected. The statement must contain the following information: • teachers, school personnel, volunteers, counselors, nurses, or other professional mandatory reporters within a school who suspect that a student is being abused or neglected shall report the circumstances to the West Virginia Department of Health and Human Resources immediately, and within no more than 24 hours; • if a mandatory reporter suspects a student has suffered serious physical abuse or sexual abuse or sexual assault, the West Virginia State Police and the local law enforcement entity must also be notified immediately; • mandatory reporters that are also staff or volunteers of an entity or organization that provides services to a school or otherwise organizes activities at a school or on school premises must immediately notify the person in charge of the entity or organization providing services or activities to a school. The mandatory reporter must follow any additional reporting requirements established by such entity or organization; • in instances where a mandatory reporter personally witness any of the following acts, or receives credible information from a witness of any of the following acts, he or she must notify the West Virginia State Police and the local law enforcement entity immediately: ○ sexual contact of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose. Sexual contact is further defined in W. Va. Code §61-8B-1(6); ○ sexual intercourse of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose. Sexual intercourse is further defined in W. Va. Code §61-8B-1(7); or ○ sexual intrusion of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose. Sexual intrusion is further defined in W. Va. Code §61-8B-1(8). There is a <i>limited</i> exception to the mandatory reporting requirement when a mandatory reporter receives information or observes <i>consensual</i> sexual contact, intercourse, or intrusion between students. This exception does not apply, and thus the immediate and within no more than 24 hour notification requirement must be followed, when the consensual sexual contact, intercourse, or intrusion involves: • a student who is 14 or older and a student who is less than 12; • a mentally or physically incapacitated students; or • a student who is 16 or older and a student who is less than 16 when there is at least a 4 year age difference between the students. County boards of education must secure a written acknowledgment from every employee indicating the employee has received and understands the statement of reporting requirements provided by the county board of education.

W. Va. Code	County Board of Education Requirements
§61-7-11a Possessing deadly weapons on premises of educational facilities	• It is unlawful for any person, excepting the individuals and classes of individuals listed below, to possess a firearm or other deadly weapon on school premises, on school buses, or at school-sponsored functions. • Approval of the county board of education is necessary for certain individuals and classes of individuals to lawfully possess a firearm or other deadly weapon on school premises, on school buses, or at school-sponsored functions, which include specific areas that are owned, rented, or leased by WV Department of Education, West Virginia Secondary School Activities Commission, county board of education, or local public school for the actual period a function is occurring. • The prohibition against possessing firearms or other deadly weapons on school premises, on school buses, or at school-sponsored functions does not apply to: ○ law-enforcement officers employed by federal, state, county, or municipal law-enforcement agencies; ○ probation officers appointed to their position by the West Virginia Supreme Court of Appeals, or otherwise pursuant to W. Va. Code §62-12-5 or Chapter 49 of said Code, in the performance of his/her duties; ○ retired law-enforcement officers who are (1) employed by a state, county, or municipal law-enforcement agency; (2) covered for liability purposes by the law-enforcement agency; (3) authorized by the county board of education and the school principal to serve as security for the school; (4) qualified to carry a firearm as a retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c); and (5) qualified with his/her firearm to his/her employer's requirements for handling and using a firearm; ○ individuals specifically authorized by the county board of education or school principal to conduct programs with valid educational purposes; ○ individuals who are otherwise lawfully permitted to possess a firearm or deadly weapon may possess an unloaded firearm or deadly weapon in a motor vehicle on school premises; ○ individuals who are otherwise lawfully permitted to possess a firearm or deadly weapon may leave an unloaded firearm or deadly weapon in a locked motor vehicle on school premises; ○ programs or raffles, approved by the county board of education or school, that include the display of unloaded firearms; ○ individuals 21 years and older may possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school if: (1) while occupying the vehicle, the handgun is stored out of view from persons outside the vehicle; or (2) when not occupying the vehicle, the vehicle as a whole is locked and the handgun is stored in a locked trunk, locked glove box, locked interior compartment, or locked container securely fixed to the vehicle; ○ West Virginia University's official mascot, commonly known as the Mountaineer, when acting in his/her official capacity; and ○ Parkersburg South High School's official mascot, commonly known as the Patriot, when acting in his/her official capacity.

W. Va. Code	School Requirements
§18-5A-2 Local School Improvement Councils (LSIC)	• The LSIC shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council. • The LSIC shall conduct a meeting to engage parent or guardian, students, school employees, and other interested parties in a positive and interactive dialogue regarding effective discipline policies. • The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: ○ Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies. ○ Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. ○ The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report and the county board of education shall retain and file all such correspondence for public review.

W. Va. Code	School Requirements
§18-9F-9 School crisis response plan	Each school shall create a comprehensive School Crisis Prevention and Response Plan Template model developed by the WVBE. In developing the School Crisis Prevention and Response Plan, schools shall employ necessary safeguards to protect information contained in each Plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The safeguards employed to protect sensitive information must have the approval of the Division of Homeland Security and Emergency Management. School Crisis Prevention and Response Plans, and updates to such Plans, are to be filed with the school's county board of education. The Crisis Prevention and Response Plans must be developed under the following requirements: • each school within the state shall form a crisis prevention and response planning team consisting of either: (1) the school's Local School Improvement Council, or (2) a team consisting of the principal, two teachers, one service person, and two parents or guardians of children attending the school. The school crisis prevention and response planning team may include one member of the county board of education, a school counselor, a member from local law-enforcement authorities, the local county emergency services director, and one student in grade ten or higher if the school has those grades; • each school within the state, through the school's crisis prevention and response planning team, shall develop a school specific crisis prevention and response plan using the state/county template, and with consultation from local social services agencies and local first response agencies including police, fire, emergency medical services (EMS), emergency management, and any other local entities the school's crisis prevention and response planning team determines should be consulted; • each school's crisis prevention and response planning team shall annually review its crisis prevention and response plan and shall update the Plan as necessary. Each school shall file either an updated School Crisis Prevention and Response Plan or a memorandum stating that no update to the Plan was necessary with the county board of education and the Division of Homeland Security and Emergency Management no later than August 1 of each year; • each school shall make a redacted copy of its school crisis prevention and response plan available, upon request, for inspection by the public with any information removed, that is necessary for compliance, with the necessary safeguards developed by the state. • each school shall annually send notice home to all parents and guardians of students, at the school, alerting the parents and guardians to the existence of the crisis prevention and response plan and the ability to review a redacted copy at the offices of the county board of education; and • each School Crisis Prevention and Response Plan shall include at least the following: • the school employee in charge during a crisis and a designated substitute; • a communication plan to be used during a crisis; • protocols for responding to immediate physical harm of students, faculty or staff, and to traumatic events, including the period after the event(s) have concluded; • disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions, or other events or conditions in which death or serious injury is likely; • crisis procedures for safe entrance to and exit from the school by students, parent or guardian, and employees, including an evacuation and lock down plan; and

W. Va. Code	School Requirements
	• policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
§18-2-40 Jamie's Law Suicide Prevention	A public middle and high school administrator shall disseminate and provide opportunities to discuss suicide prevention awareness information to all middle and high school students
§18A-5-1 Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished	• The teacher shall stand in the place of the parent or guardian in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school. • Subject to W. Va. 126CSR51, WVBE Policy 2423, Health Promotion and Disease Prevention, the school administrator or school nurse shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease. • The teacher or bus driver may exclude from his/her classroom or school bus any student who is guilty of inappropriate behavior as outlined in Chapter 2, Section 2, Levels 1, 2, 3 or 4 of this policy. • Any student excluded, shall be placed under the control of the principal of the school or a designee. • The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. • 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 or guardian. • When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent or guardian of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student, and inform the parent or guardian of the course of action. • If the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. • A student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class, time or alternative class settings. • Corporal punishment of any student by a school employee is prohibited.

W. Va. Code	School Requirements
§18A-5-1a Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.	• Students are not permitted to engage in the following conduct on school premises, on school buses, or school transportation, or at school-sponsored functions; such conduct is grounds for suspension: - GROUP A ○ Intentionally make physical contact of an insulting or provoking nature with a school employee while he or she is performing job duties; is commuting to or from work; or in retaliation to the school employee's action to supervise or discipline students ○ Possessing a firearm or other deadly weapon ○ Participating in the sale of a narcotic drug - GROUP B ○ Committing an act or engaging in conduct that would constitute a felony in West Virginia if committed by an adult ○ Possessing a controlled substance governed by the Uniform Controlled Substance Act - GROUP C ○ Injuring, or threatening to injure, a student, teacher, administrator, or other school personnel ○ Willfully disobeying a teacher ○ Possessing alcohol ○ Using profane language directed at a school employee or student ○ Intentionally defacing school property ○ Participating in a physical altercation with another person while under the authority of school personnel ○ Habitually violating school rules or policies • School personnel that receive information or witness student(s) committing conduct described above must immediately report such student(s) and conduct to the school principal. • Prior to suspending a student, the principal must hold an informal hearing immediately after the conduct. The hearing must take place before a student is suspended. However, a student may be suspended without first holding a hearing if the principal believes the continued presence of the student in the school poses a continuing danger or presents a continuing threat of disrupting academic progress. In such situations, an informal hearing must be held as soon as practically possible following the suspension. • The student and his/her parent or guardian must be given telephonic notice, if possible, of the informal hearing. This notice shall include a brief statement of the grounds for suspension. • Informal Hearing Procedure: ○ At the beginning of the hearing, the principal must ask the student if he or she admits or denies the charges. ○ If student denies charges, he or she must be provided with an explanation of the principal's evidence supporting the charges. ○ The student must be given an opportunity to present his/her version of the incident.

W. Va. Code	School Requirements
	• At the conclusion of an informal hearing or upon the failure of the noticed student to appear, if the principal finds the student to have committed the alleged conduct, the disciplinary action to be taken by the principal is as follows: • ○ For students found to have committed the conduct described in Groups A and B above, the principal shall suspend the student for up to 10 days, including any time the student was suspended prior to the hearing. ○ For students found to have committed the conduct described in Group C above, the principal may suspend the student for up to 10 days, including any time the student was suspended prior to the hearing. • The principal shall report any suspension the same day it is determined, in writing, to the parent or guardian of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension. All suspensions must also be recorded in WVEIS within 24 hours. • For any student suspended as the result of the conduct described in Group A above, the principal must make a request, within 24 hours of the suspension, to the county superintendent that he or she recommend to the county board of education that such student be expelled. • For any student suspended as the result of the conduct described in Groups B and C above, the principal may make a request to the county superintendent that he or she recommends to the county board of education that such student be expelled. • Each expulsion imposed upon a student shall be recorded in WVEIS. • Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the State Board of Education.
W. Va. Code §49-2-803 Persons mandated to report suspected abuse and neglect; requirements.	• Teachers, school personnel, volunteers, counselors, nurses, or other professional mandatory reporters within a school, who suspect that a student is being abused or neglected, to report the circumstances to the West Virginia Department of Health and Human Resources immediately, and within no more than 24 hours. • If a mandatory reporter suspects a student has suffered sexual abuse, sexual assault or serious physical abuse, the West Virginia State Police and the local law enforcement entity must also be notified immediately. • Mandatory reporters, that are also staff or volunteers of an entity or organization that provides services to a school or otherwise organizes activities at a school or on school premises, must immediately notify the person in charge of the entity or organization providing services or activities to a school. The mandatory reporter must follow any additional reporting requirements established by such entity or organization.

W. Va. Code	School Requirements
§61-7-11a Possessing deadly weapons on premises of educational facilities; reports by school principals...	• It is unlawful for any person, excepting the individuals and classes of individuals listed below, to possess a firearm or other deadly weapon on school premises, on school buses, or at school-sponsored functions. • The prohibition against possessing firearms or other deadly weapons on school premises, on school buses, or at school-sponsored functions does not apply to: ○ law-enforcement officers employed by federal, state, county, or municipal law-enforcement agency; ○ probation officers appointed to their position by the West Virginia Supreme Court of Appeals, or otherwise pursuant to W. Va. Code §62-12-5 or Chapter 49 of said code, in the performance of his/her duties; ○ retired law-enforcement officers that are (1) employed by a state, county, or municipal law-enforcement agency; (2) covered for liability purposes by the law-enforcement agency; (3) authorized by the county board of education and the school principal to serve as security for the school; (4) qualified to carry a firearm as a retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c); and (5) qualified with his/her firearm to his/her employer's requirements for handling and using a firearm; ○ individuals specifically authorized by the county board of education or school principal to conduct programs with valid educational purposes; ○ individuals that are otherwise lawfully permitted to possess a firearm or deadly weapon may possess an unloaded firearm or deadly weapon in a motor vehicle on school premises; ○ individuals that are otherwise lawfully permitted to possess a firearm or deadly weapon may leave an unloaded firearm or deadly weapon in a locked motor vehicle on school premises; ○ programs or raffles, approved by the county board of education or school, that include the display of unloaded firearms; ○ individuals 21 years and older may possess a concealed handgun in a motor vehicle in a parking lot, traffic circle or other areas of vehicular ingress or egress to a public school if: (1) while occupying the vehicle, the handgun is stored out of view from persons outside the vehicle; or (2) when not occupying the vehicle, the vehicle as a whole is locked and the handgun is stored in a locked trunk, locked glove box, locked interior compartment, or locked container securely fixed to the vehicle; ○ West Virginia University's official mascot, commonly known as the Mountaineer, when acting in his/her official capacity; and ○ Parkersburg South High School's official mascot, commonly known as the Patriot, when acting in his/her official capacity. • State law does contain criminal penalties for unlawfully possessing a firearm or deadly weapon on school premises, on school buses or at school-sponsored functions. For more information on those penalties, please see: W. Va. Code §61-7-11a(b)(3).

W. Va. Code	School Requirements
	• The principal shall report any unlawful or unauthorized possession of a firearm or deadly weapon discovered by such principal on school premises, on school buses or at school-sponsored functions to the state superintendent of schools as soon as possible, per W. Va. Code §61-7-11a, after the principal becomes aware of such unlawful or unauthorized possession. • The principal shall report any unlawful or unauthorized possession of a firearm or deadly weapon discovered by such principal to the appropriate local office of the division of public safety as soon as possible, per W. Va. Code §61-7-11a, after the principal becomes aware of such unlawful or unauthorized possession.

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Amended/Revised: September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.9. Hazing****Adopted: August 20, 2003****Last Reviewed:****March 2018**

Hazing is defined as subjecting a person to embarrassment, to abusive treatment, to ridicule, to harassment, or to the assignment of unnecessary or disagreeable tasks. No form of hazing is permitted in connection with school activities whether they are scheduled during the school day or after the school day. It is the duty of all school personnel, including students, to prevent the practice of hazing during the school day in connection with all school activities. Any initiation or induction involving hazing is forbidden. There shall be no initiation in any form for entering students into the junior high school, any class or organization for any student. All school personnel, including students, are charged with responsibility for the enforcement of this policy.

(WC §18-2-33; SBP 4373)[Home](#)

Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.10. Harassment, Intimidation or Bullying Prohibition	Adopted: August 20, 2003 Last Reviewed: March 2018

The Pendleton County Board of Education recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, nonthreatening environment.

As used in these procedures, harassment, intimidation or bullying means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- ❖ A reasonable person under the circumstances should know will have the effect of:
 - Physically harming a student:
 - Damaging a student's property,
 - Placing a student in reasonable fear of harm to his or her person: or
 - Placing a student in reasonable fear of damage to his or her property: or
- ❖ Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.
- ❖ Disrupts or interferes with the orderly operation of the school.

As used in this policy, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

It shall be a violation of this policy for any student, parent/guardian, volunteer, outside group, or third party using school facilities, or any employee of the Pendleton County School District to harass a student, any person, or an employee through conduct or communication of a racial, sexual or religious/ethnic nature. **These regulations shall be in effect on all school property owned or leased by the Board, school buses, bus stops and school events.**

Pendleton County Schools will investigate all complaints of harassment or violence and discipline any student or employee who harasses or bullies a student or employee of Pendleton County Schools.

It is the duty of this Board, school administrators, faculty, staff and volunteers to demonstrate appropriate behavior, treating others with civility and respect, and to refuse to tolerate harassment intimidation or bullying on school property and in board facilities (owned or leased by the Board), on school buses, at school bus stops or at any school sponsored events. School personnel shall report any prohibited behaviors they observe. To that end, the Board promulgates the following procedures to assure that every student will have the opportunity to study and learn in a nonthreatening environment.

If the policy is revised, a copy shall be submitted to the State Superintendent of Schools. Notice of this policy shall appear in any student handbook, and in any Board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school system.

(WVC §18-2C-1; §18-2C-2; §18-2C-3; §18-2C-4 and SBP 4373)

Complaint Procedures

- ❖ The school principal or his/her designee shall receive all complaints regarding incidents of harassment, intimidation or bullying.
- ❖ School employees or students who observe (or are victims of) such violations shall immediately report them to the designated school official.

- ❖ The failure of employees to respond to violations of these procedures shall be reflected in the employees' Performance Evaluation as defined in State Board Policy 5310.
- ❖ School officials shall notify the parents or guardians of any students who are involved in or are the victim of harassment, intimidation or bullying. The details of the event will be shared with them as appropriate.
- ❖ Non-school persons (parents/guardians, community members, etc.) who observe harassment, intimidation or bullying should report it to the school principal or other school official if the principal is unavailable.
- ❖ Parents/guardians of students involved in a harassment, intimidation or bullying incident shall be notified as soon as practical.

Investigation Procedures

- ❖ The principal shall take such reasonable steps as necessary, to protect a victim from additional harassment, intimidation, or bullying, and from retaliation following a reported violation of these procedures.
- ❖ The principal or his/her designee shall conduct an investigation into the allegations in a timely fashion. At a minimum, the investigation shall consist of the following:
 - Personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident 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 an alleged incident, a reasonable effort shall be made to contact the student's parents, custodians, or guardians and invite them to be present during such interview.
- ❖ The investigation will be completed as soon as practicable but no later than ten school days following the reported violation. A written report shall be compiled 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 principal.
- ❖ 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 these procedures. 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. This information shall be exempt from disclosure under the Freedom of Information Act
- ❖ The principal shall keep an official record of each incident investigated and the incident school be reported within the WVVEIS.

The Board shall input into the uniform integrated regional computer information system commonly known as the West Virginia Education Information System (WVEIS) an annual report regarding the means of harassment, intimidation or bullying that have been reported to them and the reasons therefor, if known.

Consequences and Punishment

In determining the appropriate response and/or punishment, the principal shall 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. The principal may choose to administer punishment as defined in *SBP 4373 - Acceptable Behavior in Safe and Supportive Schools* policy, or s/he may choose an appropriate alternative punishment.

Employees who engage in harassing behavior shall be in violation of *File: (P) P.9.2.Employee Code of Conduct* as well as the requirements of this policy and shall be disciplined in accordance with *File: (P) P.8.7. Suspension and Dismissal* and *File: (P) P.8.8. Due Process Rights of School Personnel*.

Members of the public who engage in harassing behavior shall be removed from the school premises and may face other penalties within the discretionary powers of the Pendleton County Board of Education. Local legal authorities may be involved as appropriate.

Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

Reprisals

A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

- ❖ In good faith promptly reports an incident of harassment, intimidation or bullying;
- ❖ Makes the report to the appropriate school official as designated by policy;
- ❖ Makes the report in compliance with the procedures as specified in policy.

Appropriate action will be taken against any student or employee 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. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Suspected retaliation should be reported in the same manner as harassment, intimidation and bullying.

An act of reprisal shall be considered a more flagrant act of harassment and shall draw the appropriate consequences available through SBP 4373 and the West Virginia Code.

False Charges

If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaining individual shall be subject to discipline.

For students, filing of false charges or for acts of reprisal shall constitute a Level 3 offense of the Acceptable Behavior in Safe and Supportive Schools policy and the consequence.

For school employees, filing of false charges shall constitute a violation of the Employee Code of Conduct and may subject the employee to disciplinary action in accordance with *File: (P) P.8.7. Suspension and Dismissal* and *File: (P) P.8.8. Due Process Rights of School Personnel*.

Parents and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action.

Policy and Procedures Dissemination and Training

Notice of the county board's policies and procedures shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

- ❖ These procedures, or a summary shall be conspicuously posted throughout each county's/school's facilities in areas accessible to students and staff members.
- ❖ These procedures, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.

- ❖ When a student enters middle/junior high/high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the procedures and consequences associated with violations.
- ❖ This document shall be available electronically on the Pendleton County Schools website and upon request; a copy will be distributed to any student, parent, faculty, or staff member requesting a **paper** copy.
- ❖ The Board shall provide training for students and staff on these regulations and on means for effectively promoting the goals of these procedures.
- ❖ Incorporated into each school's current employee training program Information regarding the county board policy prohibiting harassment, intimidation or bullying.
- ❖ Provide training, to the extent state or federal funds are appropriated, on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.
- ❖ The county shall review its procedures at least biannually for compliance with state and federal law and West Virginia Board of Education policy.

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(P) S.10.1. Obscene, Anonymous, Harassing and Threatening Communications

Legislation has now made certain inappropriate acts while using electronic communication devices criminal acts (WVC §61-3C-14a). It is unlawful for any person, with the intent to harass or abuse another person, to use a computer or other electronic devices to:

- ❖ Make contact with another without disclosing his or her identity with the intent to harass or abuse;
- ❖ Make contact with a person after being requested by the person to desist from contacting them;
- ❖ Threaten to commit a crime against any person or property; or
- ❖ Cause obscene material to be delivered or transmitted to a specific person after being requested to desist from sending such material.

For purposes of this policy, "obscene material" means material that:

- ❖ An average person, applying contemporary adult community standards, would find, taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is pandered to a prurient interest;
- ❖ An average person, applying contemporary adult community standards, would find, depicts or describes, in a patently offensive way, sexually explicit conduct consisting of an ultimate sexual act, normal or perverted, actual or simulated, an excretory function, masturbation, lewd exhibition of the genitals, or sadomasochistic sexual abuse; and
- ❖ A reasonable person would find, taken as a whole, lacks literary, artistic, political or scientific value.

It is unlawful for any person to knowingly permit a computer under his or her control to be used for any purpose prohibited by this policy and state code. Any offense committed under this policy may be determined to have occurred at the place at which the contact originated or the place at which the contact was received or intended to be received.

Any person who violates a provision of this policy is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in a county or regional jail not more than six months, or both. For a second or subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in a county or regional jail for not more than one year, or both.

(WVC §61-3C-14a)

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(P) S.10.2. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

For criminal investigations involving certain criminal sexual offenses against minors, new sections of the West Virginia Code authorize the Magistrate and Circuit Court judges to issue subpoenas upon reasonable suspicion that an electronic communications system or service, or a remote computing service, has been used in the commission of such a crime. The Pendleton County Board of Education recognizes its responsibility to protect the well-being of its employees and students in this technological age and it once again cautions all of its employees and students to refrain from any activities that would fall into this or any other category of criminal offenses related to electronic communications.

Definitions:

- ❖ "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted, in whole or in part, by a wire, radio, electromagnetic, photoelectronic or photooptical system.
- ❖ "Electronic communication" does not include:
 - Any oral communication;
 - Any communication made through a tone-only paging device;
 - Any communication from a tracking device; or
 - Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.
- ❖ "Electronic communications service" means any service which provides for users the ability to send or receive wire or electronic communications.
- ❖ "Electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.
- ❖ "Electronic service provider" means a person or entity engaged in the business of providing computer communications through which a consumer may obtain access to the internet.
- ❖ "Electronic service provider" does not include a common carrier if it provides only telecommunications service.
- ❖ "Sexual offense against a minor" means:
 - A violation or attempted violation of WVC §61-8B-5 code;
 - A sexual offense or attempted sexual offense committed against a minor in violation of WVC §61-8B;
 - The distribution and display or attempted distribution and display of obscene materials to a minor in violation of WVC §61-8A-2;
 - The use or attempted use of obscene matter with the intent to seduce a minor in violation of WVC §61-8A-4;
 - The employment or use or the attempted employment or use of a minor to produce obscene materials in violation of WVC 61-8A-5;
 - The solicitation of a minor by use of a computer in violation of WVC §61-14B-3c; or
 - The use of a minor in filming sexually explicit conduct in violation of WVC §61-8C-2 and §61-8C-3.
- ❖ "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

The form by which a law enforcement agency applies for such a subpoena shall be approved by the West Virginia Supreme Court of Appeals and shall include, if available, the IP address, email address, telephone number, or other identifier suspected of being used in the commission of the offense.

In response to the subpoena, an electronic communications system or service, or a remote computing service, may be required to produce names, addresses, telephone connections, session records, subscriber identifiers, and means and sources of payment for services. However, a law enforcement agency may not examine the contents of electronic communications without a warrant

The Code prohibits the recipient of the subpoena from disclosing to the account holder the existence of the subpoena and the response to the subpoena. The code also limits the liability of the systems and services to which subpoenas are directed, and it permits them to charge a fee to the law enforcement agency, not to exceed the actual cost for providing the information
(WVC § 62-1G-2)

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(P) S.10.3. Cyberbullying

Cyberbullying, as used in this policy, includes but is not limited to an electronic act, communication, transmission or threat which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

The National Crime Prevention Council defines cyber bullying as “the process of using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person.”

Cyberbullying could be limited to posting rumors or gossips about a person in the internet bringing about hatred in other's minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them.

Cyberbullying can take many forms. The following are just a few examples:

- ❖ Making fun of another user in an Internet chat room.
- ❖ Harassing a user over an instant messaging session.
- ❖ Posting derogatory messages on a user's Facebook or My Space page.
- ❖ Circulating false rumors about someone on social networking websites.
- ❖ Publishing lewd comments about another person on a personal blog.
- ❖ Posting unflattering pictures of another user on the Web.
- ❖ Spamming another user with unwanted e-mail messages.
- ❖ Sending threatening or provocative e-mails.
- ❖ Repeatedly calling another person's cell phone.
- ❖ Sending unsolicited text messages to another user

The West Virginia Computer Crime and Abuse Act

It is unlawful for a person to knowingly and intentionally use a computer or computer network, as defined in §61-3C-3, to engage in conduct with the intent to harass, intimidate, or bully a minor, including, but not limited to:

- ❖ Posting, disseminating or encouraging others to post or disseminate private, personal, or sexual information pertaining to a minor on the Internet; or
- ❖ Posting obscene material, as defined in §61-3C-14a of this code, in a real or doctored image of a minor on the Internet;

For the purposes of this policy:

- ❖ "Harass, intimidate or bully" means any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission or threat that:
 - A reasonable person under the circumstances should know the act will have the effect of any one or more of the following:
 - Physically harming a minor;
 - Damaging a minor's property;
 - Placing a minor in reasonable fear of harm to his or her person; or
 - Placing a minor in reasonable fear of damage to his or her property; or

- Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive environment for a minor. "Minor" means an individual under the age of 18 years old.

This code does not apply to a peaceful activity intended to:

- ❖ Express a political view; or
- ❖ Provide information to others with no intent to harass, intimidate, or bully.

Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail for a period not to exceed one year, or both confined and fined.

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Amended/Revised: August 24, 2010; September 6, 2011; October 2, 2012; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.11. Substance Abuse and Tobacco Control	Adopted: August 20, 2003 Last Reviewed: March 2018

See File: B.18. Substance Abuse and Tobacco Control

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PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.12. County Student Discipline Policies****Adopted: August 20, 2003****Last Reviewed:****March 2018**

The Board believes that each student has the right to learn within a safe school environment. In addition, the state legislature has enacted legislation that has declared that each county is solely responsible for the administration of discipline in its schools. Thus, in addition to its focus on academics, Pendleton County Schools are concerned that students conduct themselves in an appropriate manner and that discipline is conducted firmly and fairly. Any behavior or inappropriate language that causes the learning environment to be disrupted or infringes upon the rights of others will not be tolerated. It is the responsibility of all students to behave in a manner that does not threaten, interfere with, or deprive other students of their rights to an education nor a teacher's right to teach. The discipline within the school system is based on the following assumptions:

- ❖ Discipline is a means to learning, not an end;
- ❖ Discipline should be handled, if at all possible, by the teacher in the classroom;
- ❖ Classroom instructional behaviors affect discipline;
- ❖ Classroom environments must be orderly so that they are conducive to learning; and
- ❖ Students are citizens. As such, their constitutional rights do not end at the schoolhouse gate. Thus, school personnel in any discipline action, which could result in the interruption of the students' right to an appropriate continuous education, shall follow substantive and procedural due process.

The Board shall provide for the implementation of a preventive discipline program including student involvement. The nature and focus of the program shall be at the discretion of appropriate school administrators, central office staff, parents and students as designated by the Superintendent or his/her designee. Implementation of the program shall include in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution.

The Board may also establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and any other program related to preventive discipline.

The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

The school principal shall be in charge of disciplinary matters at the school level. West Virginia Code §18A-5-1 has defined "principal" to mean the principal, assistant principal, vice principal, the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school. This definition of "principal" applies only to §18A-5-1.

Pursuant to State Board regulations and federal requirements for reporting data on suspensions and expulsions, data on all student disciplinary actions shall be maintained on WVEIS discipline module to facilitate the electronic collection of data by county and state officials.

(WVC §18A-5-1; SBP 4373)

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(P) S.12.1. Responsibilities of the Students

All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

- ❖ Students will help create an atmosphere free from bullying, intimidation and harassment;
- ❖ Students will demonstrate honesty and trustworthiness;

- ❖ Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others;
- ❖ Students will demonstrate responsibility, use self-control and be self-disciplined;
- ❖ Students will demonstrate fairness, play by the rules, and will not take advantage of others;
- ❖ Students will demonstrate compassion and caring; and
- ❖ Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

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(P) S.12.2 Responsibilities of the Parents

The ultimate responsibility for children's behavior rests with the parents. The following are among the specific responsibilities:

- ❖ Support the school in requiring students to observe all school rules and regulations and accepting responsibility for any willful misbehavior on their part. Send students to school with proper attention having been given to health, personal cleanliness, and neatness of dress.
- ❖ Maintain an active interest in the student's daily work. Make it possible for them to complete assigned homework, particularly by providing a quiet place and suitable conditions for study.
- ❖ Comply with the school's requests. This includes reading carefully all communications, signing and returning them as requested.
- ❖ Cooperate with the school in attending conferences set up for exchanging information on the student's progress in school and for planning for its continued maintenance and improvement.

(P) S.12.3. Detention of Students

Detention of students after regular school hours is discouraged, especially in the case of transported students. Rather than detain a child after school, principals are encouraged to use in school, morning, or lunch detentions as discipline measures. If an after school detention which results in a student not being able to ride his bus is necessary, the parents shall be notified one day and the child detained the next.

After school detention also requires strict adherence to the doctrine of in loco parentis which requires school personnel to exercise authority and control over students from the time they board a school bus or reach the school grounds until they have returned to their respective homes. Therefore; students who are serving detention after school hours must be supervised by school personnel authorized to do so until such time their parents/guardians arrive at the school in person to sign them out for the day.

(WVC §18A-5-1)

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(P) S.12.4. In-school Suspensions and Exclusions

Exclusions

Exclusion. According to W. Va. Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who is guilty of disorderly conduct; interferes with the orderly educational process; threatens, abuses, or otherwise intimidates a school employee or student; willfully disobeys a school employee; or directs abusive or profane language at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee.

The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. 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 or guardian.

When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent or guardian of the student have held a conference to discuss the student's disruptive behavior patterns and agree on a course of action. If they are not present at the conference then the

parent or guardian must be notified of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in W. Va. §126CSR92, Policy 4336, West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent or guardian. All students shall be transported until the parent or guardian has been properly notified of the exclusion. The principal/designee shall notify the parent or guardian when the child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

(WVC §18A-5-1 and SBP 4373)

In-School Suspension

This is a disciplinary action in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains in direct supervision of school personnel.

Guidelines for /Exclusions and In-school Suspensions

- ❖ The person excluding a student or assigning an in-school suspension shall make a telephone contact with the parent within the day of the incident.
- ❖ If the principal takes disciplinary action, s/he shall provide written, and if possible, telephonic notice of such action to the parents/guardians.
- ❖ The teacher or bus driver shall also receive a copy of the disciplinary notice before the student is readmitted to class or to the bus.
- ❖ Excluded students must be properly supervised
- ❖ The person responsible for the exclusion/in-school suspension shall complete a "Student Exclusion Notice". The bottom half of the notice is the parent copy and will be sent home for parent signature. It is to be returned the following day. If it is not returned, a second one will be mailed home. The person responsible for copies being sent home is the same person making the telephone notification.
- ❖ The homeroom teacher should be given the top half of the "Student Exclusion Notice" and should record data about each exclusion and in-school suspension on county forms.
- ❖ The principal and the teacher recommending the in-school suspension should discuss the student in question to agree upon details for carrying out the suspension. The principal shall retain the right of administrative review.
- ❖ Exclusions and in-school suspensions do not deprive a student of his/her educational opportunities; therefore, they do not require due process.

(WVC §18A-5-1 and SBP 4373)

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(P) S.12.5. Dangerous Student Designation

W.Va. Code §18A-5-1a defines a "dangerous student" as a one who is substantially likely to cause serious bodily injury to himself/herself or another individual within that student's educational environment, which may include any alternative education environment. School officials must show evidence by a pattern or series of violent behaviors exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.

- ❖ The Board may at the outset of an expulsion proceeding declare that it will attempt to establish the student as a "dangerous student" as defined in W.Va. Code §18A-5-1a. In the notice to the parent/guardian, the Board shall state clearly whether it will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time.

- ❖ If the Board decides for the first time at the expulsion hearing to assert a “dangerous student” claim and has not notified the student that such a determination will be considered, a special hearing for that purpose must be held within ten days of the expulsion hearing. The student must remain under suspension until that hearing is held. The hearing may be postponed for good cause shown by the student.
- ❖ If the Pendleton County Board of Education expels a student, and finds that the student is a dangerous student, it may refuse to provide alternative education pursuant to the conditions outlined in W.Va. Code §18A-5-1a.
- ❖ A hearing must be held every three months during the time the student remains a “dangerous student” and is denied an alternative education.
- ❖ When it is found that the student is no longer a “dangerous student”, he/she must be provided an alternative education during the remainder of the expulsion period.

(WVC §18A-5-1a)

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(P) S.12.6. Deadly Weapons

According to W.Va. Code §18A-5-1a(a), it is unlawful for any person to possess a firearm or deadly weapon as defined in W.Va. Code §61-7-2, on any school bus as defined in W.Va. Code §17A-1-1, or in or on any public or private primary or secondary education building, structure, facility or grounds including any vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at any school-sponsored function.

Deadly Weapons Defined:

According to WVC Code §61-7-2 “Deadly weapon” means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term “deadly weapon” shall include, but not be limited to: blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol or revolver, or other deadly weapons of like kind or character which may be easily concealed on or about the person.

For the purposes of WVC §18A-5-1a and §61-7-11a, in addition to the definition of “knife” set forth in subdivision (3) WVC Code §61-7-2, the term “deadly weapon” also includes any instrument included within the definition of “knife” with a blade of three and one-half inches or less in length.

Additionally, for the purposes of WVC §18A-5-1a and §61-7-11a, the term “deadly weapon” includes explosive, chemical, biological and radiological materials. A dangerous weapon may also include any device that is primarily used for self-protection, or 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.

Notwithstanding any other provision of this section, the term “deadly weapon” does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

In Accordance with WVC §61-7-11a It shall be unlawful to possess a firearm or other deadly weapon:

- ❖ On a school bus as defined in §17A-1-1 of this code;
- ❖ In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;
- ❖ At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

Exceptions to the Policy:

- ❖ A law-enforcement officer employed by a federal, state, county or municipal law enforcement agency;
 - ❖ Any probation officer appointed pursuant to section five, §62-12-5 chapter forty-nine of this code in the performance of his or her duties;
 - ❖ A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act;
 - ❖ A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;
 - ❖ A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
 - ❖ Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;
 - ❖ The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or
 - ❖ The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.
8. Any person, 21 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other areas of vehicular ingress or egress to a public school: Provided, That:
- when he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or
 - when he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a locked trunk, glove box or other interior compartment, or in a locked container securely fixed to the vehicle.

A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

A school principal subject to the authority of the State Board of Education who discovers a violation of this policy shall report the violation as soon as possible to:

- ❖ The State Superintendent of Schools; and
- ❖ The appropriate local office of the Division of Public Safety, county sheriff or municipal police agency.

No person shall have a firearm whether loaded or unloaded in any automobile on the premises of the Pendleton County Board of Education in his automobile whether the same is locked or unlocked.

Any student who violates this policy shall be suspended immediately and shall be subject to expulsion by the Pendleton County Board of Education. Any employee who is in violation of this policy will be subject to immediate disciplinary action.

Student and employee violations of this policy shall also be referred to local law enforcement agencies. Local law enforcement agencies shall be alerted when this policy is violated by a member of the public.
(WVC §17A-1-1; §18A-5-1a; §61-7-2; §61-7-11a; SBP 4373)

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Amended/Revised: October 4, 2004; September 20, 2006; August 21, 2012; September 1, 2015
September 6, 2016; September 5, 2017; September 4, 2018

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.13. Health Services****Adopted: August 20, 2003****Last Reviewed:****March 2018**

A School Nurse, as prescribed by state law, shall provide health services for the Pendleton County Schools. The services of this individual shall be coordinated with those of the Pendleton County Health Department as appropriated. Persons employed as School Nurses shall be registered professional nurses properly licensed by the West Virginia board of examiners for registered professional nurses.

Ratio of School Nurses to Students:

The Pendleton County Board of Education shall employ full time at least one school nurse for every 1500 kindergarten through seventh grade students in net enrollment or major fraction thereof: *Provided*, the Board shall employ at least one full-time school nurse: *Provided, however*, That the Board may contract with the Public Health Department for services considered equivalent to those required by the code in accordance with a plan to be approved by the State Board: *Provided further*, That the State Board shall promulgate rules requiring the employment of school nurses in excess of the number required by this section to ensure adequate provision of services to severely handicapped pupils.

Duties of the School Nurse:

The duties of the School Nurse shall include, but are not limited to:

- ❖ Providing specialized health procedures that require the skill, knowledge and judgment of a licensed health professional;
- ❖ Perform routine health services for school personnel and students as appropriate;
- ❖ Coordinate training programs for other school employees who may be required to provide specialized health care procedures such as catheterization, suctioning of tracheostomy, naso-gastric tube feeding or gastrostomy tube feeding;
- ❖ Coordinate and supervise the delivery of specialized health procedures by other school personnel;
- ❖ Coordinate training programs for employees required to administer medications to students;
- ❖ Assist in delivering health instruction to the student population;
- ❖ Act as a liaison between the school system and outside medical professionals;
- ❖ Assess the health services needs of the school system; Monitor and verify the immunization records of all Pendleton County students;
- ❖ Assist with the preschool screening of incoming students; and
- ❖ Assist transfer students and their parents in meeting immunization requirements.

(WVC §18-5-22)

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(P) S.13.1. Health Promotion and Disease Prevention

The objective of this policy is to allow for procedures to be in place for detection of potential health barriers to learning and communicable diseases, inclusion and exclusion, standard/universal precautions and enhancement of knowledge to ensure preventative measures occur for students and school personnel. This policy will assist in developing a working relationship with school personnel, parents or guardians, the students' medical and dental home and the local health department while decreasing duplication of health services offered by the school and the medical and dental home and/or the community serving the students.

The Pendleton County Board of Education adopts the current provisions of SBP 2423- *Health Promotion and Disease Prevention* as its official policy for implementing and promoting a healthy and disease-free school environment for its students, employees and the community. Follow this link to [SBP 2423-Health Promotion and Disease Prevention](#).

The following is a list of topics to be found in SBP 2423 which should assist the reader in his/her research of this policy:

Topics in SBP 2423	Page
§126-51-1. General	1
§126-51-2. Purpose	1
§126-51-3. Application.....	1
§126-51-4. Definitions	2
§126-51-5. Health Promotion through School Screenings/Examinations	5
§126-51-6. Disease Prevention Measures through Immunizations	6
§126-51-7. Quality Assurance for School-Based Services	7
§126-51-8. Disease Prevention Measure through Practice and Education	7
§126-51-9. Disease Control Measures.....	8
§126-51-10. Confidentiality.....	9
§126-51-11. Severability.....	10

(WVC §16-3-4; 16-3-4a; 16-3-5; 18-2-5; 18-5-9;18-5-17; 18-5-22; 18A-5-1; SBP 2423)

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(P) S.13.1.1. Guidelines for Prevention of Transmission of Infection Diseases

Hand Washing

All county boards of education must incorporate hand washing into the county board of education policy, as defined in W. Va. 126CSR25A, WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, and as outlined in The Basic and Specialized Health Care Procedures Manual for West Virginia Public Schools. It is best practice to wash the hands with soap and clean running water for twenty seconds. However, if soap and clean water are not available, use an alcohol-based product to clean the hands is acceptable practice.

Good hand hygiene is the single most effective procedure to prevent the spread of communicable disease in the school setting. An allowance for hand washing should be incorporated into the daily routine of all students in West Virginia public schools, especially before eating, after blowing the nose, coughing, or sneezing, after going to the bathroom and as deemed necessary by school.

Cleaning up Body Fluid Spills

In the specific event of an infected student or employee being placed in a regular school setting, it is recommended that the ensuing procedures be followed at all times as general health/safety practices when cleaning up body fluid spills:

- ❖ Any person who comes in contact with secretions, body fluids or blood should thoroughly wash and clean all exposed areas.
- ❖ Medically approved disposable gloves will be provided to all employees who may come in direct contact with another's secretions, body fluids, or blood. These should be worn at all times and especially in the event that the employee has open cuts or lesions.
- ❖ Blood and other body fluids may be flushed down the toilet or carefully poured down a drain connected to a sanitary sewer.
- ❖ Other items for disposal that have been in contact with blood or other body fluids should be wrapped securely in an impervious plastic bag and placed in a second bag before being discarded in a manner consistent with local regulations for solid waste disposal.
- ❖ All surfaces exposed to blood or other body fluids should be cleaned with a mycobactericidal disinfectant. Isopropyl or ethyl alcohol (70%) is recommended. Contact should be for at least five minutes.
- ❖ All towels, tissues, cloths, or cleaning tools should be disposed of properly or thoroughly cleansed in the disinfectant.
- ❖ Additional guidelines, as provided in "Routine Procedures for Sanitation and Hygiene - Handling Body Fluids" should be followed.

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(P) S.13.1.2. Procedures for Handling the Suspected Infection of a Student

In the event that it is suspected that a student has one of the infectious diseases described above, or has been exposed to such infectious diseases, the Superintendent, or his designee, shall implement the following procedures:

- ❖ The school principal shall contact the parents/guardians of the student (or the student himself, if they have reached the age of eighteen and inform them of the suspected infectious disease and attempt to obtain the results of any medical tests performed. If none are available, or cannot be obtained, the school system shall request that the student have a physical examination to determine if the infectious disease is present. In the event the parents/guardians, or student refuses such a request the student shall be excluded from school attendance until such medical test has been performed. Failure on the part of parents or legal guardians to promptly comply with this request may result in the child's non-attendance being reported to proper school and county attendance authorities.
- ❖ If it has been determined that a student has the infectious disease the school principal shall implement the following guidelines and principles in determining the appropriate school programs:
 - The student shall be permitted to attend school in his/her regular classroom setting when there is no apparent risk of transmission. Such attendance must have the specific written approval of the student's physician and/or the County Public Health Officer, or the parent must be able to show that appropriate corrective medical action has been completed and can verify that all possible infected students and family members have been treated and are free from the infectious disease. With regard to infections of Pediculosis (head lice), the returning student must verify treatment and, upon inspection, be found free of adult lice (live lice). This inspection maybe conducted by appropriate health officials or school personnel trained in the detection of the Pediculosis parasite.
 - On a need to know basis the principal shall inform those school personnel who may come in direct contact with a student who has an infectious disease.
 - In the event that the student may pose a risk of transmission to others and that risk cannot be corrected or safely managed, an alternative education method may be considered. If such circumstances exist, the school officials, in consultation with the student's physician and/or the County Public Health Officer, must determine whether a risk of transmission exists. In the event that the student cannot attend school, an appropriate school program will be implemented based upon State regulations and local policy regarding homebound instruction.
 - Such instruction shall continue until it can be determined that no apparent risk of transmission exists. Readmission to the student's regular classroom setting must have the specific written approval of the student's physician and/or the County Public Health Official and must conform to the procedures set forth previously in these guidelines.
- ❖ The Director of Student Services and Personnel, or his/her designee, shall serve as a liaison with the student, parents, student's physician, and County Health Officials. In this role he/she shall assist in problem resolutions on behalf of the student and school system and coordinate services by other staff.

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(P) S.13.1.3. Procedures for Handling the Suspected Viral Infection of an Employee

In the event that it is suspected or determined that an employee has an infectious disease as described above, the Superintendent, or his/her designee, shall implement the following procedures:

- ❖ The Superintendent, or his designee, shall contact the employee to obtain the results of any medical tests performed. If none are available, or cannot be obtained, the School System shall arrange for the employee to have a physical examination to determine if the infectious disease is present. The employee shall be provided leave with pay if necessary. In the event the employee refuses such a request the employee may be requested to take a leave of absence or be suspended from employment until such medical test has been performed.
- ❖ If proper medical evidence is obtained confirming the fact that the employee has the infectious disease, the Superintendent, or his/her designee, shall implement the following guidelines and principles in determining the appropriate school programs:

- The employee shall be permitted to continue employment in his regular setting if no apparent risk of transmission exists.
- In the event it has been determined that the continued presence of the employee poses a hazard, the Superintendent shall present this information to the Board which may hold a hearing. This hearing shall determine if there alternative job assignments exist that may be suitable or if the employee is to be suspended from his or her employment. In the event of a suspension it shall continue until such time as the employee is able to show that returning to his/her regular employment setting will pose no apparent risk of transmission. The employee's return to work must have the specific written approval of his/her physician and/or the County Public Health Officer.
- ❖ In the event the employee is removed from employment, appropriate state regulations and local policy shall be followed regarding suspension and/or dismissal.

(P) S.13.1.4. Procedure for Pediculosis (Head Lice)

The Pendleton County Board of Education is concerned at all times for the health of all students and will make every effort to prevent and control pediculosis in Pendleton County Schools. After studying the data available about the nature of pediculosis, its treatment and the affects this treatment can have on school attendance, the West Virginia Council of School Nurses has recommended against schools adopting "No –Nit" policies.

According to the American Academy of Pediatrics (AAP), "screening for nits alone is not an accurate way of predicting which children will become infested." A more appropriate management tool in controlling head lice outbreaks within the classroom would be a parent education program.

Based upon the recommendations of the American Academy of Pediatrics (AAP) and the West Virginia Council of School Nurses (WVCOSN) the Pendleton County Board of Education believes the recommended treatment of head lice should include:

- ❖ The school nurse, the most knowledgeable professional in the school community regarding pediculosis management, will train school personnel responsible for detecting head lice.
 - ❖ Lice or nits less than ¼ inch or 1 cm from the scalp, then the parent or guardian shall be called and made aware of the situation.
 - ❖ The parent or guardian will be educated as to the appropriate health information for treatment and prevention of pediculosis.
 - ❖ The student will be permitted to return to the classroom when they are lice free.
 - ❖ The student will be rescreened as necessary to detect the presence of live lice.
 - ❖ Classroom screening is **NOT** warranted.
- (AAP, WVCOSN)

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(P) S.13.2. Administering Medicines and Specialized Health Care Procedures to Students

Good health and safety are essential to student learning. The administration of medication to students during the school day is but one of the necessary health care functions trained school personnel perform during the school day. The Pendleton County Board of Education adopts as its official policy the current provisions The Pendleton County Board of Education adopts as its official policy the current provisions *SBP 2422.7 Standards for Basic and Specialized Health Care Procedures* in fulfilling the medicinal needs of Pendleton County students.

Administration of medication during the school day is essential to allow some students to attend school. These procedures establish the standards that must be followed when any medication is required to be administered during attendance at school or school related events and to provide for emergency medication administration, when necessary.

These regulations apply to school nurses, administrators, other authorized school employees, contracted school nurses, and contracted licensed health care providers (as specified in W.Va. Code §18-5-22a and §18-5-22b; *SBP 2422.7 Standards for Basic and Specialized Health Care*) who are administering medication to students in the Pendleton County Schools.

Regular professional and service employees may not be required to administer medication to students; however, after July 1, 1989 newly employed professional and service employees in the field of special education may be required to administer medications after receiving training. Nothing in the code prohibits any employee from volunteering to the trained and serving as an administrator of student medications or other specialized procedures for students.

The length of SBP 2422.7 – Standards for Basic and Specialized Health Care makes it impractical to include it in its entirety here; therefore, Central Office Supervisors, principals, teacher, counselors, nurses, secretaries and other interested parties are directed to the State Board website by following the above link to obtain the information required to implement this policy.

The following is a list of topics to be found in SBP 2422.7 which should assist the reader in his/her research of this policy:

<u>Topics in SBP 2422.7</u>	<u>Pages</u>
§126-25A-1 General.....	1
§126-25A-2 Purpose	1
§126-25A-3 Definition.....	1
§126-26A-4 Training and Certification for Designated School Personnel	5
§126-25A-5 System for School Admission and Care.....	6
§126-25A-6 Health Care Plan and Intervention Guide	7
§126-25A-7 Quality Assurance	7
§126-25A-8 School Health Records.....	8
§126-25A-9 Staffing Requirements.....	9
§126-25A-10 Administration of Medicine	10
§126-25A-11 Medication Storage, Inventory, Access, and Disposal.....	12
§126-25A-12 Emergency Medication.....	13
§126-25A-13 Student Rights.....	16
§126-25A-14 Penalties.....	16
§126-25A-15 Administrative Due Process	16
§126-25A-16 Incorporation and Reference.....	16
§126-25A-12 Severability.....	16

(WVC §18-5-22; §18-5-22a; §18-5-22b; SBP 2422.7

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(P) S.13.3. Student Accident Insurance

Each school year, accident insurance is offered to all students in the Pendleton County Schools. All students are urged to enroll for this coverage, especially students involved in shop classes, vocational classes, band and other similar activities.

All students participating in any competitive sport, except football, shall be required to purchase Student Accident Insurance as approved by the Board or to provide proof of suitable coverage under a family insurance plan.

Students who participate in interscholastic football shall be required to have separate insurance coverage. The premium shall be paid from athletic funds. The principal of each school shall be required to submit a certificate of insurance to the Superintendent as evidence of having acquired such.

It shall be the responsibility of the principal and coaches in the respective schools to execute these procedures.

(P) S.13.4. “Jamie’s Law-Suicide Prevention Training

On or before September 1, 2015 and each year thereafter, a public middle and high school administrator shall disseminate and provide opportunities to discuss suicide prevention awareness information to all middle and high school students. The information may be obtained from the Bureau for Behavioral Health and Health Facilities or from a commercially developed suicide prevention training program approved by the State Board of Education in consultation with the bureau to assure the accuracy and appropriateness of the information.

It shall be the responsibility of the Director of Curriculum and Instruction, to work with school principals and teachers to determine the manner in which this training will be accomplished within the established curriculum.

(WVC §18-2-40)

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Amended/Revised: October 4, 2004; September 20, 2006; October 2, 2012; October 1, 2013;
February 4, 2014; October 9, 2014; September 1, 2015; September 4, 2018

Commencing with the legislature's passage of the 1995 Safe School Act the Pendleton County Board of Education has renewed its efforts to build a Safe and Productive School Environment. We, the Board, know that student safety requires the cooperation of all parties and it takes a multifaceted approach to assure our constituents that safety carries a high priority in all of our educational endeavors.

Regular, periodic inspections of school grounds, facilities, and equipment shall be conducted to assure the highest possible level of safety at each school site. Defective equipment shall be withdrawn from use immediately and school property or neighboring property having potentially hazardous conditions shall be declared "off limits" to students until the conditions have been corrected. Fire and other safety regulations shall be followed and the appropriate records and reports related to those regulations shall be maintained. Principals shall report maintenance and repair needs to the appropriate Central Office administrator in a timely fashion.

School rules shall conform to the new *SBP 4373 Expected Behavior in Safe and Supportive Schools* as a means of providing a teaching and learning environment that is free of harassment, bullying and violence.

The 21st century has brought a new awareness of the need to provide security for all school facilities and their occupants. Therefore, all principals are directed to carefully follow all regulations regarding the monitoring of visitors to the school, the security of entrances and exits, and to establish a procedure for responding to emergency situations that may arise at the school site.

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(P) S.14.1. Supervision of Students

State law places appropriately designated personnel *in loco parentis* in exercising authority over the school, and mandates that they shall have control of all students enrolled in the school from the time they board a school bus or reach the school until they have returned to their respective homes. It is imperative that students are supervised from the time that they arrive at school or a school sponsored activity, until they leave. Principals are responsible for establishing rules and regulations, and seeing that they are being followed, to assure all concerned that adequate supervision is provided at the school from the arrival of the first bus or child in the morning to the departure of the last bus in the evening.

At least one teacher or administrator shall be on duty each morning at the arrival of the first busload of transported children. At least one teacher or administrator shall be on duty also until the last group of children has boarded the school bus in the afternoon. It is the duty of the principal to provide proper supervision of these pupils during the noon hour and to require them to remain on the school grounds during the school day unless they bring written permission from their parents.

School principals shall establish and maintain an efficient schedule of supervision of students by teachers or other authorized personnel.

- ❖ In the elementary schools, students on the playground at recess and noon periods shall be supervised by administrators, teachers and supervisory aides. The number of personnel assigned to supervisory duty and their location shall always be sufficient to provide for the safety of the students and to insure their proper conduct. Likewise, halls, classrooms, study areas, and lunchrooms shall be adequately supervised at all times.
- ❖ In the secondary schools, the same high standard of supervision shall be expected. Classrooms, hallways, lunchrooms, concession stands, and all pre-school, noon-hour and after-school activities shall be sufficiently supervised to insure the safety and good conduct of the students present.
- ❖ Students shall be adequately supervised at all school sponsored activities which occur after school hours, in the evenings, or at other times when school is not generally in session and off school grounds. This includes, but is not limited to: car washes, dances, field trips, play practice, band rehearsal, athletic practices and events, etc.

Teachers should not leave their classrooms unattended. Teachers should not leave students or student assistants in charge of groups. During assemblies or pep rallies, those teachers not assigned other responsibilities shall attend the event or activity and assist with the monitoring of students.

Walking students and students who are transported by private means shall not arrive at school until the time designated by the building principal. Students falling into these two categories shall leave the school grounds at the end of the instructional day unless they are involved in a school activity that requires their attendance beyond that time.

Within the framework of hiring practices in Pendleton County, principals may designate aides in the school who agree to exercise supervisory authority and stand in the place of parents and exercise such authority and control over students as is required of a teacher (See (P) P.3.13. *Supervisory Aides*).

(WVC §18A-5-1 & §18A-5-8)

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(P) S.14.2. Protective Shields

Recognizing the importance of student safety the Board of Education has adopted the West Virginia State Board of Education Policy regarding utilization of eye, face or body shield safety devices.

Appropriate industrial quality eye, face, or body shield safety devices shall be provided by the County and worn at all times by students, teachers, or other persons upon entering a laboratory or shop for the purpose of participating or observing instructional activities that expose them to, but not limited to, the following:

- ❖ Hot molten metals or other molten materials;
- ❖ Powdered milling, sawing, turning, shaping, cutting, sanding, grinding, or stamping of any solid materials;
- ❖ Heat treatment, tempering or kiln firing of any metal or other materials;
- ❖ Gas or electric arc welding or other forms of welding processes and injurious radiations or other hazards not enumerated; and
- ❖ Caustic or explosive material, and hot liquids or solids.

All personal protective equipment and devices shall meet or exceed the minimum requirements under Section 6 of the Occupational Safety and Health Act of 1970 (OSHA) and specifically Subpart 1 of 29 CFR 1910.10 and the appropriate standards published by the American National Standards Institute and National Fire Protection Association and incorporated by reference under Section 6 of the Act (OSHA) shall govern the selection, maintenance and use of this equipment.

(SBP 4310)

(P) S.14.3. Injury at School

Accidents and or injuries involving students on school property or any other location under the jurisdiction of the Board of Education must be reported to the principal immediately. The report shall be made by the person in charge of the students at the time of the incident and/or the student.

In case of an accident or injury to a student during school hours, the teacher may administer first aid under the supervision of the principal. In case of more serious injury, a doctor shall be consulted or the child may be taken to the nearest hospital, or action may be taken in any other manner as directed by the principal.

In such cases as those described in the preceding paragraph, every effort must be made to contact the parent or guardian and if possible, the parent or guardian should accompany the child to the hospital or to the doctor. The purpose here is to exercise the care necessary to ensure the student receives appropriate medical attention and to diminish the possibility of incurring personal liability. In the event the parent or guardian cannot be consulted, appropriate actions must be taken in accordance with the best interests of the child.

All accidents shall be reported to the parent or guardian and a record of all such accidents shall be filed in the school's office at which the child is enrolled using the attached reporting form [(P) S.14.3.1 *Student Accident Report Form*]. The principal must notify the Safety Coordinator as soon as possible, but **no later than the next workday**. In order to expedite the processing of student accident claims, the Business Manager shall assist the Safety Coordinator with the paperwork and accident investigations as appropriate. All injuries requiring hospitalization must be reported to the Superintendent by the principal immediately following the occurrence.

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(P) S.14.3.1 Student Accident Report Form

West Virginia Public Schools State of West Virginia	STUDENT ACCIDENT REPORT
Please read the instructions before completing the following: SECTION A (1) Name of Injured: _____ (2) Home Address: _____ (3) School Name: _____ (4) School Number _____ (5) Grade: _____ (6) Age _____ (7) Sex _____ (8) Date Occurred: ____ / ____ / ____ (9) Time Occurred: _____ AM PM (10) Date Accident Reported: ____ / ____ / ____ (11) Type of Activity: _____ (12) Specific Activity: _____ (13) Location of Accident: _____ (14) Description of Accident: _____ (15) Was an adult present at the time scene of the accident? _____ Yes _____ No (16) Name of Individual: _____ SECTION B (1) Nature of Injury: _____ (2) Part of Body: _____ Immediate Action Taken: (3) First Aid: _____ Yes _____ No By: _____ (4) Sent to Health Room: _____ Yes _____ No By: _____ (5) Sent to Doctor: _____ Yes _____ No By: _____ Name of Doctor: _____ (6) Sent Back to Class: _____ Yes _____ No By: _____ (7) Sent to Hospital: _____ Yes _____ No By: _____ Name of Hospital: _____ (8) Was Parent, Guardian, or Neighbor Notified? _____ Yes _____ No Date Notified: ____ / ____ / ____ How Notified? _____ Time Notified: _____ AM PM By Whom? _____ (9) Total Number of Days Lost from School: _____ (10) Student has Accident Insurance: _____ Yes _____ No AUTHORIZATION: _____ Name _____ Date	

INSTRUCTIONS FOR COMPLETING THE STUDENT ACCIDENT REPORT FORM

GENERAL:

Complete all of the questions and the authorization section. Keep a copy of accident reports on file in the school office. Examples of reportable accidents reports are: All injuries to the head, eye, neck, or spine; any bone or joint injury that results in swelling; any puncture wound, burn or laceration that looks as though it may require suture; ingestion of any drug; chemical or foreign materials and other such accidents.

SECTION A

ITEMS 1 THRU 4 - Must be completed as indicated.

ITEM 5 - Indicate the grade level such as 01, 02, 03...12 for Grade one (1) thru twelve (12). Head Start should be shown as "24", Kindergarten as "25", Special Education as "26", and Ungraded as "27".

ITEM 6 – AGE - State age of student on last birthday.

ITEM 7 - SEX - Indicate "M" for male and "F" for female.

ITEM 8 - DATE OCCURRED - Indicate date per example: 06/10/94 = June 10, 1994

ITEM 9 -TIME OCCURRED - Indicate the exact time the accident occurred per example: 02:10 = Ten minutes past two O'clock. Check whether AM (Morning) or PM (Afternoon).

ITEM 10 - DATE ACCIDENT REPORTED - Indicate per example: 06/21/94 = June 21, 1994.

ITEM 11 - TYPE OF ACTIVITY - Indicate using one (1) of the following codes:

01 Elem Physical Educ.	03 Elem. Non-Phys. Educ. & Non Recess	05 Secondary Non-Phys. Educ.
02 E1cm. Noon Recess	04 Secondary Physical Educ.	06 Varsity & Jr. Varsity

ITEM 12 - SPECIFIC ACTIVITY - Indicate using one (1) of the following codes:

101 Archery	109 Fencing	117 Parallel Bars/Horizontal	125 Tennis
102 Badminton	110 Field Hockey	118 Physical Fitness	126 Track & Field
103 Balance Beam	111 Football	119 Rings	127 Trampoline/Mini Tramp.
104 Baseball	112 Games	120 Slides/See Saw	128 Tumbling
105 Basketball	113 Golf	121 Snow & Ice Sports (Skiing)	129 Vaulting Box
106 Cheer Leader	114 Jungle Gym	122 Soccer/Field Ball	130 Volley Ball
107 Dance	115 Kitchen	123 Softball	131 Weight Lifting & Training
108 Dodge Ball	116 Muscleman	124 Swings	132 Wrestling/Self Defense

ITEM 13 - LOCATION OF ACCIDENT - Indicate by using one (1) of the following codes:

201 All Purpose Room	207 Corridor	213 Lavatories	219 Pedestrian
202 Athletic Field	208 Grounds/Non Playground	214 Library	220 Playground
203 Auditorium Stage	209 Gymnasium and .Auxiliary Gym	215 Locker Room	221 School Bus
Passenger			
204 Bicycle	210 Home Art	216 Car/Truck Passenger	222 Special Activities
205 Cafeteria	211 Industrial Education Shops	217 Music & Band Room	(Clubs, Field Trips)
206 Classroom	212 Laboratories	218 Outdoor Educ. Site	223 Stairs
			224 Career Programs
			Off Campus

ITEM 14 - DESCRIPTION OF ACCIDENT - Briefly describe how the accident occurred.

ITEM 15 - WAS AN ADULT PRESENT AT SCENE OF ACCIDENT - Check Yes or No.

ITEM 16 - NAME OF INDIVIDUAL --Print the individual's full name.

SECTION B

ITEM 1 – Nature OF INJURY - - Indicate using one (1) and not more than three (3) of the following codes that best describe(s) the injury(ies).

37 Abrasion/Bruise Mouth/Poisoning	24 Concussion	31 Foreign Body Imbedded/Loose	35 Object in
23 Amputation	21 Death	26 Fracture/Chipped	30 Puncture
25 Asphyxiation Muscle	28 Dental	22 Internal Injuries	36 Sprain/Strain/Pulled
38 Bite	27 Dislocation	29 Laceration/Cuts	Torn Ligament
32 Burns/Scalds/Chemical		33 Electrical Shock	34 Object in Eye

ITEM 2- PART OF BODY - Indicate using one (1) and not more than (3) of the following codes. If more than 3 parts of the body have been injured, indicate the most serious.

69 Ankle Bone	68 Elbow	62 Genital Area	66 Knee	64 Shoulders/Collar
65 Arm	53 Eye	72 Hand	67 Leg	61 Stomach
55 Back	56 Face	52 Head	58 Mouth/Lips/Tongue	73 Teeth
60 Chest/Ribs	75 Fingers/Thumb	63 Hip	54 Neck/Throat	7 Toes
57 Ear	71 Foot	51 Internal Organs	59 Nose	70 Wrist

ITEM 3 - FIRST AID – Check Yes or No. If Yes is checked, indicate who gave the student First Aid (Nurse, Secretary, etc.)

ITEM 4 - SENT TO HEALTH ROOM - Check Yes or No. If Yes is checked, indicate who sent the student to the Health Room (Secretary, Teacher, etc.) Print the Doctor's Name

ITEMS - 5 - SENT TO DOCTOR – Check Yes or No. If Yes is checked, indicate who sent the student to the Doctor (Secretary, Teacher, Nurse, etc.) Print the Doctor's name.

ITEM - 6- SENT BACK TO CLASS – Check Yes or No. If Yes is checked, indicate by whom.

ITEM - 7 - SENT TO HOSPITAL – Check Yes or No. If Yes is checked, indicate who sent the student to the Hospital (Nurse, Teacher, etc.) Print the Hospitals name.

ITEM 8 - WAS PARENT, GUARDIAN, OR NEIGHBOR NOTIFIED – Check Yes or No. **DATE NOTIFIED** – Indicate the date per example: 5/21/94 = May 21,1994. **HOW NOTIFIED** - By telephone, etc. **TIME NOTIFIED** - Indicate the exact time per example: 10:50 = 10 Minutes before 11 O'clock. Check whether AM (Morning) or PM (Afternoon). **BY WHOM** –Print full name of person who notified the parent or guardian.

ITEM – 9 - TOTAL NUMBER OF DAYS LOST FROM SCHOOL – Indicate per following examples:

000.5 = ½ day 001.0 =1 day 100.0 = 100days 023.5 = 23 1/2 days

ITEM 10 - STUDENT HAS ACCIDENT INSURANCE – Check Yes or No.

AUTHORIZATION

This form must be signed by the Principal, also indicate the date this report was signed.

(P) S.14.4. First Aid

School personnel are authorized to administer first aid only in an emergency. No medication is to be given, even aspirin, without written parental permission. All serious accidents should be reported to the parent and a record filed in the principal's office.

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(P) S.14.5. Student Automobile Use

Students who have chosen to use private transportation and do not ride the school bus are responsible for being at school on time. If a student is tardy or absent from school due to problems with private transportation, the student's absence or tardiness will be recorded as unexcused. If no parental contact by either phone or note has been made to explain satisfactorily the absence, it shall remain unexcused.

- ❖ Students driving automobiles are not to leave until all buses are gone.
- ❖ Students are to park their automobiles only in the area designated for student parking.
- ❖ Students are to observe all safety rules and regulations while on school grounds.
- ❖ Students are not to loiter in automobiles during the school day.
- ❖ Students are not to move vehicles during the school day without permission from their parents and the principal.
- ❖ A vehicle registration form will be filled out and signed by the student and parent and kept on file in the office.
- ❖ Students violating any of the above rules will be denied the privilege of driving a vehicle on the school grounds.

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(P) S.14.6. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving

WVC §17C-14-15 makes it a traffic violation for a person to drive or operate a motor vehicle on a public street or highway while texting or using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

"Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays.

Forbidden texting does not include:

- ❖ Texting after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
- ❖ Inputting, selecting or reading information on a global positioning system or navigation system; or
- ❖ Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.

Forbidden use of cell phones, pagers, portable computers and other electronic communication devices while driving does not include:

- ❖ Using a device after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic; the operator of an authorized emergency vehicle or school bus operator in the performance of their official duties;

- ❖ A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies; or
- ❖ The activation or deactivation of hands-free equipment or a function of hands-free equipment.

Any person who violates the provisions of this code is guilty of a traffic offense and, upon conviction thereof, shall for a first offense is fined \$100; for a second offense is fined \$200; and for a third or subsequent offense is fined \$300. No court costs or other fees shall be assessed for a violation of this code.

Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.

For obvious safety reasons, these restrictions on texting and other uses of electronic devices will be enforced on Board property and violators will be subject to the consequences for Improper or Negligent Operation of a Motor Vehicle as defined in *File: (P) S.8.4.3. Level 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors*.

(WVC §17C-14-15; SBP 4373)

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Amended/Revised: December 21, 2005; August 26, 2008; August 21, 2012

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.15. Student Fees, Fines, Charges, Instructional Resources and other Materials	Adopted: August 20, 2003 Last Reviewed: March 2018

The West Virginia Constitution mandates a thorough and efficient system of free schools, which makes education a fundamental constitutional right. A 1995 State Supreme Court decision further stated that whatever items are deemed necessary to accomplish the goals of the school system and are in fact an integral, fundamental part of elementary and secondary education must be provided free of charge to all Students. Therefore, all Pendleton County Schools must be mindful of the following:

- ❖ Books and school supplies are essential parts of a system of free public schools and must be supplied to all students.
- ❖ Students may be required to pay for materials involved in student projects that go beyond the basic fundamental instruction in the classroom and will become the property of the student once completed. (i.e., Advanced art projects or advanced shop projects)
- ❖ A student may not be denied the right to attend a public school for failure to pay a tuition fee or other charge, which may be classified as a registration fee.
- ❖ Schools may not withhold student grades, refuse to promote them, withhold their diploma or transcripts or, in any way, deny them an education because they are unable to pay school fines.
- ❖ Under a "free" school system fees cannot be charged as a requirement for students to be admitted to school. The collection of student fees or charges for any student enrolled in the regular school program in Pendleton County is prohibited. This does not apply to extracurricular activities that are not necessary under the required curriculum. Student dues voted on by members of voluntary extracurricular activities or classes shall be kept as low as possible.
- ❖ Charges for activities not in the normal instructional curriculum may be collected if the particular projects are approved by the Board in advance. There shall be no deviation from these procedures except by special permission of the Board of Education.

(WVC §18-5-21; Article XII West Virginia Constitution; State Superintendent Memo; Randolph County BOE v. Adams)

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.16. Solicitations from Students	Adopted: August 20, 2003 Last Reviewed: March 2018

Because of the numerous requests for contributions and drives in the schools and the nature of the captive audience, no outside agency shall solicit funds among students during school days or on school property.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure	Adopted: August 20, 2003 Last Reviewed: March 2018

The Family Educational Rights and Privacy Act of 1974 ("FERPA") established the standards by which all educational institutions must abide when handling personal information which is directly related to the privacy rights of students and parents.

The Pendleton County Board of Education adopts as its official policy the current provisions of students *SBP 4350-Procedures for the Collection, Maintenance and Disclosure of Student Data*, in fulfilling its responsibility to safeguard the privacy rights of Pendleton County students and parents

It will be the responsibility of the building level administrator to assure strict adherence to all guidelines relative to student permanent records. The education records of Pendleton County students shall be collected, maintained and disclosed in the manner prescribed by the *Family Educational Rights and Privacy Act and State Board Policy 4350 Procedures for Collection, Maintenance, and Disclosure of Student Data*.

Central Office Supervisors, principals, teachers, counselors, secretaries and other parties authorized to review, revise and manage student records are directed to the State Board website by following this link to *SBP 4350-Procedures for the Collection, Maintenance and Disclosure of Student Data*.

(WVC §18-2-5; PL 93-380 and 94-142; SBP 4350)

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Amended/Revised: October 4, 2004; August 9, 2010; September 6, 2011; February 4, 2014

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.18. Student, School Personnel, and Visitor Identification Card Policy	Adopted: August 20, 2003 Last Reviewed: March 2018

The Pendleton County Board of Education recognizes that the many changes in our society require the school system to develop a practical system that will allow school officials to easily identify those persons who belong to the “school family.” One reason for such a system is safety and security; however, it is equally necessary to provide a means of assisting the schools with record keeping and the proper use of the technological advances that are becoming a part of the American school scene. To these ends, an identification card that contains a photo of the individual and a bar code will be created for all school personnel and students. The regulations for implementing this policy are as follows:

General Guidelines:

- ❖ All school personnel are required to wear identification cards at all times during the school day.
- ❖ All parents or visitors must report to the office to sign in and pick up a Visitor’s Identification Card. Visitors must sign out in the office and return the visitor’s pass before leaving. Any visitor without an ID will be directed to the office.
- ❖ Persons violating this policy shall be reported to the office.
- ❖ If a student/staff identification card is lost or destroyed, the replacement cost shall be \$5.00.
- ❖ Each student will receive a student ID card in Kindergarten, and, 7th and 9th grades. Pendleton County Middle & High School students are expected to carry their ID card.

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Amended/Revised:

PENDLETON COUNTY BOARD OF EDUCATION**S. STUDENTS****File: S.19. Co-Curricular and Interscholastic Programs****Adopted: August 20, 2003****Last Reviewed:****March 2018**

The Pendleton County Board of Education affirms its view that the participation of students duly enrolled in the Pendleton County Schools in extracurricular activities, special events, conventions, and other activities associated with competitive and performing groups is a desirable and worthwhile aspect of the total educational experience.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

It is the position of the Board that all such activities and transportation arrangements be governed and regulated by the existing and future policies of the Pendleton County Board of Education.

- ❖ Where applicable, activities and competitive events must be appropriately sanctioned by the West Virginia Secondary Schools Activities Commission and/or the appropriate regulatory body.
- ❖ The regulations contained in all existing or future policies of the Pendleton County Board of Education shall be followed.
- ❖ Activities should be organized or perpetuated in the schools so long as the activity meets the needs of the students for whom they are provided. When an activity outlives the usefulness to the school program, it should be abolished. When new needs are recognized, a new activity should be organized to meet the need. No teacher has the authority to organize or abolish any activity in any school without first securing the permission of the principal. Principals are urged to consult the Superintendent when any activity is questionable in nature of organization, purpose or operation.
- ❖ All activities must carry voluntary membership and pressure is never to be exerted in an attempt to influence membership. All regularly enrolled full-time students shall be eligible to apply for membership in any recognized and sanctioned activity.
- ❖ The National Honor Society Chapter is exempted from the provisions noted above due to the nature and objectives of the Chapter. The National Honor Society shall operate under the provisions of its charters and by-laws as prescribed by the national organization.
- ❖ Co-curricular and interscholastic programs with the exception of football and wrestling shall be available equally to all students regardless of sex. In order to insure equal access for all students in extracurricular activities the State Board of Education has adopted the following criteria.
 - In athletic programs, where selection of participants is based on a competitive skill, except for interscholastic football and wrestling, schools must provide separate teams for males and females or a single team open to both sexes.
 - Schools should conduct annual surveys among students to determine those activities in which students desire to participate, for the purpose of insuring that both males and females are given equal access to extracurricular activities.
 - If separate teams are offered, a school may not discriminate on the basis of sex in providing equipment, supplies, transportation, etc. However, equal aggregate expenditures are not required.
 - All school facilities must be available without discrimination on the basis of sex. Facilities such as locker rooms, toilets and showers for males and females must be comparable. In schools where only one gymnasium, outdoor field, tract, etc. exists, those facilities must be available to both sexes on a non-discriminatory, including prime time.
 - Where in the past, athletic opportunities for students of one sex have been limited, schools must take affirmative action to inform members of both sexes of the availability of equal opportunities and provide support and training to enable them to participate. (SBP 4200)

Teacher Compensation and Substitutes:

Teachers who agree to chaperone students to out-of-the county events shall be considered to be working their normal day. They will not receive any additional compensation for travel time or time that extends beyond their normal school day.

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(P) S.19.1. Elementary School Athletics

The Pendleton County Board of Education shall provide an athletic program for the elementary schools in the county. The program will serve students in grades four, five, and six. Third grade students may be permitted to participate under certain conditions with the approval of the school principal. The following guidelines have been established to govern the organization and operation of the elementary athletic program.

Goals of the Elementary Athletic Program:

- ❖ Promote sportsmanship;
- ❖ Learn basic basketball and cheerleading skills;
- ❖ Promote team concepts;
- ❖ Enhancement of physical education experiences;
- ❖ Promote positive attitudes;
- ❖ Promote and enhance positive relationships between the elementary schools and their communities;
- ❖ Prepare elementary students for the middle school athletic experience; and
- ❖ Promote all aspects of the WVSSAC (West Virginia Secondary Schools Athletic Commission), the governing body of all middle school and high school athletics in West Virginia. In particular those statements dealing with students, coaches, spectators, administrators, and referees.

Recognized sports programs:

Elementary athletics, sanctioned by Pendleton County Schools, shall only include the following:

- ❖ Boys Basketball –Varsity and JV
- ❖ Girls Basketball – Varsity and JV
- ❖ Cheerleading – Varsity and JV

Governance:

The governing body for all aspects of the elementary athletic policy shall be composed of the school principals from Brandywine, Franklin, and North Fork Elementary Schools. All decisions and/or changes regarding the Elementary Athletic Policy shall first be approved by a majority of the principals. Any proposed policy changes will next be taken to the Superintendent of Pendleton County Schools who will review the principals' proposal. The final decision on any change to the Elementary Athletic Policy will be made by the Pendleton County Board of Education.

Principal's responsibility:

The individual school principal or his/her designee, shall be responsible for the following:

- ❖ Determine eligibility of student athletes;
- ❖ Submission of an eligibility list of student athletes to the Superintendent prior to the basketball seasons;
- ❖ Supervision of all home games - a designated proxy can be appointed by the principal in case the principal cannot be present. However, the principal or proxy must be at all home games;
- ❖ Report all incidents of un-sportsmanlike behavior to the Superintendent and the governing council;
- ❖ Securing appropriate game officials;
- ❖ Canceling and re-scheduling of home games due to weather or other circumstances;
- ❖ Select, orient and supervise all coaches;

- ❖ In conjunction with the other principals, produce a master schedule of games prior to the beginning of the basketball season;
- ❖ Have on file a copy of the practice schedule for all teams; and
- ❖ Any other duty, which is deemed necessary for the administration of the Elementary Basketball Policy

Eligibility of Student Athletes:

Students must maintain a 2.00 grade point average during the immediate past grading period in order to be eligible to participate. If a grading period ends during a season, then the grade point averages must be re-calculated using the just completed grades. Either the last semester of the school year or the last nine week's grades may be used to determine eligibility for the next year's season. All core subjects (Science, Social Studies, Math, and ELA) which are taken by student athletes will be used to determine 2.00 grade point averages.

Age Limit on Participation:

Any student athletes who have reached the age of 14 prior to September 1 will not be permitted to participate in the Elementary Athletic Program.

Grade Levels of Participation:

Students in grades 4-6 are eligible to participate in elementary athletics. Each school will attempt to field both Junior Varsity and Varsity Teams. Varsity teams may consist of 4th, 5th or 6th grade students. JV teams may consist of 4th or 5th grade students. If a school cannot put together a JV team with a minimum of 10 players, that school may open play to 3rd grade students upon the approval of the principal.

Each player shall be designated as a JV or Varsity player and therefore shall not participate as both. However, if circumstances prevent a JV/V team from participating on game day, due to lack of players, a player may be used on both Varsity and JV teams that day if both coaches and the principal/designee responsible for the game agree. His or her total quarters played that day may not exceed and, if at all possible, be limited to 5 quarters. Appearance in a quarter constitutes a quarter played. It is imperative that, in such cases, all coaches involved (JV and Varsity and principal/designee) confer prior to the game and agree upon the need for such action. If players are brought up or down to fill the roster for emergency purposes, the playing time rule of 2 minutes in 2 quarters does not apply.

Transfers/new enrollees:

All transfer students or new enrollees are eligible immediately if they meet all eligibility criteria in the Elementary Athletic Procedures and guidelines.

Physical Exams and Proof of Insurance:

All student athletics must have a physical exam prior to the start of the first practice and verification of insurance coverage prior to the start of the first practice. Insurance may be school insurance or family coverage.

Amount of Playing Time per Game:

All student athletes must play in two quarters of every game except for a player who is eligible to play in both games due to an emergency situation. A quarter shall be comprised of playing time equal to a minimum of two minutes. Any team found in violation of not playing all student athletes for two quarters will be subject to forfeiture of the game. It is the specific responsibility of each coach to see that each student athlete plays at minimum of two minutes for two quarters of each game.

Elementary Athletics No Press Policy:

JV- No FULL court press allowed:

- Once possession has been established by the defensive team, all offensive players must retreat to the half court line to allow for an outlet pass.

- The ball and player must cross over the half court line before the defense is allowed to play defense on the offensive team.
- If the offensive team attempts to pass near/across the half court line, a defensive player can make an attempt to steal the ball as long as the defensive player is on the other side of the half court line and the ball is across the half court line as well.

Varsity:

A full court press will be allowed until a 10 point lead is established. Once a team is ahead by 10 points, they must drop back to the half court line to start their defense. If a team full court presses after a 10 point lead, they will be given a warning. If the team presses again illegally, the offensive team will be awarded a technical foul two shot penalty and awarded the ball.

Coaches:

All coaches must adhere to the specific goals established in the Elementary Athletic Procedures. The school's principal shall be responsible for the selection, orientation, and supervision of all coaches. An orientation meeting between the school's principal and all coaches must be held prior to the beginning of each season. The complete Elementary Athletic Procedures must be discussed at this meeting. It is the policy of the Board to utilize school employees for coaching positions whenever possible; therefore, the Superintendent and the school principals shall make every attempt to secure coaches from within their school or within the school system. If this is not possible, the school principal may recommend volunteer coaches from the community to the Superintendent. Volunteer coaches, must be presented to the Board for formal approval whether or not they receive payment for their services. The school principal has the authority to recommend to the Superintendent the dismissal of a volunteer coach if s/he believes the coach's conduct or actions are contrary to the goals of the Elementary Athletic Procedures.

Consequences for Technical Fouls assessed to a Coach:

- 1st technical- conference with principal**
- 2nd technical- 1 game suspension**
- 3rd technical- 2 game suspension**
- 4th technical- Dismissal of coach**

Game Officials:

The principal of each home school is responsible for securing a game official. A school may use one or two officials per game. It is encouraged, but not mandatory, that registered officials from an officiating organization be employed. In that case, the rate of pay is agreed to by the Officials Association and the three elementary school principals. The school principal does have the option of securing local, non-registered officials. Their rate of pay is agreed on by the non-registered officials and the school principal.

Number of Student Athletes per Team:

A school may dress as many players as they choose. However, all players must play in two quarters for a minimum of **two** minutes per quarter. The only exception is when a player is moved up or down because of the lack of players.

Number of Games in a Season:

Each school's varsity teams shall play all other teams three (3) times during the regular season. At the end of the regular season, the team with the best overall record will be the regular season champion. In case of a tie, the two teams will be co-champions. There is no rule governing junior varsity competition.

Tournament Play:

Pendleton County will not sponsor elementary basketball tournaments.

Trophies:

Trophy designations are as follows:

Champion- 1st Place- Traveling Trophy hosted by the winning school for one year.
It is encouraged that each school provide student recognition for each student athlete.

Dates of Play for Seasons:

The girls' basketball season will begin in early September and run through October or whatever date will conclude with each team playing all other teams three (3) times. The boys' basketball season will begin in early November and run through December or January or whatever date will conclude with each team playing all other teams three (3) times.

Length of Play (Games):

Varsity games will have four (4) six (6) minute quarters. Junior varsity games will have four (4) six (6) minute quarters. Half time will be eight (8) minutes for all games.

Game Time:

The beginning times for games will be set by the home school. It is recommended, but not mandatory, that week-night games begin at 6:30 and Saturday games begin at 10:00.

Equipment:

Individual schools must furnish all uniforms and equipment for each team. Student athletes are not to bring personal items, such as their own basketballs, to practices or games.

Price of Admission

Admission to all games will be a uniform price agreed upon by the principals of the three elementary schools.

Players, cheerleaders, coaches, timekeeper, referees, concession stand workers, and scorekeepers should enter the game for free.

Practices

It is recognized that a key component of the Elementary Basketball Program is practice. Teams may practice as many times as they want throughout the school year. The team's coach or assistant coach must always be present. If the coach or the assistant coach cannot be present, the principal of the school must first approve the coach's designee (must be a school employee or an approved volunteer) before a practice can take place. It is expected that all goals set forth in Roman numeral I of this policy be continuously stressed in practices.

Disciplinary Governing Council

A Disciplinary Governing Council for elementary athletics will be formed to suggest policy and to hear complaints dealing with sportsmanship, disruptions, and any situations, which are negative toward elementary athletics. The council shall be composed of one school board member, the athletic director from the high school or his/her designee, and the three elementary school principals.

The elementary principal will be excused from the council meeting as a voting member in the event that one of his/her students, parents, or other adults, comes before the governing council as a complainant or as a person charged with unacceptable behavior. However, the principal of the school associated with the complaint must be present at the governing council meeting.

All referrals concerning poor sportsmanship, disruptions, or other similar behaviors, must be presented to the Disciplinary Governing Council through the complainant's school, which will then make a written referral to the governing council. The Disciplinary Governing Council will have the authority to take the following actions:

- ❖ Issue a written warning to the person(s) charged with one or more of the above behaviors; or
- ❖ Exclude the individual(s) from attending any elementary athletic events; or
- ❖ Place the person or persons on probation; or
- ❖ Dismiss the charges if there is insufficient evidence to prove them.

Decisions made by the Disciplinary Governing Council are made by a majority vote of council members present. Any decision made by the elementary governing council may be appealed to the superintendent of schools.

Cheerleaders:

Cheerleading is a recognized sport in the Elementary Athletic Procedures. All rules and regulations previously stated in these procedures also pertain to cheerleading. Schools may have both varsity and junior varsity cheerleading squads. The cheerleading teams are expected to cheer at all home games unless an exception is granted by the school's principal. Should a student athlete want to cheer and play basketball at the same time, this decision will be made by the school principal. At the end of the boys' basketball season, all varsity cheerleading teams will receive *recognition* for their team and school for participation. There will be no cheerleading competition. With regards to cheerleading stunts and maneuvers, all regulations that govern cheerleading through the WVSSAC for middle schools and high schools pertain to this policy.

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(P) S.19.2. High School Interscholastic Athletics, Band, and Cheerleading

The Pendleton County Board of Education pursuant to the authority vested in it by the School Laws of West Virginia has adopted the rules and regulations of the West Virginia Secondary School Activities Commission (WVSSAC).

The Pendleton County Board of Education directs and requires that coaches and band directors, and all others connected with the interscholastic athletic and band performance of students familiarize themselves and abide by the rules, regulations, and operating procedures which have been implemented by the Commission.

Coaches and all other administrative officers shall be held strictly accountable for infractions of the rules and regulations of the WVSSAC. Such infractions shall be reviewed by the Pendleton County Board of Education, in accordance with due process, and if such infractions are found to be willful violations, such acts shall be considered to be negligent behavior and violators shall be subject to proper penalties. General guidelines include, but are not limited to, the following:

- ❖ **Candidates for a team:** Every candidate for a team in the interscholastic athletic program of Pendleton County Schools must have a physical examination, and be pronounced physically fit by a duly certified and licensed medical physician. Evidence of the physical examination shall be on file in the office of the school at which the participant is enrolled. It shall be the responsibility of the principal of each school in Pendleton County to see that this procedure is properly and completely carried out.
- ❖ **Eligibility:** All athletic eligibility shall be determined by the standards, rules, and regulations of the WVSSAC and the Pendleton County Board of Education. If there is a conflict between the aforesaid standards, rules, and regulations, the higher standard shall be used.
- ❖ **Athletic passes:** Athletic passes shall be issued under the direction of the high school principal. These passes shall be honored at all school sponsored activities conducted in or on school property or property designated as property related to the school issuing the passes.
- ❖ **Travel plans:** Teachers and principals shall consult (P) T.1.1. *Guidelines for Curricular and Extra-Curricular Trips* for complete information regarding the transporting of students who are participating in school activities.

- ❖ **Band:** The use of Pendleton County School Bands shall be restricted to the furtherance of patriotic, philanthropic, civic, and educational programs. Arrangements for band use and band travel shall not be made without first consulting the principal. The band director shall be directly responsible to the principal. Band directors and other administrative officers are expected to comply with any and all policies, rules, and regulations of the WVSSAC and Board of Education as they apply to bands and band activities.
- ❖ **Cheerleaders:** Cheerleaders shall be classified as participants in athletic contests and as such shall be required to meet all of the requirements established by the WVSSAC or the Pendleton County Board of Education for athletes or band members. All cheerleaders are required to abide by the same policies and procedures as established for all extracurricular trips.

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(P) S.19.3. Student Public Performances

Students of the Pendleton County Schools shall perform in public as representatives of the schools only when such appearances are school sanctioned with the approval of the school principal and Superintendent. Performances shall not be in conflict with policies, rules, regulations, and resolutions of the State Department of Education and WVSSAC.

(P) S.19.4. Contests for Students

Any and all contests sponsored by any organization other than the Pendleton County Schools must be approved by the Board of Education upon the recommendation of the Superintendent before students may participate as representatives of the schools. Basic guidelines for decisions on such matters shall be the rules, regulations, resolutions, and policies of the State Department of Education and WVSSAC.

(P) S.19.5. Secret Student Organizations

Secret organizations, when discovered, shall be ordered to cease and desist. All principals shall act to prevent membership and participation by students in any secret organization whatsoever that is in any degree a school organization.

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(P) S.19.6. Athletic Trainer

The Pendleton County Board of Education shall employ an athletic trainer or an individual with limited football trainer authorization to serve during senior high school football practices and games.

General Requirements. Applicants must meet the applicable general requirements for licensure in 9. A county may not employ an applicant in good faith on the anticipation that he/she is eligible for a certificate.

Licensure Governing Athletic Trainers (Policy 5202)

- ❖ Athletic Trainer is an individual engaged in the practice of athletic training who holds a license issued by the Board of Physical Therapy
- ❖ **Authorized Athletic Trainer.** An Authorization endorsed for athletic trainer may be issued to an individual who holds certification through the National Athletic Trainers Association Board of Certification (NATABOC) and who has registered with the West Virginia Board of Physical Therapy, as provided in West Virginia Code §30-20A-2. The Authorization may be reissued annually upon application to the WVDE Office of Professional Preparation with documentation of valid West Virginia Board of Physical Therapy registration and the recommendation of the superintendent of the employing county.
Additionally, these individuals must attend the Athletic Trainer workshop, as provided in *SBP 5112, Athletic Trainers in the Public Schools of West Virginia*.
- ❖ **Limited Football Trainer Authorization.** If an athletic trainer cannot be obtained, the Board may employ an individual with a medical background which may include, but not limited to, one of the following: physician, registered nurse, licensed practical nurse, chiropractor, physical therapist, physician's assistant, paramedic, and emergency medical technician.
The individual employed under these provisions must complete the requirements to receive a

Limited Football Trainer Authorization and must present a copy of a high school diploma or High School Equivalency Diploma. This credential may be renewed annually following the process outlines in Policy 5112 Policy 5202, Section 20.

- ❖ To qualify for limited football trainer authorization, county boards of education must:
 - Post the position of athletic trainer or individual to receive limited football trainer authorization with a closing date of May 1 or earlier;
 - If an authorized or authorization-eligible athletic trainer cannot be employed, the Board of Education may employ an individual from the list of health care professionals listed above by June 1;
 - Require the individual seeking limited football trainer authorization to attend an athletic trainer workshop/clinic sanctioned by the WVSSAC.
 - Require the individual seeking limited football trainer authorization to complete and submit the Application for Limited Football Trainer Authorization to the WVDE Office of Professional Preparation.

Athletic Trainers Registration

A person may not advertise or represent himself or herself as an “athletic trainer”, “licensed athletic trainer”, “certified athletic trainer”, “athletic trainer certified”, “L.A.T.”, “C.A.T.”, and/or “ATC” or make use of any words, abbreviations, titles, or insignia that indicate, imply, or represent that he or she is an athletic trainer, unless he or she is licensed by the Board of Physical Therapy (WVC §30-20A-2; §30-20A-5 and §30-20A-6)

General Role Description

Role of the Athletic Trainer and Authorized Athletic Trainer --The athletic trainer possesses the essential knowledge, skills, attitudes, and credentials necessary to carry out the practices of prevention, evaluation, initial care, and physical rehabilitation of injuries sustained by students engaged in public school athletics. The athletic trainer has responsibility for the development, implementation, and management of the athletic training program.

Role of the Permit Athletic Trainer and Limited Football Trainer Authorization -- The duties of individuals with limited football trainer authorization are limited to evaluation, initial care, and referral of injuries sustained by students engaged in public school athletics.

Governing Principles

An individual serving as an athletic trainer or individuals with limited football trainer authorization may not have simultaneous coaching responsibilities in the same sport.

- ❖ An athletic trainer or an individual with limited football trainer authorization must be in attendance at all senior high school football practices and games.
 - The Superintendent may grant excuses from this requirement for individual practices or games based on illness, accident or unforeseen events.
 - When an athletic trainer or an individual with limited football trainer authorization is not in attendance because of an illness, accident or other unforeseen event, the Superintendent must secure the attendance of other persons with specialized health related training.
- ❖ It is the responsibility of the athletic trainer or individual with limited football trainer authorization to determine whether or not an injured student athlete participates in a game or practice.
(SBP 5112; WVC §30-20A-1; §30-20A-3 and §30-20A-11)

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Activities

Under the Rehabilitation Act of 1973, and specifically Section 504, schools (K-12) may not exclude students who have an intellectual, developmental, physical, or any other disability from trying out and playing on a team, if they are otherwise qualified.

Principal, Athletic Directors and coaches who have questions and concerns should consult with the **Director of Special Education**.

A recent ruling from the Office for Civil Rights (OCR) reaffirms the right of students with disabilities have the right, under 504, to an equal opportunity to participate in their school's extracurricular activities and they must be given the opportunity to play alongside their peers with and without disabilities. These regulations apply to both SSAC sanctioned activities and intramural activities.

What School Districts Must Do:

A school district must provide students with disabilities an equal opportunity to participate in its existing extracurricular athletic programs. This means that a school district must not exclude students based on stereotypes and assumptions. It also means that a school district must make an individualized inquiry to determine if there are reasonable modifications, or necessary aids and services, which would allow a student with a disability the chance to take part in the activity. Examples could include:

- ❖ Using a light along with a starter pistol so that a deaf runner can compete; or
- ❖ Providing for, or assisting with, the administration of needed medicine like insulin so that a student with diabetes can take part in an after school gymnastics club.

Must School Districts Change Essential Elements of an Athletic Activity to Meet these Obligations?

The guidelines say the requirement to provide an equal opportunity to students with disabilities does NOT mean: Changing essential elements that affect the fundamental nature of the game

- ❖ Giving a student with a disability an unfair advantage over other competitors;
- ❖ Changing the nature of selective teams--students with disabilities have to compete with everyone else and legitimately earn their place on the team; or
- ❖ Compromising student safety.

The guidance from OCR also notes that a school district need not provide a modification or service if doing so would put an undue burden on its program. However, school districts should exercise due diligence in determining if a modification is possible.

Separate, Parallel Extracurricular Athletic Programs

School districts are NOT required to provide separate, parallel athletic programs for students with disabilities when they are unable to participate in existing extracurricular athletic activities, even with reasonable modifications and necessary aids and services. The OCR urges, but does not require, school districts create additional opportunities for students with disabilities to participate in separate or different extracurricular athletic activities.

(January 25, 2013, the Office for Civil Rights (OCR) Guidance Letter)

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(P) S.19.7.1. Special Olympic Activities for Special Needs Students

The special needs students of Pendleton County are fortunate to have the opportunity to participate in Special Olympic activities which are conducted by state and local educational agencies at certain designated times throughout the school year.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise

these activities in a manner that provides a safe and rewarding experience for the student participants. Such plans shall be presented to the Special Education Director for approval.

School personnel who desire to have their students participate in these events shall follow the regulations set forth in this file and in files (P) *T.1.1.1.Guidelines for Curricular and Extra-Curricular Trips*; (P) *T.1.5.3. Curricular and Extra-Curricular Trips Where County and/or Leased Vehicles are not Utilized* and (P) *T.1.1.3.1 Parental Waiver of Liability Form*.

Principals who desire to have their students participate these activities shall submit a timely request to the Special Education Director for review and approval. The Special Education Director's recommendation will be submitted to the Superintendent for his/her review and approval.

(P) S.19.8. Employment of Athletic Directors

An athletic director is defined as a person employed by the Board to work in the school's athletic program pursuant to the provisions of WVC §18A-2-1a.

The Board is authorized to employ athletic directors to work in the public schools under the supervision of a school principal and in accordance with the rules of the county board. The athletic director is responsible for planning, management, operation and evaluation of the athletic program for the school or schools to which s/he is assigned. The responsibilities of an athletic director may include, but are not limited to the following:

- ❖ Supervising athletic games;
 - ❖ Overseeing the athletic budget;
 - ❖ Hiring game officials;
 - ❖ Scheduling athletic contests;
 - ❖ Knowing and upholding all county, West Virginia Secondary Schools Activities Commission (WVSSAC) and league rules;
 - ❖ Maintaining proper records as required by West Virginia Secondary Schools Activities Commission (WVSSAC) for school participation;
 - ❖ Scheduling transportation for athletic teams;
 - ❖ Preparing and verifying athletic eligibility lists;
 - ❖ Supervising coaches and, if appropriately certified, observing and evaluating coaches;
 - ❖ Securing all needed personnel for basic athletic event operations;
 - ❖ Procuring and caring for athletic equipment; and
 - ❖ Performing other duties involving athletics as assigned by the principal or as a part of a county job description for athletic directors.
- (WVC §18A-2-1a)

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(P) S.19.9. Management of Concussions and Head Injuries in Student Athletes

The prevention and proper treatment of concussions and other head injuries ranks high on the Pendleton County Board of Education's list of priorities for all coaches of all athletic endeavors in the Pendleton County Schools, especially those engaged in interscholastic activities overseen by the West Virginia Secondary School Activities Commission.

Per WVC §18-2-25a, the West Virginia Secondary School Activities Commission has developed the following guidelines and protocols for addressing concussions and head injuries to high school and middle school athletes. The Pendleton County Board of Education adopts these guidelines as its official policy regarding student concussions and head injuries.

1. Using the format approved by the WVSSAC Board of Directors, member schools shall provide information to all appropriate school administrators, coaches, interscholastic athletes and their parents or guardians describing the nature and risk of concussion and head injury, including the risks of continuing to play or practice after a concussion or head injury.
2. Annually, all interscholastic athletes and their parents are required to sign and return a statement that they have read the information provided to them prior to the interscholastic athlete beginning practice or competition for that

scholastic year. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: Athletic Participation/Parental Consent/Physician's Certificate Form (Physical Exam Form), A Parent's Guide to Concussions (Information to parents), available on the WVSSAC website at <http://www.wvssac.org>.)

3. Each head coach of member schools is required annually to complete a concussion and head injury recognition and return-to-play protocol course approved by the WVSSAC. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: Coach's Course, available on the WVSSAC website at <http://www.wvssac.org>.)
4. An interscholastic athlete suspected of a concussion or head injury by a licensed health care professional or by the head coach or athletic trainer shall be removed from play or practice may not return-to-play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return-to-play and practice from the licensed health care professional. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: available on the WVSSAC website at <http://www.wvssac.org>.)
5. Any of the following who have appropriate training in the evaluation and management of head injuries shall be considered as the licensed health care professional enumerated in this rule:
 - Medical Doctor (MD)
 - Doctor of Osteopathy (DO)
 - Doctor of Chiropractic (DC)
 - Advanced Registered Nurse Practitioner (ARNP)
 - Physician Assistant (PA-C)
 - Registered Certified Athletic Trainer (ATC/R).
6. Member schools must submit the concussion report form to the WVSSAC within 30 days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet, available on the WVSSAC website at <http://www.wvssac.org>.)
7. Any member school not complying with the requirements §18-2-25a and rules promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: Provided, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions.

IT SHALL BE THE RESPONSIBILITY OF ALL PRINCIPALS, COACHES AND ATHLETIC TRAINERS TO BE KNOWLEDABLE OF AND TO STRICKLY ABIDE BY THE GUIDELINES ESTABLISHED BY THE WVSSAC.

(WVC §18-2-25a; §127-2-14. Concussion)

WVSSAC

RETURN TO PLAY (RTP) PROTOCOL

An athlete removed from a contest that shows signs/symptoms of a concussion shall be immediately evaluated by an appropriate health care professional. If no appropriate health care professional is available, the athlete shall not be allowed to RTP.

When the athlete is evaluated by the appropriate health care professional, if it is determined the athlete has suffered a concussion, the athlete shall not be permitted to RTP the same day as the concussion. If it is determined by the appropriate health care professional that the athlete did not suffer a concussion, the athlete may be returned to play as deemed appropriate by the health care professional.

RTP shall be delayed until athlete is asymptomatic and has undergone a progression of tests to determine if they are able to RTP. **Each step / test in the progression takes 24 hours (1 per day)**

The progression shall follow: (Neuro-cognitive testing is strongly recommended.)

- ❖ No activity with complete physical and cognitive rest
- ❖ Light aerobic exercise (less than 70% of maximum heart rate)
- ❖ Sport specific exercise (drills specific to the athlete's sport)
- ❖ Non-contact training drills (more intense sport drills with no contact from other players)

- ❖ Full participation practice (following written medical clearance)
- ❖ Return to Play (normal game play)

If any symptoms occur during the progression, the athlete should drop back to the previous level and try to complete that level after 24 hour rest period.

Appropriate Health Care Professional

Note: Any of the following who have appropriate training in the evaluation and management of head injuries.

- ❖ Medical Doctor (MD)
- ❖ Doctor of Osteopathy (DO)
- ❖ Doctor of Chiropractic (DC)
- ❖ Advanced Registered Nurse Practitioner (ARNP)
- ❖ Physician Assistant (PA-C)
- ❖ Registered Certified Athletic Trainers (ATC/R)

Approved Board of Directors 5/06/10. Revised 2016

*Sports Medicine/Return to Play

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Amended/Revised: May 16, 2004; October 6, 2004; May 18, 2005; August 14, 2007;
March 25, 2008; February 9, 2010; August 24, 2010; September 6, 2011;
August 21, 2012; October 1, 2013; September 4, 2018; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.20. Section 504 of the Rehabilitation Act of 1973 and the American Disabilities Act of 1990	Adopted: August 20, 2003 Last Reviewed: March 2018

PURPOSE

Section 504 of the Rehabilitation Act is a Civil Rights Law which protects the rights of persons with disabilities from discrimination. The purpose of this policy is to ensure Pendleton County Schools' compliance with Section 504 of the Rehabilitation Act which requires the school district to avoid discrimination in policies and practices regarding its personnel and students. Discrimination against any individual with disability will not knowingly be permitted in any of the programs and practices in the school system.

RESPONSIBILITY

The school district has specific responsibilities under Section 504, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services. The 504 Committee in each school will be the **Student Assistance Team (SAT)** and will receive referrals through the child-find process, from Eligibility Committees, and from parents, teachers and other appropriate sources in order to locate and notify possible qualified individuals with disability who may be eligible for services under Section 504.

It shall be the responsibility of each school's 504 Committee, with principal supervision, to follow all guidelines and procedures set forth by the school district when responding to 504 referrals. Questions and inquiries from parents or staff regarding 504 accommodations should be directed to the school principal or SAT coordinator. If the parent or guardian disagrees with the determination made by the school staff, he/she may submit a grievance by following the county's administrative procedures for grieving a 504 issue.

AUTHORITY

The Pendleton County Board of Education has the authority to develop policy which specifies how the school district will implement the Rehabilitation Act of 1973.

STATUTORY AUTHORITY: Rehabilitation Act of 1973 (Section 504) 29 U.S.C. 794 ADOPTED: 5-25-99

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(P) S.20.1. Definitions

- ❖ **An “individual with disability”** is one who:
 - has a physical or mental impairment which substantially limits one or more major life activities,
 - has a record of such an impairment, or
 - is regarded as having such an impairment.
- ❖ **However, the term “individual with disability” does not include** a student who is currently engaging in the illegal use of drugs. The term “disabled person” does not exclude students who:
 - have successfully completed a supervised drug rehabilitation program and are no longer engaging in the illegal use of drugs, or have otherwise been rehabilitated successfully and are no longer engaging in such use,
 - are participating in a supervised drug rehabilitation program and are no longer engaging in such use, or
 - are erroneously regarded as engaging in such use, but are not engaging in such use.
- ❖ **“Qualified individual with disability”** is one who is:
 - of an age during which non-disabled persons are provided public preschool, elementary, secondary, or adult educational services,

- of any age during which it is mandatory under West Virginia law to provide such services to individual with disability, or
- who is entitled to a free appropriate public education from the state of West Virginia under the Individuals with Disabilities Education Act.
- ❖ **“Physical or mental impairment”** means:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - Any mental or psychological disorder; such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- ❖ **“Major life activities”** means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.
- ❖ **“Has a record of such impairment”** means that a person has a history **of, or has** been misclassified as having, a mental or physical impairment which substantially limits one or more major life activities.
- ❖ **“Is regarded as having an impairment”** means an individual:
 - has a physical or mental impairment that does not substantially limit major life activities but that is treated by the school district as having such limitation,
 - has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others to such impairment, or
 - has none of the impairments defined as a “physical or mental impairment” but is treated by Pendleton County Schools as having such an impairment.
- ❖ **“Disability”** means any condition or characteristic that renders a *person* a “disabled person.
- ❖ **“Free appropriate public education”** is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of disabled persons as adequately as needs of non-disabled persons are met.
- ❖ **“IDEA”** is the Individuals with Disabilities Education Act and includes Policy 2419 *and* other applicable regulations where appropriate.

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(P) S.20.2. Implementation Guidelines and Procedures

- ❖ The Student Assistance Team (SAT) in each school will serve as the “504 Committee” and will focus on protecting the rights of students with disabilities from discrimination. When a student is being considered for 504 eligibility, the SAT coordinator will invite persons knowledgeable about the student as well as persons knowledgeable about the meaning of the evaluation data. When responding to a 504 referral, the Committee must consist of at least three members: school administrator, current teacher, and other appropriate professional staff.
- ❖ The SAT shall receive referrals from parents, teachers, and other appropriate sources in order to locate and notify possible qualified disabled persons who may be eligible for services under Section 504. All parties shall be informed of their procedural safeguards by giving them a copy of the school district’s 504 Policy and Guidelines.
- ❖ A student’s parents/guardians shall be notified before the “504 Committee” evaluates a student who has been referred for a suspected disability pursuant to Section 504/ADA.
- ❖ When an Eligibility Committee determines that a student is not disabled under IDEA or recommends that a student who was disabled under the IDEA be dismissed, the Eligibility Committee shall thereafter determine whether the student must be referred to the SAT to ascertain whether the student is disabled under Section 504. It should be written on the Eligibility Committee report that the student has been referred back to the SAT to determine if the individual has a disability under section 504 and needs a written plan.
- ❖ If an Eligibility Committee determines that a student is handicapped under the IDEA, the student is automatically eligible under Section 504 of the Rehabilitation ACT; however, the services required by the student shall be provided pursuant to the procedures located in Policy 2419.

- ❖ Before any action is taken with respect to Section 504 accommodations for a disabled student, an evaluation shall be conducted or evaluation information reviewed to determine if the student is disabled under Section 504. The evaluation information may include but will not be limited to medical reports documenting the disability, achievement test scores, parent information and teacher observations and data.
- ❖ If the SAT determines that an evaluation is necessary for students who may be disabled under Section 504, but not handicapped under IDEA, the parents must be informed that such evaluation will be done. The evaluation procedures must ensure that:
 - Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single intelligence quotient; and
 - Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test reports are to measure rather than reflecting the student's impaired sensory, manual or speaking skills (except where those skills are the factors that the test reports are to measure).
- ❖ Once the evaluations are completed, the results will be considered by the SAT/504 Committee to determine whether the student is disabled under 504. The student's parents will be sent a letter of invitation to attend and participate in the meeting at which this determination is made. This letter will be sent at least ten (10) days prior to the meeting. Parents will also be sent a copy of the notice of rights regarding the identification, evaluation, and placement of students with disabilities. Parents/guardians may be represented by counsel.
- ❖ If the SAT determines the student is a "qualified individual with disability" under 504, the SAT shall determine whether the student requires services and modifications to the education program to allow the student's educational needs to be met as adequately as the educational needs of non-disabled students. If services and modifications are needed, they will be documented on the student's 504 Plan. Before developing a 504 Plan that involves special education instruction, the student must be referred for a multidisciplinary evaluation.
- ❖ A log of all 504 students will be maintained by the SAT Coordinator and the student will be "tagged" in the WVEIS system. The 504 Plan will be implemented within thirty (30) days of eligibility determination.
- ❖ "Qualified disabled students" under Section 504 may participate in nonacademic and extracurricular activities such as counseling services; physical, recreational, athletics; transportation; health services; special interest groups or clubs sponsored by Pendleton County Schools; referrals to agencies which provide assistance to disabled persons and employment of students, including both employment by Pendleton County Schools and assistance in making available outside employment, to the same extent that such services and activities are provided to non-disabled students. "Qualified disabled students" may be charged a fee for such services and activities in a sum equal to that charged to non-disabled students.
- ❖ Students who are determined to be a "qualified disabled person" under 504, but not also disabled under *IDEA*, must be reevaluated when deemed appropriate by the SAT, not to exceed three years from date of eligibility. The reevaluation date shall be included on the student's 504 Plan.
- ❖ With respect to actions regarding the identification, evaluation or educational modifications of a student who is or may be disabled under Section 504, but not also disabled under IDEA, the following procedural safeguards shall be afforded:
 - If the parents of the student disagree with the recommendations of the SAT, a written grievance may be submitted per Pendleton County's Administrative Procedures for Section 504 of the Rehabilitation Act/Americans with Disabilities Act Grievance. These Administrative Procedures may be obtained from the County's 504 Coordinator or the school principal.
 - Parents may request mediation and/or an impartial hearing for Section 504 issues with respect to actions regarding the identification, evaluation or educational placement of public school students who, because of a disability, need or are believed to need educational accommodations.

- Parents may file a complaint with the Office for Civil Rights:
Office for Civil Rights
U.S. Department of Health and Human Services
150 S. Independence Mall West
Suite 372, Public Ledger Building
Philadelphia, PA 19106-9111
Main Line (215)861-4441
Hotline (800) 368-1019
FAX (215)861-4431
TDD (215)861-4440

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(P) S.20.3. Resolving Parent, Student or Employee Grievances

Federal and state guidelines require that school systems observe practices, procedures and working environment which are free from discrimination on the basis of disability. Therefore, Pendleton County Schools will follow administrative procedures which allow any individual, including a parent, student or employee, to file a grievance if it is alleged that a policy, practice, procedure, or direct service provided by the school district has resulted in a violation of Section 504 or the 2008 Amendments of the Americans with Disabilities Act (ADA).

The best solutions to concerns often occur at the school level. Therefore, Pendleton County Schools encourage all parties to attempt to resolve concerns by working with the building principal, building Section 504 Coordinator, and other appropriate staff to reach a joint resolution of the issue. However, regardless of whether attempts to resolve the issue are made at the building level, any individual may file a formal complaint under Section 504 through the following process:

1. Complete and submit a Section 504 Complaint Form to the Pendleton Director of Special Education. The *Section 504 Complaint Form* is available on line at the County Web Site, at the Pendleton County Central Office (*located on Walnut Street, Franklin, WV*) or at any Pendleton County School's office. The complaint should be as detailed as possible and describe why you believe that your concerns raise an issue under Section 504. WEB
2. The Pendleton County Director of Special Education will conduct an investigation of the allegation(s). If s/he is the subject of the complaint, the Pendleton County Schools Superintendent will appoint an impartial investigator. An opportunity to provide evidence, including documents and witnesses, will be afforded to all parties.
3. The Pendleton County Director of Special Education (or Superintendent's designee) will issue a written decision about the complaint within 30 business days of receipt of the complaint, and provide a copy of the decision to all parties. The written decision will contain suggested resolutions to the concerns.
4. If you are not satisfied with the resolution of the complaint, you may request a review of the complaint by the Superintendent. The Superintendent will respond to the request for review within 10 business days of receiving the request.
5. If you are still dissatisfied after the Superintendent's review, or at any time during the county's complaint resolution process, you may file a complaint by contacting the U.S. Department of Education, Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, 100 Penn Square, East, Suite 515, Philadelphia, PA 19017-3323; 215-656-8541 or www.ed.gov/ocr.

***Please contact Nicole Hevener, Director of Special Education, at
304-358-2207 ext. 122, with questions or concerns***

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PENDLETON COUNTY SCHOOLS
Section 504 Complaint Form

Name of Complainant	Address	Phone
Name of Person Discriminated Against	Relationship to Complainant	School (if student)

- Please describe your concerns and why you believe they raise an issue under Section 504. Include a description of what happened, when and where it happened, and who was involved. (Feel free to attach additional pages, if necessary.)

- Explain the steps you have already taken to resolve the issue, if any.

- Describe what resolution to your concerns you would like to see.

- Have you attached any additional documents to this form to assist in understanding your concerns? Yes ☐ No ☐

If yes, please list: _____

Signature of Complainant

Date

**Submit form to Nicole Hevener, Pendleton County Schools Director of Special Education, P.O. Box 888, Franklin, WV 26807
or email to nhevener@k12.wv.us.**

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.21. Drug Testing Policy for Simulated Workplace Participants and Opt-In Participants	Adopted: December 5, 2017 Last Reviewed: March 2018

Pendleton County Schools, in an effort to protect the health and safety of its students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students, proposes to adopt the following policy for drug testing of Simulated Workplace Students.

Statement of Purpose and Intent

Although the administration and staff desire that every student in the Pendleton County Schools refrain from using or possessing illegal drugs, school officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in the Simulated Workplace and those students whose parents or guardians elected to include their students in the random student drug testing selection process. The sanctions imposed for violations of this policy, could include, but are not limited to, limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in interscholastic extra-curricular activities and to participation in the Simulated Workplace. This policy supplements and complements all other policies, rules, and regulations of the Pendleton County Schools regarding possession or use of illegal drugs.

Students who participate in interscholastic, extra-curricular activities and the Simulated Workplace are respected by the student body and are representing the School and the community. Accordingly, these students carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct and training, which includes avoiding the use or possession of illegal drugs. Additionally, students participating in the Simulated Workplace have a responsibility for the safe operation of equipment and machinery in the CTE setting.

The purposes of this policy are six (6) fold:

- A. to educate students on the serious physical, mental, and emotional harm caused by illegal drug use;
- B. to alert students with possible substance abuse problems, and their parent/guardian, of the potential harms that drug use poses for their physical, mental, and emotional well-being
- C. to ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs;
- D. to prevent injury, illness, and harm to students that may arise as a result of using illegal and performing-enhancing drugs;
- E. to offer students practices, competition, and school activities free of the effects of illegal and performance-enhancing drug use;
- F. to assure the safe operation of student-driven vehicles on campus.

Illegal and performance-enhancing drug use of any kind is not compatible with the physical, mental, and emotional demands placed upon participants in interscholastic, extra-curricular activities, and upon the positive image these students project to other students and to the community on behalf of the Pendleton County Schools. For the safety, health, and well-being of students who participate in interscholastic extra-curricular activities and/or participate in the Simulated Workplace, and/or voluntarily choose to participate, the Pendleton County Board of Education has adopted this policy for use by all participants in interscholastic extra-curricular activities, and/or all participants in the Simulated Workplace and who voluntarily choose to participate in the drug testing.

The administration shall adopt necessary regulations to implement this policy.

Definitions

- A. "Activity student" means a student of Pendleton County High School, who is a member of any extra-curricular or co-curricular organization which participates in interscholastic competition, including but not limited to: career tech student organizations and other student support personnel.
- B. "Simulated Workplace student" means a student of Pendleton County High School, who is a member of any CTE class program participating in the West Virginia Department of Education pilot program.
- C. "Drug use test" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's hair sample, urine sample, and/or breathe analysis.
- D. "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.
- E. "Opt-in participant" means any student, less than eighteen (18) years of age in grades 9-12 beginning during the 2017-2018 school year whose parent or guardian elects to include the student in the random selection for drug testing. A student may become an opt-in participant at any time during the school year. Students 18 years of age and over not included in Definitions A, B, or C are considered emancipated and can opt-in at their discretion with the understanding they could be treated as an adult if their violation(s) of the policy merit such consideration.
- F. "Participating student" means all students included in the random testing pool. The testing pool is to be maintained by programmatic level and consequences remain in effect for the programmatic level, meaning that consequences are carried over year to year for the time the students are in the high school grades or unless they are removed from the testing pool.
- G. "Performance-enhancing drugs" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals, and proteins which can be lawfully purchased over-the-counter.
- H. "Positive" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing service administering the drug use test.
- I. "Random selection basis" means a mechanism for selecting participating students for drug testing that:
 - 1. results in an equal probability that any participating student from the total pool of activity students, driving students and opt-in participants subject to the selection mechanism will be selected; and
 - 2. does not give the Pendleton County Schools discretion to waive the selection of any participating students selected under the random selection mechanism.
- J. "Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by instructors/administrators of the appearance, speech, or behavior of a participating student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a participating student supplied to school officials by other staff members.

Implementation Guidelines

A. Consent Forms

At the beginning of each school year each participating student shall be provided with a copy of the "Student Drug Testing Consent Form" which shall be read, signed, and dated by the student, parent, or custodial guardian and instructor before such student shall be eligible to participate in any extra-curricular activities or participate in the Simulated Workplace. The opt-in participant and parent or custodial guardian shall also consent to read and sign a consent form. This consent requires the activity student and opt-in participant to provide a hair sample, urine sample, and/or breath analysis (hair sample, urine sample, and/or breath analysis can go back 90 days, less invasive) as follows:

1. when the activity student, Simulated Workplace participant, or opt-in participant is selected by the random selection basis to provide a hair sample, urine sample, and/or breath analysis; and
2. at any time when there is reasonable suspicion (easier standard to allow test than probable cause) to test for illegal or performance-enhancing drugs.

B. Orientation Session

Prior to the commencement of drug testing each year, an orientation session shall be held with each activity student, Simulated Workplace participant, and opt-in participant to educate them of the sample collection process, privacy arrangements, drug testing procedures, and other information which may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process. A mandatory training session will be held annually for instructors to review this policy.

The orientation session will also be conducted at the beginning of the second semester for students who, at that time, want to become participating students. Their parents/guardians must also attend this orientation session.

C. Distribution of this Policy

Each adult student, activity student, driving student, Simulated Workplace student, opt-in participant, and parent/guardian shall receive a copy of the Student Drug Testing Policy. The Vocational Director or instructor shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

D. Random Sample

Drug use testing for participating students shall be done quarterly on a random selection basis from a list of all participating students who are involved in driving, Simulated Workplace, or an opt-in participant. The school shall select a minimum of two percent (2%), up to forty percent (40%) of student names, of all participating students' names to be drawn at random to provide a hair sample, urine sample, and/or breath analysis for drug use testing for illegal drugs or performance-enhancing drugs.

E. Reasonable Suspicion Sample

In addition to the drug tests required above, any activity student, Simulated Workplace participant or opt-in participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, instructor or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

F. Drug Testing Service

Any drug use test shall be administered by or at the direction of a drug testing service chosen by the Board. The drug testing service shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper drug testing service control and scientific testing. The drug testing service shall provide all collection containers used in the drug testing process.

G. Privacy

All aspects of the drug use testing program, including the taking of specimens, shall be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.

H. Obtaining Samples

The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen shall be collected in a facility behind a closed door. The drug testing service shall provide a trained employee to collect the samples subject to drug testing. This individual will also monitor the collection of samples. If deemed necessary, the representative of the drug testing service may request that the school administrator provide personnel to assist with monitoring as samples are collected.

Any eligible student selected randomly for drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate hair/urine specimen at testing time will be unable to participate or park until proper specimen is provided. A student whose season is over can be removed from the program by signed parental consent delivered to the designated school official, but the student will be ineligible for extra-curricular activities for the remainder of the school year

1. Tampering

If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the Administrative Director or designee who will then determine if a new sample should be obtained.

2. List of Medications Taken

In the event of a positive test result, the Medical Review Officer (MRO) of the drug testing service shall contact the parent/guardian of the student and be provided with an opportunity to provide documentation of medications legally prescribed for the student. Based on the documentation provided by the parent, the MRO will determine the status of the test result. The communication between the parent/guardian and the MRO regarding medications prescribed to the student will be strictly confidential and not shared with school personnel.

NOTE: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards.

I. Positive Tests

In the event of a positive test result, the parent/guardian may challenge the positive test result. The procedure would consist of a second test of the same specimen and would be conducted at the parent/guardian's expense.

Confidentiality

A. Notification by Drug Testing Service

The drug testing service shall notify the Vocational Director or designee of any positive test.

B. Notification to Student, Adult Student, Administration, Instructor, and his/her Parent/Guardian

In order to keep the positive test results confidential, the Vocational Director or designee shall provide written notification:

1. For Participating Students the student, adult student, the Vocational Director, the instructor, and the parent or custodial guardian of the student.
2. For the Opt-in Participants the student and the parent or custodial guardian of the student.

The Vocational Director or designee shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the Vocational Director or designee or to the lab. The school will rely on the opinion of the drug testing service which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

C. Record of Test Results

Test results shall be kept in the files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and shall not be turned over to any law enforcement authorities unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent from the parent, guardian, or student. Records of positive test results maintained at the school shall be destroyed upon the student's graduation from high school.

Appeal

Procedure for Appeal

A participating student (adult and secondary) who has been determined by the Vocational Director/designee to be in violation of this policy shall have the right to appeal the decision to the Principal or his/her designee(s). Such a request for a review must be submitted to the Principal in writing within five (5) working days of notice of the positive test. A student requesting a review shall remain eligible to participate in any extra-curricular activities, drive to school, and participate in the Simulated Workplace until the review is completed. The Principal or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Principal's decision shall be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Principal which shall be final and non-appealable.

Consequences

A. Restrictions on Participating Students

Any participating student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:

1. First Offense

After the parent/guardian or adult student has been notified of a positive result by the Medical Review Officer, a meeting shall then be set up with the adult student; student, parent/guardian, and Vocational Director or designee concerning the positive drug test. In order to continue participation in the activity the student and parent/guardian must, within five (5) school days of the joint meeting, show written proof that the student has been referred to a Counseling Center. Proof must be provided that the student is receiving counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within two (2) weeks in accordance with the testing provisions of this policy. The parent/guardian shall be responsible for the cost of this drug test.

If the adult student; parent/guardian and student agree to these provisions, the student may continue to participate in the activity and the Simulated Workplace Program. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for activity students shall be imposed.

2. Second Offense

Suspension from participation in all activities covered under this policy for fourteen (14) calendar days, and successful completion of four (4) hours of substance abuse education/counseling. The student (adult and secondary) shall not participate in any meetings, competitions during this period, and removed from their participation in the Simulated Workplace program. The student (adult and secondary) shall be tested monthly for the remainder of the school year. The time and date will be unknown to the student and determined by the Vocational Director or designee.

- a. These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.
- b. Should the parent/student (adult and secondary) not agree to these provisions, the consequences listed in this policy for the third offense for activity students shall be imposed.
- c. Provided, however, a student (adult and secondary) who on his/her own volition informs (self-refers) the Administrative Director, designee, or instructor of usage before being notified to submit to a drug test will be allowed to remain active in all activities covered under this policy. Such student shall, however, be considered to have committed his/her first offense under the policy, and shall be required to re-test as would a student who has tested positive.
- d. Additionally, the student (adult and secondary) will not be eligible for any interscholastic activity honors or awards given by the Center.

3. Third Offense and Each Offense Thereafter

Complete suspension from participation in all extra-curricular activities including all meetings and competitions and removed from the Simulated Workplace Program for one (1) calendar year.

B. Restrictions for Opt-in Participants

The adult student; parent/guardian and student; shall be contacted immediately and a private conference shall be scheduled to present the positive test results.

- C. A violation of this policy is NOT a violation of the Student Code of Conduct Policy. Any participating student who tests positive in a drug test under this policy shall, as a result thereof, be subject to the restrictions described under this section labeled Consequences only; notwithstanding any provision of the Student Code of Conduct Policy. When Pendleton County Schools employees charged with the administration of this drug testing policy are made aware of drug use by an activity student, driving student, Simulated Workplace student or opt-in participant, solely as a result of drug testing under this policy, that activity student, driving student, Simulated Workplace student or opt-in participant shall NOT be disciplined under the Student Code of Conduct Policy or of their drug use so discovered.

Refusal to Submit to Drug Use Test

Ineligibility to Participate

A participating student (adult or secondary) who refuses to submit to a drug test authorized under this policy shall not be eligible to participate in any activities covered under this policy including all meetings, Simulated Workplace Participating Programs and competitions. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the Pendleton County Schools.

Important Note on Consequences

Notwithstanding, any student who violates the Student Code of Conduct Policy and West Virginia law by the illegal use of medications or drugs of any kind while on school grounds, or is under the influence of medications or illegal drugs on school grounds, the student is subject to disciplinary action as outlined in the Student Code of Conduct Policy, up to and including expulsion.

Advisory Council

In order to monitor policy effectiveness, the Vocational Director shall appoint an advisory council to review the local data and make recommendations to the Board of Education regarding policy effectiveness. This advisory council shall include but not be limited to a school counselor from the high school, a school nurse, and a community agency representative involved professionally with drug use prevention and treatment programs.

Postscript

The Pendleton County Board of Education and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Pendleton County Schools believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

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Amended/Revised:

**PENDLETON COUNTY SCHOOLS RANDOM DRUG TESTING CONSENT FORM
FOR PARTICIPATING STUDENTS**

As an enrolled student/parent of Simulated Workplace – Career and Technical Education, I understand that the use of drugs, alcohol and other controlled substances in the workplace creates a safety concern for all students and employees. In the interest of creating a safe learning environment, I hereby give my consent for the Pendleton County Schools to conduct random drug tests it considers necessary as outlined in the Pendleton County Schools Random Drug Testing Policy, and I understand that these tests are required for enrollment in all Simulated Workplace settings.

I fully understand that as a Simulated Workplace student/parent, I/My child will be subject to the Pendleton County Schools Random Drug Testing Policy. A copy of this policy has been made available for review, and I hereby acknowledge that I thoroughly understand its terms and provisions.

My signature hereon serves as student/parental consent:

1. For me/my child to undergo random drug testing and to submit a 7-panel cheek test for that purpose;
2. For me/my child to be randomly drug tested in accordance with the terms of the Pendleton County Schools Policy;
3. For the Pendleton County Schools to submit my child's swab sample for testing for drugs/alcohol prohibited by its policy; and
4. For the Pendleton County Schools to obtain the results of my child's drug /alcohol test from a certified laboratory for use in accordance with the Pendleton County Schools Random Drug Testing Policy.

I release the Pendleton County Schools and its Drug Testing Company from any liabilities, claims and causes of action, known or unknown, contingent or fixed, that may result from these tests.

Employee (Student) Name (Print)	Date

Employee (Student) Signature____ Parent/Guardian Name (Print)	Date

Parent/Guardian Signature

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PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.1. Student Transportation	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education shall have authority to provide, at public expense, adequate means of transportation for all children of school age that live more than two miles distance from their assigned school or nearest bus route. Enrolling or enrolled students, employees or persons previously approved by a county board of education are the only passengers to be transported by the county school transportation system.

Pendleton County buses may also cross county lines to transport students transferring from one district to another by mutual agreement of both county boards of education. The agreement shall be recorded in the meeting minutes of each participating board.

The Board may also transport school children participating in Board-approved curricular and extra-curricular activities. In all cases, only school bus operators employed by the Board shall operate type A1, A2, B, C and D buses on such trips. Buses used for curricular and extra- curricular activities must have insurance coverage as required by law.

Generally speaking (as stated above), the bus or other transportation vehicles owned or leased by the Board of Education may only be operated by drivers regularly employed by the Board of Education. However, leased buses may be operated by bus operators regularly employed by another county board in this state if bus operators from Pendleton County are unavailable.

The only other transportation specifically authorized by statute is the transportation of participants in projects operated, financed, sponsored, or approved by the Commission on Aging. If these participants are provided transportation services, all costs and expenses incident in any way to the transportation shall be borne by the Commission on Aging or the local or county chapter thereof.

The current provisions of SBP 4336-West Virginia School Bus Transportation Policy and Procedures Manual and controlling state codes shall be the guiding principles for all matters relating to student transportation. The policies contained in following pages are not to be construed as all inclusive. They are a summary of a few important requirements contained in SBP 4336.

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(P) T.1.1. Student Transportation Service Procedures

The Pendleton County Board of Education shall provide transportation to and from school for all school age children living more than two miles distant from their assigned school or nearest bus route. Public school students who live on a regular school bus route, two miles or less from their designated school, may be transported on a school bus, provided their enrollment on the bus does not exceed the seating capacity of the bus so assigned or bus safety is not a factor.

Regular established school bus stops should be at least two-tenths of a mile apart. Where transportation service exists, the route may be discontinued only as directed by the Board upon the recommendation of the Superintendent, unless emergency conditions exist; whereupon the Superintendent shall use his/her discretion and subsequently submit a plan for the elimination of transportation problems to the Board. New school bus routes shall not be established where the distance involved is two miles or less one way.

Once students have boarded a school bus, either going to school or home from school, they shall not be permitted to leave the bus for transportation in private vehicles. An exception may be made if the student is being picked up by a parent or guardian and the appropriate bus drivers and principals are made aware of such a transfer.

(P) T.1.2. School Personnel Responsibilities

The Board of Education expects its bus drivers and all others associated with school transportation to be fully acquainted with and to respect the policies, rules and regulations governing the transportation of pupils as approved by the Pendleton County Board of Education, State Department of Public Safety (State Police) and the State Motor Vehicles Commission along with all regulations described in the Commercial Driver's License Manual. All bus drivers shall be provided with the most recent copy of SBP 4336 - West Virginia School Bus Transportation Policy and Procedures Manual.

Drivers shall keep accurate accounting of the residences of all students they transport. In the event of any student no longer riding an assigned bus, any new student riding a bus, or any student changing the school they are attending the driver is to immediately report the information to the school principals and provide a written note attached to their monthly reports. Bus drivers shall deliver completed reports to the Transportation Supervisor three (3) days after the end of the school month. Failure to report promptly shall be considered neglect of duty. All school buses shall be parked, stationed, or stored at a place designated by the Director in Charge of Transportation.

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(P) T.1.2.1. Parental Responsibilities

SBP 4336 – West Virginia School Bus Transportation Policy and Procedures Manual states that the parents of children who receive transportation services from the Pendleton County Board of Education shall:

- ❖ Provide written guidance regarding any special care a student may need while riding the bus; and
- ❖ Provide supervision at all bus stops for all Pre- K-3 students until the bus arrives for both pickup and delivery.

The Pendleton County Board of Education urges and expects all parents/guardians to comply with the above State Board of Education regulations.

Parents are also expected to assist in resolving disciplinary issues that arise concerning their children.

The Board may terminate bus transportation service if a parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

Parents/guardians shall be required to provide transportation for their children in the event they are excluded or suspended from riding the bus for a period of time or if their busing privileges are permanently revoked.

(P) T.1.2.2. Student Responsibilities

Students who are receiving transportation services from the Pendleton County Board of Education shall:

- ❖ Walk on the left side of the road facing traffic;
- ❖ Wait on the bus at the designed stop in an orderly manner;
- ❖ Board the bus in an orderly manner;
- ❖ Follow the school bus operator's/aide's instructions at all times;
- ❖ Comply with Policy 4373;
- ❖ Be responsible for vandalism that occurs on a seat in which they ride;
- ❖ Change seats only with permission of the school bus operator when the bus is not in motion;
- ❖ Avoid unnecessary conversation with the school bus operator;
- ❖ Keep heads and arms inside bus windows at all times;
- ❖ Report any open exit or released hatch to the school bus operator immediately; and
- ❖ Provide enrollment information to the school bus operator.

Students shall not:

- ❖ Not eat, drink, or place objects in their mouth that may cause a choking hazard while on the bus except for medically necessary foods or medications according to SBP 2422.8 – Medication Administration;
- ❖ Ride in step well or forward of front row seats;
- ❖ Stand while bus is in motion, at any time a seat is available;
- ❖ Throw, or pass, any object of any nature into or from the bus through a door or window;
- ❖ Use profane or obscene language;
- ❖ Open emergency exits, except during emergencies, unless directed by the school bus operator; or
- ❖ Wear headphones or any type of earpiece that may prevent hearing a warning signal or horn while loading or unloading from the bus.

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(P) T.1.3. Student Commutes – Home to School

Students generally arrive at school via one of these means: walking, riding in a private vehicle, or riding a County-operated school bus. The following principles are provided for the child's safety and the efficiency of the total school operation.

- ❖ Those students who walk should always walk on the left side of the road facing traffic and cross the highway only after carefully checking both ways for on-coming traffic.
- ❖ Following the dismissal bell, those students who walk, will assemble at a safe place away from school bus loading and wait for directions from teachers who will help them safely exit the area. All students present during the dismissal procedures are expected to comply with the authority and directions of the teachers in charge.

- ❖ Parents who deliver their children to school are asked to let them out of the car along a sidewalk, where applicable. Automobile drivers are to be careful not to block the route of arriving, departing or unloading school buses. Drivers who overtake buses with loading lights activated will be reported to the school administration by any employee who witnesses such action and a letter of warning will be sent to the offending driver.
- ❖ Students who ride the school bus shall obey the posted rules and regulations governing school bus passengers. They should become familiar with those rules as soon as possible. In addition to those posted guidelines, the following shall be observed:
 - A bus driver has the same authority as a teacher or parent while students are on the bus and all passengers should be respectful to the bus drivers and obey their instructions;
 - Students are expected to remain in assigned seats unless the bus driver gives permission to do otherwise; and
 - Upon arrival at school, students are expected to directly enter the school and report to their homerooms.
- ❖ Any student who plans to ride another bus or go home in any manner other than usual shall present a written excuse to the principal prior to leaving the school grounds. The student shall not be permitted to ride another bus that is already loaded to rated capacity.
- ❖ All students should make it a point to be consistently safe whatever manner of transportation they use.

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(P) T.1.4. School Bus Scheduling and Routing

The generation of school bus schedules and routes along with periodic review and at least annual modification is the responsibility of the Director of Transportation. The Director of Transportation shall have the responsibility of scheduling bus routes in such a fashion that riding time and duplication of service shall be minimal. Route assignments to drivers are for a specific area of the County and may be extended or shortened within the assigned area as the student residents in that area change. The Director of Transportation should include principals in the planning of bus schedules where their schools are involved or where specific problems occur. Any driver who knowingly fails to pick up children assigned to his/her route at the beginning or during the school term, shall be considered in neglect of duty and shall be subject to disciplinary action. Drivers are also required to follow the route and schedule as established and to be at each stop at the appointed time as nearly as can be safely accomplished. In the generation of schedules and routes the following guidelines shall be followed:

- ❖ A school bus route shall generally not be established for children who live less than two miles from school.
- ❖ Regular established school bus stops shall be at least two-tenths of a mile apart. The Director of Transportation shall have the authority to make necessary adjustment in unusual circumstances.
- ❖ In case of emergency road conditions, the driver may have the authority to change bus stops for safety reasons.

Standards for the duration of school bus transportation times for students to and from school:

The high quality standards for transportation adopted by the state board pursuant to §18-2E-5D shall include standards for the recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions as follows:

- ❖ For elementary school students, 30 minutes;
- ❖ For middle school, intermediate school and junior high school students, 45minutes; and
- ❖ For high school students, 60 minutes.

The Board may not create a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five (5) to and from any school included in a school closure, consolidation or new construction project which exceeds by more than 15 minutes the recommended duration of the one-way school bus transportation time for elementary students in accordance with 22.1 of SBP 4336 unless:

- ❖ The county board adopts a separate motion to approve creation of the route and request written permission of the state board to create the route; and
- ❖ Receives the written permission of the state board to create the route.

The state board shall provide technical assistance to county boards with the objective of achieving school bus transportation routes for students which are within the recommended time durations established by the WVBE

(WVC §18-2E-5D)

(P) T.1.5. Payment In Lieu of Bus Transportation

Circumstances and conditions may sometimes exist that justify the payment of an in lieu of transportation fee to the parents/guardians of certain students. In such cases the parent/guardian shall receive the same county reimbursement rate per loaded mile that other persons receive for performing services for the school system (loaded mile means transporting students to and from school). However; the Board recognizes that on rare occasions extreme travel conditions may exist and in such cases it authorizes the Superintendent to further review the circumstances to determine if there is justification to deviate from the standard plan.

The Superintendent shall make a recommendation to the Board after s/he, in collaboration with the Director of Transportation, has investigated the existing conditions. The appropriate school officials shall fully explain the circumstances to the parents/guardians of the student and secure their approval of the plan. The plan must be in writing, signed by the Superintendent and the parents/guardians and shall be executed annually if the need for such an arrangement extends beyond the current school term.

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(P) T.1.6. Transporting Special Needs Students

To assist with the efficient and safe transportation of special needs students in the Pendleton County school system the following guidelines shall be implemented:

- ❖ Students with special needs who have an Individualized Education Program (hereinafter IEP); individualized health care plan; or a 504 Plan, such plans shall specify the bus modifications and support required for transporting the student when appropriate.
- ❖ When transportation of a student with disabilities necessitates a transfer while enroute, appropriate supervision at the point of transfer remains the responsibility of the county school system.
- ❖ Vehicle requirements for use in transporting students with disabilities shall be guided by West Virginia Board of Education Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."
- ❖ The school bus operator and/or the bus aide, when appropriate, shall:
 - Assist and supervise students with disabilities.
 - Complete first aid training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."
- ❖ All school bus operators, including substitutes and any school bus operators who transfer to a bus transporting students with special health care needs, shall receive six (6) hours initial and one (1) hour of refresher training annually for the transportation of students with special health care needs including the requirements of W. Va. §126CSR25A State Board Policy 2422.7, "Standards for Basic Health Care Procedures" (hereinafter "Policy 2422.7").
- ❖ All bus aides shall be trained in the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures for students with special health care needs. A minimum of one (1) hour of refresher training shall be completed annually.
- ❖ The school bus operator shall remain inside the bus, receive the student from the lift and properly secure the wheelchair. Bus aids shall assist the school bus operator as necessary.
- ❖ Any school bus operator who normally does not operate a bus that transports students with special health care needs and accepts an assignment to transport those students, such as field trips, shall at a minimum have refresher training the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures of students prior to beginning that assignment.
- ❖ The special education director or designee shall provide the following information to the transportation director or designee:

- Student's name and address.
- Parent's name, address, home and work telephone numbers.
- Emergency health care information and/or health care plan.
- ❖ When the IEP, individualized health care plan or 504 Plan requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with policy 2422.7.
 - Aides shall receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in West Virginia Board of Education SBP 2422.7, "Standards for Basic and Specialized Health Care Procedures."
- ❖ Parents/guardians of students with disabilities shall assist in the transportation of their child by:
 - Providing documentation on the special care needed.
 - Bringing the student to the bus stop and providing the necessary supervision.
 - Picking up the student at the designated time at the designated bus stop.
 - Contacting the school bus operator if the child is to be absent.
- ❖ The transportation system shall implement SBP 4373 in conjunction with West Virginia Board of Education Policy 2419, "Regulations for the Education of Exceptional Students."

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(P) T.1.7. Transporting Homeless Students

The Board must ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (hereinafter, "LEA") in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.

If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

(SBP 4336)

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Amended/Revised: October 4, 2004; December 21, 2005; October 9, 2007; March 25, 2008;
 August 26, 2008; February 9, 2010; September 6, 2011; August 21, 2012;
 October 1, 2013

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE	Last Review:
File: T.1.A. Guidelines for Curricular and Extracurricular Trips	March 2018

County owned or leased vehicles, which fall into the category of bus transportation, and are used to transport students to school-sponsored activities, must meet state school bus or public transit ratings.

Only authorized personnel, students and chaperones shall be permitted to ride buses (chartered or school buses) on trips financed by school and/or Board funds. Persons acting as chaperones other than regularly employed personnel must have approval by the Board of Education prior to the trip.

The use of public school buses for extra-curricular trips is limited to Board approved activities. Buses may be used by approved school organizations provided a teacher (sponsor) has submitted written application through the principal to the Transportation Supervisor. The request should be filed with the Transportation Supervisor at the beginning of each semester.

Only school bus operators employed by the Pendleton County Board of Education shall operate type A1, A2, B, C, and D buses on such trips

Students transported in a school bus on such trips shall be instructed on the location and operation of all emergency exits and proper procedures for evacuating the bus in case of accident or breakdown.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

No banners, streamers or other advertising shall be placed on the bus. The consumption of food or drink at any time on a school bus is prohibited

The general policy of the Board of Education shall be to discourage any and all pleasure trips and/or picnics on school time. The Board of Education shall not sponsor senior trips.

At the end of each month, the Director of Transportation shall file through the WVEIS a report on curricular and extracurricular trips.
(SBP 4336)

Supervision of Students

The bus operator is always in charge of the bus and his/her directions must be followed; however, *SBP 4336 West Virginia School Bus Transportation Policy and Procedures Manual* mandates that at least one professional employee shall accompany any group of school students on curricular or extracurricular trips. Each additional bus shall be supervised by a professional employee or person approved by the Board. The principal shall assure that provisions for specialized health care needs for passengers are made if necessary. The school shall provide a list of persons to be transported on the bus to the bus driver. At the discretion of the Superintendent, additional Board approved chaperones may be assigned.

The Pendleton County Schools approved teacher/chaperone-student ratio is as follows:

- ❖ 1- 10 students = one teacher/chaperone
- ❖ 11-15 students = two teachers/chaperones
- ❖ 16-20 students = three teachers/chaperones

Teacher Compensation and Substitutes:

Teachers who agree to chaperone students to out-of-the county events shall be considered to be working their normal day. They will not receive any additional compensation for travel time or time that extends beyond their normal school day.

A substitute teacher may be provided for all professional employees approved to participate in these activities.

Overnight vs. Day Trips

Competitions which take place within a 150 mile radius of Franklin shall be approved as day trips. Competitions which take place in locations such as Charleston shall be approved as overnight trips.

Students and sponsors who are participating in events that have a starting time prior to 10:00 a.m. may be approved for an overnight stay the night before the competition and an overnight stay the day of the event if said event extends beyond 5:00 p.m.

(P) T.1.A.1. Field Trips and Excursions

The use of public school buses for curricular trips is limited to those activities directly related to classroom work that are authorized upon written applications submitted by the teacher through the principal and approved by the Superintendent. Whenever possible, field trip requests should be submitted at the beginning of each semester. Principals shall submit their field trip transportation requests at least two weeks before needed. (See Trip Request/Roster Form for procedures)

Field trips, properly planned and executed, are a vital part of the school curriculum, and the Board encourages these and other cross county grade-level trips connected to content standards.

It shall be the responsibility of the school principal and the faculty members in charge to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

Educational plans for curricular field trip plans should be made early in the school year. Such plans must be aligned with Content Standards and shall include pre and post trip instructional activities. Schools are expected to schedule trips to maximize bus seating capacity. On such trips, county transportation vehicles are expected to be used.

Generally speaking, the curricular and extra-curricular trips sponsored by the Pendleton County Board of Education do not require parents to sign a release holding the school system harmless from any accident/death. All such trips have adequate insurance coverage through BRIM in the event something unexpected happens.

However, some venues that are visited by Pendleton County School students may require parents to sign a release relieving the venue of liability should an accident occur at that site during the students' activities at the venue. The Pendleton County Board of Education will not assume any liability for the actions or inaction of the management and employees of the venue which has opened its facilities to the students.

Parents may decline to sign such a waiver; however, it must be understood that the school would have no choice but to honor the venue's request for waivers for each student and notify the parent that their child would not be participating in the activity. In such an instance, the student(s) would be supervised in alternative activities at the school.

In the event a class or organization has raised funds to finance additional trips, the Superintendent may entertain those requests under the same terms and conditions as county funded trips.

Arrangements for other transportation and overnight trips must be presented to the Superintendent's designee who shall review them and forward a recommendation to the Superintendent for final approval.

(P) T.1.A.2. Curricular and Extra-Curricular Trips in County Owned or Leased Vehicles

For those situations in which county owned or leased vehicles are being provided, those students participating in athletics and/or other school-sponsored activities must travel to and from the event in the provided transportation. The following exceptions may be permitted:

- ❖ Parents or guardians may submit a Private Transportation Request on the form approved by the Pendleton County Board of Education, to the principal of the school the student is attending prior to the event to secure permission for the student to be transported home by private vehicle. The school principal must verify the authenticity of the request and at his /her discretion, may grant the request. This form must be kept on file in the school office.
- ❖ Only the student's parent with legal custody, the student's guardian, or those persons receiving approval through the school principal may pick up a student. The student must be picked up in the presence of the responsible principal, coach, or band director. Provided, however, they shall retain authority to require the student to return on the school bus.
- ❖ The Board will not assume liability for any transportation provided by vehicles other than those made available by Pendleton County Schools.

(P) T.1.A.3. Curricular and Extra-Curricular Trips Where County Owned or Leased Vehicles are not Utilized

From time to time students may travel individually to an event. This usually occurs when the distance is short or when the number of participants to be transported is so small the cost of using a bus is prohibitive. In such instances, the school employee in charge shall inform the principal of his/her intent to utilize this mode of transportation one week in advance of the event.

The student must present to the school employee in charge, IN WRITING PRIOR TO THE TRIP, a completed (P) T. 1.1.3.1. *Parental Waiver of Liability Form*. Only one form per school year will be required for students who participate in more than one activity or who participate in an activity that is comprised of multiple trips such as athletics, band, etc.

In these instances, the school employee in charge of the activity and the Pendleton County Board of Education's liability is limited to the period of time extending from the student participant's arrival at the event site until he/she is dismissed from the event by the person in charge. All other liability for the participant's safety lies with the parents or their designated driver/chaperone. Parents are STRONGLY advised against allowing students to drive to events unaccompanied by his/her parents or other responsible adult. (See (P) T. 1.1.3.1. *Parental Waiver of Liability Form*)

These regulations shall be observed for trips that include, but are not limited to:

- ❖ Athletic trips;
- ❖ County sponsored events such as math/science field days, programs involving all schools; and
- ❖ Band and vocational trips approved by the Superintendent;

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PARENTAL WAIVER of LIABILITY FORM
_____ **School Term**

I understand and agree that my child/children may from time to time be transported in personal vehicles not owned or operated by the Pendleton County Board of Education and that the Board is not legally responsible for my child's wellbeing. I also agree that in the event I provide transportation in my personal vehicle that I accept full responsibility and hereby release the Board.

The Pendleton County Board of Education's and its agents' liability is limited to the period from the student participant's arrival at the event site until he/she is dismissed from the event by the person in charge. All other liability for the participant's safety lies with the parent or his/her designated driver/chaperone.

Student: _____

Student: _____

Student: _____

Student: _____

Parent's Signature

Date: _____

(THIS FORM IS TO BE RETURNED TO THE SPONSOR OF THE ACTIVITY)

(P) T.1.A.4 Professional Personnel Transporting Students in Private Vehicles

When no other option is available, professional personnel may transport students to an activity in their private vehicle provided they have a valid driver's license, the vehicle has an up-to-date state inspection sticker, and proof of adequate insurance coverage is on file in the Principal's Office

Completion of the county sponsored defensive driver training is a requirement in order for employees to receive approval to use privately owned or county owned vehicles.

Expenses related to travel in privately owned vehicles may be reimbursed only to those employees who have completed the training.

(P) T.1.A.5. Charter Buses

Students may be transported to a school-sponsored activity in a privately owned vehicle (i.e. chartered bus) that has a seating capacity of 16 or more passengers only when the owner verifies in writing the following:

- ❖ Appropriate insurance coverage – A Certificate of Insurance must be issued as follows:
 - The Certificate Holder will be the Pendleton County School System.
 - The Certificate of Insurance must evidence a minimum of \$5,000,000 per occurrence of Auto Liability.
 - The certificate should provide for thirty day (30) notice of cancellation. Any Certificate of Insurance limited to a specific event or date is *not* acceptable.
 - Acceptance will be for all locations and operations of the school system.
 - In order for the charter bus company to remain eligible to provide service a *new* Certificate of Insurance *must* be supplied to the county school system whenever the insurance is *renewed*, which normally occurs on an annual basis. The school system will *not* contact the bus company before suspending the company from providing charter service due to an expired certificate.
 - Any notice from the insurance company that a bus company's insurance has been cancelled for any reason will result in the bus company's suspension from providing charter service to the school system.
- ❖ Preventive maintenance records are provided;
- ❖ Public transit rating of vehicle;
- ❖ Appropriate driver training; and
- ❖ Driver certification and criminal history record check.

Principals and sponsors of school activities may work with the Director of Transportation to contact independent bus companies to explore charter services for extended trips outside Pendleton County. Schools anticipating the use of this type of service should investigate potential carriers carefully focusing on factors such as liability insurance coverage for passengers, regulations regarding driver rest time, safety features of the bus including safety inspections, references, and knowledge of the area to be visited.

Contracting Authority

It must be noted that the state of West Virginia does not recognize individual schools as legal entities; therefore, principals do not have the legal authority to enter into long-term contracts or contracts which involve county personnel and or funding (i.e., long-term contracts with vending companies, charter buses, and other long-term contracts). Such contracts must be entered into with the Board of Education serving as the legal entity. Principals do have the authority to expend "quasi public" funds and may enter into short-term contracts involving those types of expenditures (i.e. yearbooks, class pictures, athletic contests, rings, gowns, programs, etc.)

Following the selection of a suitable charter service and after obtaining a proposed agreement from the company, the principal shall present the proposal to the Superintendent. The Superintendent will then make a recommendation to the Board. In the event the time frame for meeting the travel needs of the school are such that the Board may not have time to review the proposal before the event (i.e. state athletic tournaments and playoffs), the Superintendent may approve the proposal and confirm his/her actions at the next board meeting.

(WVC §18-5-13; SBP 4336; Recommendations from State Transportation Office))

(P) T.1.A.6. Transporting Groups Fewer Than Ten Students in County Autos/Vans

Designated county owned or leased automobiles and vans may be used to transport a small number of students on those occasions when it is not practical to utilize a full-sized bus. SBP 4336 and WVC §18-5-13 permit the use of county-owned vehicles which have a valid inspection sticker, which are properly insured and are operated by a professional employee when the following conditions are met:

- ❖ Professional personnel shall be defined per WV Code § 18A-1-1. This individual must hold a valid driver's license and is approved by the County Superintendent or designee to operate said vehicle.
- ❖ Drivers of these vehicles must have gone through a defensive driver training program and an orientation to familiarize themselves with the vehicle.
- ❖ All occupants in these vehicles shall wear restraints anytime the vehicle is in motion.
- ❖ Professional personnel are permitted to drive board owned, rented, or leased vehicles with a designed seating capacity of fewer than ten (10) occupants, not including the driver, pursuant to W. Va. Code §18-5 13(f)(4),
- ❖ No more than one (1) board owned, rented, or leased vehicle as described above shall be used.
- ❖ A school bus should be used for more than nine ((9) students and/or passengers on curricular and extracurricular trips.
- ❖ Seats may not be removed from a larger capacity van to make it a fewer than 10 passenger vehicle.

These employees may use the vehicles to transport students for school-sponsored activities, but may not use the vehicles to transport students between school and home.

(SBP 4336)

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(P) T.1.A.7. Providing Student Transportation to State Academic Competitions

Throughout the school term, students may be involved in individual state academic competitions. Effective July 1, 2010, travel arrangements for students participating in the State Academic Competitions shall be handled by the Central Office Staff member designated by the Superintendent.

The Board shall annually establish a budget to support competitions and awards ceremonies which are related to the educational program. This annual budget shall be managed and disseminated by the Superintendent's designee. Programs which will be supported are the following:

- ❖ Social Studies Fair;
- ❖ Science Fair;
- ❖ Math Field Day;
- ❖ Golden Horseshoe; and
- ❖ Young Writers.

This funding does not apply to departments which have specified funding sources for such trips, such as Career/Technical programs.

If a school chooses to send students to a state awards ceremony, the cost for the trip will be borne by the individual student or school.

Groups of Ten or More Students:

Travel will be by county owned or leased transportation. Parents may decline to send their children with the county group; however, in doing so they must understand that they are not eligible for reimbursement from the Board of Education for expenses incurred for travel.

Groups Fewer Than Ten Students:

Small groups of students may be transported to out-of-county school sponsored academic competitions in designated county-owned vehicles other than buses. For additional information concerning this mode of transportation, please see (P) T.1.1.6. *Transporting Groups Fewer Than Ten Students in County Autos/Vans*

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(P) T.1.A.9. Regulations for Bus Operators

A regular bus driver cannot be paid for his/her afternoon run and also be paid for the extracurricular trip. In other words, the school shall pay the bus driver making the extracurricular trip and the Board of Education shall pay the substitute driver making the regular bus run (See (P) P.6.4. *Service Personnel Extra Duty Assignments*). Extracurricular trips shall not interfere with the regular transportation of school children. Only school bus operators employed by the county board of education shall operate type A1, A2, B, C, and D buses on such trips.

Extra-curricular assignments shall mean, but are not limited to, any activities that occur at times other than regularly scheduled working hours and occur on a regularly scheduled basis. Such activities include coaching, chaperoning, escorting, providing support services or caring for the needs of students. All service personnel assignments except those regular position assignments defined in §18A-4-8 and extra-duty assignments defined in §18A-4-8b shall be considered extracurricular assignments.

Service personnel extra-duty assignments are defined as irregular jobs that occur periodically or occasionally such as, but not limited to, field trips, athletic events, proms, banquets and band festivals.

Time accounting for bus drivers and other similarly situated service personnel accepting extracurricular trips shall be in compliance with the Fair Labors Standard Act.

Off Duty Time:

A bus operator who accepts an extra duty or an extra-curricular driving assignment and is told in advance that upon arrival at his/her destination, he/she will be completely relieved from all duties until a specific time when he/she again goes on duty for the return trip, the idle time is not work time. The employee is "waiting to be engaged."

On the other hand, if the bus operator who transports students on a school sponsored activity is not told in advance of a specific time when the activity will end, and therefore must wait until the activity ends to transport the students on the return trip, is working during the entire activity. In this case, the employee cannot use the time effectively for his or her own purposes and is therefore "engaged to wait."
(Fair Labor Standards Act)

Overnight Trips:

Where an employee is required to be on duty 24 hours or more, such as a bus operator or an aide who may be accompanying students on an overnight trip, the Board and the employee may agree (in writing) to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping period is of more than eight hours, only eight hours will be credited. Where no written agreement to the contrary is present, the eight hours of sleeping time and meal periods constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Department of Labor has adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period, the entire time is working time.

Single Day Trip

On single day trips of less than 24 hours duration, the entire day is counted as work time. Even if an employee is permitted to sleep during a portion of the trip, the entire trip is compensable working time. Allowing employees to sleep when they are not busy does not render the time "sleep time"; nor does the furnishing of facilities to sleep, as long as the employee is still on duty.

As discussed in the preceding section, however, if the employee is notified in advance that he/she will be relieved from all duties during a portion of the overnight trip, regardless of the length of the trip, those hours are not hours worked.
(Fair Labor Standards Act)

FMCSA Regulations (Federal Motor Carrier Safety Administration):

No Pendleton County bus driver shall be permitted to drive a passenger-carrying vehicle:

- ❖ More than 10 hours following 8 consecutive hours off duty; or
- ❖ For any period after having been on duty 15 hours following 8 consecutive hours off duty;
- ❖ If s/he has been on duty 60 hours in any period of 7 consecutive days; or
- ❖ If s/he has been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

Special note: The "off-duty" time between a bus driver's morning run and post-trip inspection and his/her pre-trip inspection for the afternoon run is not included in the 15 hours of on duty time said time is no way connected with driving duties. However, if a bus driver's second job or his personal activities involves driving a vehicle that requires a CDL to drive, that time must be counted in the 10 hour provision of driving time and that time along with the other on-duty hours would count toward the 15 hour total hours of on duty time. Likewise, the "off-duty" time between the conclusion of a bus driver's evening run and an extra-curricular trip would not be counted against the 15 hour requirement if that time met the afore mentioned guidelines.

A driver who encounters adverse driving conditions, such as snow, sleet, fog, etc., and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by FMCSA Regulations may be permitted or required to drive his/her vehicle for not more than two additional hours in order to complete that run or to reach a place offering safety for the occupants of the vehicle.

SBP 4336 Regulations Regarding Driving Time:

Any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day's regularly scheduled afternoon run and immediately prior to the beginning of the next day's regularly scheduled morning run. Also:

- ❖ More than 10 hours following 8 consecutive hours off duty; or
- ❖ For any period after having been on duty 15 hours following 8 consecutive hours off duty.
- ❖ No school bus operator shall drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after:
 - Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
 - Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

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Amended/Revised: October 4, 2004; December 21, 2005; October 9, 2007; March 25, 2008;
August 26, 2008; February 9, 2010; September 6, 2011; August 21, 2012;
October 1, 2013

PENDLETON COUNTY BOARD OF EDUCATION**T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE****File: T.2. Student Conduct on School Buses****Adopted: August 20, 2003****Last Review:****March 2018**

The safety of all passengers on county school buses is dependent upon each individual behaving in a courteous manner and in compliance with county and state rules and regulations. To that end, the Pendleton County Board of Education promulgates the ensuing regulations and procedures to assure the comfort and safety of all passengers and the drivers who provide transportation services to those passengers.

The bus operator shall stand in the place of the parent while students are being transported on his/her bus and shall maintain proper order and control. S/he shall follow the *SBP 4373 - Expected Behavior in Safe and Supportive School* (hereinafter, "Policy 4373") to provide discipline on school buses. The school bus operator shall display the following major concepts of SBP 4373 in his/her school bus:

- ❖ All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development;
- ❖ Students shall help create an atmosphere free from bullying, intimidation, harassment or any other inappropriate behavior;
- ❖ Students shall demonstrate honesty and trustworthiness;
- ❖ Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others;
- ❖ Students shall demonstrate responsibility, use self-control and be self-disciplined;
- ❖ Students shall demonstrate fairness, play by the rules, and will not take advantage of others;
- ❖ Students shall demonstrate compassion and caring;
- ❖ Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others; and
- ❖ Students shall have proper approval to exit the school bus other than their regularly assigned bus stop.

Appropriate Central Office Personnel will provide training on Policy 4373 to bus operators (regular and substitute operators) as they begin their employment with the school system and periodically thereafter as necessary.

(WVC §18-5-13; 18A-5-1; 18A-5-1a; SBP 2320; SBP 4336 and SBP 4373)

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(P) T.2.1. General Rules for Bus Conduct

- ❖ All students shall be ready in the morning at the scheduled time for the conveyance to arrive at the designated school bus stop or place of meeting. The bus cannot wait for those who are tardy.
- ❖ The student in a less desirable seat may move to another seat which is more comfortable, but only with permission of the bus operator and when the bus is not in motion.
- ❖ The bus operator is in full charge of the bus and students or any other passenger. Passengers must obey the operator promptly and respectfully.
- ❖ Students will observe the following:
 - Cooperate with and respect any monitor on duty;
 - Walk on left side of road facing traffic;
 - Never stand or play on roadway while waiting for a school bus;
 - Have shoes clean before entering bus. This should be done before the bus arrives and not delay the bus;
 - Avoid unnecessary conversation with bus operator;
 - Except for ordinary conversation, observe classroom conduct in the bus in order not to distract the bus operator's attention;

- The use of profane or immoral language will not be tolerated. The use of tobacco is prohibited;
- Arms and head must be kept inside bus windows at all times;
- Report any damages to the bus at once to the bus operator;
- Get on or off the bus or change seats in the bus only when it is not in motion and with permission of the bus operator.
- Proceed safely, but alertly when getting on or off the bus;
- If emergency door or emergency window exits are found open or partially open, they must be reported to the operator immediately; and
- Passengers seated in the bus shall willingly admit other passengers boarding the bus to vacant spaces in the seat or seats they occupy.
- ❖ Students shall cooperate with the bus operator in keeping the bus clean. Eating and drinking on the bus are prohibited except when medically necessary.
- ❖ Students will be held responsible for vandalism that occurs to the seats in which they ride. (Damaged seats should be reported promptly to the bus operator)
- ❖ **Students shall not:**
 - Ride in stepwell or forward of front row seats.
 - Stand at any time while the bus is in motion.
 - Throw, or pass, any object of any nature into or from the bus through a door or window.
 - Use profane or obscene language.
 - Open emergency exits, except during emergencies, unless directed by the school bus operator.
 - Wear headphones or any type of earpiece that may prevent hearing a warning signal or horn while loading or unloading from the bus.
- ❖ The right of students to ride in the conveyance is conditional on their good behavior and observance of these rules. Bus operators shall enforce the rules.
- ❖ Should any passenger persist in violating any of these rules or regulations after due warning has been given by the operator and principals; such disobedient passenger may be suspended temporarily. The principal and driver working together may determine the number of days a student is to be suspended, until permission has been restored to ride the bus.
- ❖ Any complaints from operators, pupils, or parents, not specified in the above rules, shall be reported promptly to the principal, and/or the Director of Transportation.

(P) T.2.1.1. Procedures for Disciplining Bus Students

The school bus operator shall immediately notify the school principal when any transported student has violated state or county board of education policies. Written notification shall be completed by the school bus operator as soon as possible.

Student discipline is the responsibility of the principal together with the bus operator. The student to be suspended from the bus shall be notified by the principal/designee, with the bus operator's assistance. The parents/guardians of the student shall be notified by the school principal/designee.

All students shall be transported until the parent/guardian has been properly notified about the exclusion.

A suspended student shall be readmitted to the bus only after the principal/designee notifies the school bus operator that the student may be readmitted. Parents/guardians will also be notified by the school principal/designee when their child may resume riding the bus.

If a student has been recommended for discipline three times in one year by the school bus operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the school bus operator and the principal/designee. If the inappropriate behavior persists, the student's rights to transportation services may be suspended for the remainder of the year, to the extent feasible.

(SBP 4336)

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(P) T.2.2. Supervision of Students during Curricular and Extracurricular Trips

Sponsors of any activity involving trips away from the school shall be responsible for the conduct and safety of the members of their group. Teachers sponsoring such groups shall accompany the groups and remain with the students engaged in the activity until they are dismissed. A list of all participants of such group must be presented to the bus driver prior to the beginning of the trip.

During a curricular or extracurricular activity, attendance may be checked to determine the location of all participants for added security. Prior to departure, attendance must be checked to assure all scheduled to be transported are present. Those who are present upon commencement of the trip should be noted for future reference. Those who are not present when the group is scheduled to depart on the return trip should be dealt with as follows:

- ❖ An immediate search should be conducted by responsible chaperons and/or the sponsor;
- ❖ If the student is not located, the proper authorities should be notified;
- ❖ If the search involving the police or proper authority is unsuccessful, the parent or legal guardian must be notified . . . emergency numbers should be available to ensure contact;
- ❖ The administrator of the school should be informed;
- ❖ A chaperon or responsible adult should be left at the point of departure to provide assistance and direction once the child appears;
- ❖ Arrangements must be made to transport the chaperon or responsible adult and child home;
- ❖ Under no circumstances will the student be left without any possible assistance and without informing the proper authorities and parents;
- ❖ Students are required to return with the transported group unless the parent/guardian has requested in writing and received in writing permission to bring his/her child home. Only parental requests will be honored.

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(P) T.2.3. Monitoring Student Bus Conduct Electronically

School buses may be equipped with special monitoring devices such as video cameras to assist with student discipline and driver control. Such devices are not intended to violate anyone's personal freedoms and school authorities will discreetly use such equipment and film.

The monitoring device shall be mounted securely in such a manner that it does not interfere with the safe operation of the bus or the safety of the driver and students. A notice should be placed near the unit stating that the individuals on this bus are subject to being monitored by video cameras.

The actual camera will be placed in the unit and activated by the driver and/or Director of Transportation when they feel a need exists. The Director, the bus driver, the school principal, students directly involved and other individuals directly involved may view film developed from the camera usage. At no time should this film be made available to the general public.

[WVC §17C-12-7(g)]

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Amended/Revised: October 4, 2004; January 12, 2010

PENDLETON COUNTY BOARD OF EDUCATION**T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE****File: T.3. School Bus Maintenance and Safety****Adopted: August 20, 2003****Last Review:****March 2018**

The Pendleton County Board of Education believes that the primary purpose of the transportation system is to safely transport students to and from school. The safety and welfare of the rider is of paramount importance. Consequently, safety rules and regulations shall be enforced even if it means dismissing drivers who do not follow regulations.

The regular maintenance and repair of the Pendleton County School's bus fleet shall be the joint responsibility of the individual bus drivers and school personnel assigned the specific responsibility for the routine maintenance and repair of all county vehicles. In addition, all buses shall be available for the regular state inspections. Any defects noted by either the regular local or state inspection shall be remedied immediately. All inspection and maintenance procedures performed on county school buses shall comply with the guidelines set forth in Section 2 of SBP 4336.

(WVC §17C-14-12; §18-5-13; SBP 4336)

(P) T.3.1. Driver Responsibility for School Bus Maintenance and Safety

The driver shall perform the following preventative maintenance operations and care of the school bus to which s/he is assigned in accordance with instructions received from the Director of Transportation.

- ❖ Bring his/her own bus to the Board's garage for oil changes as directed by the Director of Transportation.
- ❖ Bring his/her own bus to the garage for any needed repairs or attention. She will make out a repair request and go over the problem with the shop foreman.
- ❖ Check the interior and exterior of the bus after each run to determine any damage.
- ❖ Warm up motor before starting on each run. (This must be done in all instances. Follow procedure to conserve gas.)
- ❖ The following items are assigned to each school bus, however, their condition and availability become the drivers responsibility and should be inspected periodically:
 - First Aid Kit;
 - Fire Extinguisher;
 - Flares and Reflectors; and
 - Chains.
- ❖ Check oil level, radiator, tires, emergency door, lug nuts, gasoline, mirror, foot brake, and parking brake before each run.
- ❖ Check all accessible screws and bolts, exterior and interior.
- ❖ Sweep and dust the inside of the bus after each morning run.
- ❖ Wash and clean the exterior of the bus whenever necessary; the lettering and lights must be plainly visible at all times.
- ❖ Wax the bus once each year.

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(P) T.3.2. School Bus Safety Inspections

The West Virginia State Board of Education policy 4336 *West Virginia School Bus Transportation Policy and Procedures Manual* requires that all school buses be inspected on a regular basis both by the county transportation staff and the individual school bus operator. These inspections shall be scheduled at such times and places which will best protect the safety and welfare of transported students. These inspections shall be conducted in the following manner:

- ❖ At no time shall any other vehicle maintenance take priority over school bus maintenance.
- ❖ Pursuant to W. Va. Code §17C-16-2, Inspection of Vehicles, a member of the West Virginia State Police may stop and inspect a school bus at any time.

- ❖ Qualified bus inspectors employed by the State Department may also inspect a school bus at any time.
- All school buses transporting students to school and/or school related events shall be inspected two (1) times annually, beginning July 1 and ending June 30, by a qualified inspector employed by the WVDE. The State Director may require additional and random inspections of school buses.
- ❖ .The State Director shall supervise the scheduling of the school bus inspections.
- ❖ Vehicle Inspection
 - School bus operators may be required to present to the inspector a valid commercial driver's license, a first aid certificate and a State of West Virginia certification card.
 - All school buses transporting students shall be inspected and display the inspection certificate.
 - The State Director may require additional inspections of school buses.
 - All school buses used to transport students shall be inspected by WVDE bus inspectors and approved for use after an accident which causes damage to any steering component, front axle, or frame, or any major structural damage requiring the bus to be towed.
 - Any seat belts (driver's seat belt, child restraints, wheelchair restraints, etc.) in use at the time of a major accident shall be replaced.
 - Any school bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.
- ❖ New Vehicle Inspection
 - All new school buses shall be inspected to validate that they meet all state and federal requirements.
 - A West Virginia Division of Motor Vehicles (hereinafter, "DMV") inspection sticker shall be displayed on all vehicles.
- ❖ County School Bus Maintenance
 - The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.
 - The maintenance program shall employ mechanics and service employees skilled in bus maintenance.
 - The county school system shall insure that the maintenance staff members receive at least eighteen (18) hours of professional development in school bus maintenance and repair annually.
 - An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.
 - Maintenance records for buses shall be current and made available at the center.
 - Ideally, preventative maintenance shall be performed on all school buses every month (or every 20 operating days), but at least every two months (or every 40 operating days) during the school year. The schedule shall include spare buses.
A preventative maintenance schedule for each school bus shall be posted in the service center; shall be made available to the bus operator; and shall be made available to the WVDE bus inspector upon request..
 - Additional State Board recommendations regarding maintenance are listed in Appendix A of SBP 4336.
 - All county owned facilities including school bus maintenance centers are subject to inspection by the Office of School Facilities staff per W. Va. Code §18-9D-16(c) only if facilities have received funding from the School Building Authority (SBA) or WVBE.

School Bus Operator's Inspections:

School bus operators are required Federal and State DOT regulations to make the appropriate inspection of the school bus and complete specified duties in order to insure the safe transport of all passengers. The following is a list of the required inspections and duties as specified in SBP 4336:

Pre-Trip Daily Inspections and Duties: The bus operator shall:

- ❖ Check fire extinguishers daily for securement, gauge in functioning order, pin and strap in place and proper inspection tag affixed with proper date of service. National Fire Protection Agency (NFPA) Policy 10 §4-3.4.2 states: At least monthly, the date the inspection was performed and the initials of the person performing the inspection shall be recorded.
- ❖ Keep loose objects off the floor and out of driver's area, step-well, aisle and all heaters clean and free of debris.
 - Store brooms inside the bus only if stored in a secure location and out of sight.
 - Do not store tire chains inside the bus.
 - Remove and store wheelchair restraints when not in use for an extended period of time or when a trip hazard exists.
- ❖ Do not use air fresheners. Exercise care when using scented cleaning materials to ensure the odor dissipates prior to students boarding the bus.
- ❖ Keep seat bottoms latched at all times (if equipped). Per FMVSS 222
- ❖ Keep mirrors adjusted in order to conform to FMVSS 111. Use a mirror grid; place grid in a location that easily accessible and shall be kept and keep it clear of debris, other vehicles, ice, snow etc. The county shall provide instructions and training on proper mirror adjustment.

Weekly Duties: The school bus operator shall:

- ❖ Mop the school bus floor.
- ❖ Clean interior upholstery with a damp cloth.
- ❖ Wash the exterior of the bus.

End of Trip Inspections: (County Requirement)

- ❖ Check for damage to seats, children sleeping;
- ❖ Check outside of bus for visual damage; Refuel buses when needed at end of morning run; and
- ❖ Close all windows and doors.

(P) T.3.3. School Bus Emergency Evacuation Drills

The school bus operator shall conduct and supervise emergency exit drills at least twice a year, according to Federal Highway Safety Standard No. 17, Section E (1), (three times for Pre-K students). The first drill being completed by October 31 and the second by April 30.

- ❖ Drills are to be conducted on county school property whenever possible. If drills are conducted on non-school property, care shall be taken to provide for the safety of students.
- ❖ School officials shall assist in the drills when conducted on school property.
- ❖ The drills shall include students exiting through the front and rear door, instruction on the proper use of exit windows, roof hatches, and other instruments used to assist with emergencies.
- ❖ Wheels shall be chocked during the drill.
- ❖ Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.

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(P) T.3.4. School Bus Accidents

All accidents, regardless of scope must be reported to the County Superintendent and/or Transportation Director as soon as possible and no later than one hour after completion of run.

Requirements of SBP 4336

- ❖ A school bus accident is to be reported when the bus bumps or touches another vehicle, person or object and causes damage.
- ❖ A verbal report is to be given as soon as possible and a written report provided on the next business day to the County Director/Supervisor of Transportation. Bodily injuries should be reported as per county procedure or policy.
- ❖ All bus accidents involving bodily injury, a fatality, extensive property damage or structural damage to a school bus shall be reported immediately via phone to the State Director. A written report is to follow to the State Director within one week.

(P) T.3.5. School Bus Radios

County two-way radios shall be used to conduct transportation business only. Any use that could interfere with emergency communication shall be prohibited.

(P) T.3.6. Limits on the Idling of School Buses

- ❖ In normal weather a school bus driver may not idle the bus while waiting for or loading students. Windows on the bus are to be closed until the bus leaves the school zone.
- ❖ Buses will be allowed to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety comfort of the students is in question, or when emergency dictates.
- ❖ School bus operators are prohibited from allowing their buses to idle for more than 10 minutes unless defrosting of windows is needed. In this case idling shall be limited to thirty minutes.

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(P) T.3.7. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving

WVC §17C-14-15 makes it a traffic violation for a person to drive or operate a motor vehicle on a public street or highway while texting or using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

For purposes of this policy, the following terms shall mean:

- ❖ "Cell phone" shall mean a cellular, analog, wireless or digital telephone.
- ❖ "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.
- ❖ "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device. **For the purposes of this section, an "electronic communication device" does not include:**
 - Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit function; or
 - Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.
- ❖ "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a push pad or screen to initiate the call.

- ❖ "Hands-free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.
- ❖ "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
- ❖ "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device, and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. **For purposes of this policy, "texting" does not include the following actions:**
 - Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
 - Inputting, selecting or reading information on a global positioning system or navigation system; or
 - Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.
- ❖ "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while:
 - Viewing or transmitting images or data;
 - Playing games;
 - Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or
 - Engaging in a call.

The restrictions listed in the foregoing policy do not apply to:

- ❖ Using a device after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic; the operator of an authorized emergency vehicle or school bus operator in the performance of their official duties;
- ❖ A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies; or
- ❖ The activation or deactivation of hands-free equipment or a function of hands-free equipment.

Any person who violates the provisions of this code is guilty of a traffic offense and, upon conviction thereof, shall for a first offense is fined \$100; for a second offense is fined \$200; and for a third or subsequent offense is fined \$300. No court costs or other fees shall be assessed for a violation of this code.

Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.

Also, WVC §17E-1-13 states that a bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays.

However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

SBP 4336 Cellular Phone Regulations:

- ❖ The use of cellular phones or other portable electronic devices – even those equipped with hands-free devices – while driving is prohibited. Ear pieces, ear buds, or headsets shall not be worn while driving.
- ❖ The use of cellular phones while supervising the loading and unloading of students is prohibited.
- ❖ If communication with the Transportation Department is necessary, the bus must be stopped.
(WVC §17C-14-15; §17E-1-13; SBP 4336)

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Amended/Revised: October 4, 2004; August 21, 2012; October 1, 2013

The procedures contained in File T.4. are directly related to those outlined in File: T.8. Board of Risk and Insurance Safety and Loss Control Policy. From time to time, school personnel may find it necessary to refer to the Safety Manual for additional guidance concerning safety issues and the necessary forms and checklist in order to comply with state and county safety regulations and requirements.

While the principal is the person who is charged with the responsibility for all that happens in his/her building, the teachers, who are in the classrooms constantly, and the custodian, who is in every section of the building on a daily basis, should report to the principal any dangerous or potentially dangerous conditions that they have noted. The principal, in turn, shall contact the Safety Coordinator who will determine the steps necessary to remedy the situation.

(WVC §18-2-8; §18-3-9a; §18-4-10; §18-4-11; §29-3-5; §29-3-14; § 29-3-16; § 29-3-17)

(P) T.4.1. General Safety Guidelines

All emergency equipment, fire extinguishers, fire escapes, fire alarms, emergency exit lights, panic door handles, etc., shall be inspected on a regular basis to make certain that they are in correct working order. In addition, inspectors from the company that is insuring the buildings, contents, and boilers, shall be welcomed and assisted in their regular safety inspection tour. Their purpose is to help make the buildings a safer place in which to work. Nothing is to be hidden from them out of fear that their recommendations may be expensive to facilitate or impossible to implement. The same cooperation and assistance is to be accorded to other safety inspectors who may report from time to time from the State Fire Marshal's office.

As provided, all students, teachers, or other persons who enter a laboratory or shop where hazardous materials or processes may be encountered shall wear appropriate eye, face, and body shields. Such school laboratories or shops shall have appropriate warning signs and accident instruction sheets displayed. Such laboratories, shops, and equipment contained therein shall be equipped with the appropriate protective devices. (See S.15. *Student Safety*)

All safety devices must meet or exceed the minimum requirements of the Occupational Safety and Health Act and the appropriate standards set by the American National Institute and the National Fire Prevention Association.

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(P) T.4.2. Crisis Situations

- ❖ **Definition:** A "crisis" exists when an intolerable situation, unstable condition, or sudden unexpected change develops which has the potential to drastically disrupt the normal operation of the school district or one or more of its component parts. It is an unstable and crucial time that demands immediate attention in order to begin working toward a resolution that is both stabilizing and satisfying to the affected population.

- ❖ **Common Characteristics:** Although all crises have unique circumstances, there are some common characteristics that have been identified. These should be useful in creating appropriate generalized coping procedures for most crisis situations.

For example, in all crises immediate needs can be identified and must be addressed to resolve the situation. These needs encompass the concerns of individuals and the school population, and revolve around issues that include physical welfare, emotional stability, security, and protection of personal and institutional integrity.

Crisis situations usually consist of abnormal, uncommon, and extraordinary conditions that elicit strong reactions from affected populations. Such reactions include high levels of anxiety, stress, and fear, a preoccupation with the situation, and a state of disequilibrium that exists for most victims. In addition, confrontations are unavoidable in most crisis situations because of the high stress levels.

❖ **Types of crises:**

- Suicide;
- Attempted suicide;
- Suicide Threat;
- The death of a student, school employee, or a community or national leader;
- Medical crisis, e.g. AIDS, Herpes, infectious hepatitis;
- Social/Economic Crisis -- e.g., crimes, drug/alcohol abuse, widespread unemployment, foreclosures on homes;
- Natural disasters, e.g. tornados, fires, floods, earthquakes, hurricanes; and
- Environmental crisis, e.g., chemical leaks, nuclear related incidents.

Recognizing that unexpectedness is an intrinsic component of crises, the Pendleton County School System is hereby adopting a plan of action that will facilitate efficient and appropriate interventions and outcomes in the event a crisis occurs. By creating and adopting this action plan in the pre-crisis period, the school system will be prepared to respond to a crisis in ways that will greatly minimize its adverse consequences.

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(P) T.4.3 Goals and Objectives of the Crisis Plan

In the event of a crisis, the Crisis Plan (CP) will:

- ❖ Help school community members gain understanding of the crisis and its precipitating events;
- ❖ Return the school to normal operations as soon as possible;
- ❖ Help provide sources for support for those in need of mental health services; and
- ❖ Restore school community members to psychological and emotional equilibrium.

The Crisis Plan will insure that the above goals and objectives are met by:

- ❖ Providing action plans and intervention strategies to be followed for all school community groups affected by the crisis;
- ❖ Addressing a number of different types of crises that may have a negative impact on school community members; and
- ❖ Specifying how the school system will communicate information to the press and general community concerning its handling of either the existing crisis or post-crisis.

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(P) T.4.4. Pre-Crisis Procedures

School and central office administrative staff shall be prepared for a crisis before it occurs. The establishment of crisis teams and communication centers, and the appointment of a spokesperson to talk to the press are actions that shall take place at the beginning of each school year. Such action will facilitate an immediate response to a crisis.

The following procedures address crisis teams, communication centers, and spokespersons at both the school level and the county level.

❖ **School Level**

- Crisis Team
 - Members of the school crisis team shall be appointed by the principal on an annual basis;
 - The crisis team shall have at least four members including the principal. If available, a CPR trained individual should be one of the crisis team members; and
 - The most recent list of crisis team members shall be on file in the Central Office.
- Communication Center
 - Each school shall designate the principal's office as the communication center;
 - One member of the crisis team shall be put in charge of the communication center; and
 - The location of the communication center for each school shall be on file in the Central Office.

- Spokesperson
 - The principal (or the principal's designee when he/she is absent from school) will serve as the spokesperson for his/her school in the event of a crisis;
 - The responsibilities of the spokesperson include reporting a crisis to the central office, collecting factual, verifiable information about the crisis, and conducting interviews with the news media;
 - The school spokesperson and the Central Office spokesperson will decide jointly which one will be responsible for conducting interviews with the news media; and
 - The name of the spokesperson for each school shall be on file in the Central Office.
- ❖ **County Level**
 - Crisis Team
 - The Central Office shall have on file a list of crisis team members from all schools in the county. All files pertaining to crisis teams will be located in the Office of the Superintendent.
 - Communication Center
 - A Central Office Communication Center will be established for any crisis that impacts on two or more schools.
 - The Superintendent will be responsible for staffing the Central Office Communication Center Spokesperson.
 - The Superintendent of Pendleton County Schools or his/her designee will serve as the spokesperson in the event of a crisis;
 - The Central Office spokesperson will be in direct contact with the spokesperson(s) from each and every school involved in the crisis.
 - The Central Office spokesperson will be responsible for collecting factual, verifiable information about the crisis.
 - The Central Office spokesperson and the school spokesperson will decide jointly which one will be responsible for conducting interviews with the news media.

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(P) T.4.5. Post-Crisis Procedures

- ❖ General guidelines
 - Define the type and extent of the crisis as soon as possible.
 - Contact the persons affected by the crisis and those needed to take corrective action.
 - Inform the staff about the situation and about the appropriate action to be taken.
 - Instruct all employees to refer information to the communication center.
 - Release information when facts are verified and the school's position about crisis is clear.
 - Read all releases from prepared statements.
 - Maintain a record of all incoming and outgoing calls and personal contacts.
 - Relieve key people from normal duties so they may focus on the crisis.
 - Express appreciation to all persons who helped handle the crisis.
- ❖ Specific procedures
 - Any individual who observes or has knowledge of a crisis situation shall alert the Principal immediately.
 - The Principal informs all Crisis Plan (CP) team members via the code signals of the type of the crisis.
 - The CP team meets at a designated location and collects information concerning the crisis.
 - Immediately after obtaining the facts of the crisis, the Principal informs the Superintendent and the family involved, if any;
 - The Principal completes the Unusual Incident or Accident Report Form and submits it to the Superintendent as soon as possible.

- The CP team will decide how best to inform teachers and students of the situation and will follow through with their decision.
- If the Principal is notified of a crisis during non-school hours, the Principal shall immediately contact the Central Office spokesperson and CP team members to inform them of the situation. If time permits, faculty members shall be called in for a special meeting prior to the students arriving to school.
- If available, a professional with expertise in the specific type of crisis shall be asked to meet with all school community members affected by the crisis.
- As soon as possible, a mental health worker (i.e. school counselor, school psychologist, licensed psychologist) shall be asked to assist the CP team in assessing the psychological impact of the crisis on school community members.
- If the crisis is judged by the CP team to adversely affect the psychological well-being of one or more individuals, then a plan for providing crisis interventions will be developed and carried out as soon as possible. The Crisis Intervention Plan Form will be completed and filed at the school with one additional copy sent to the Superintendent.

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(P) T.4.6. Crisis Prevention Recommendations

Some crises cannot be prevented regardless of the procedures and policies implemented by school systems. Nevertheless, school systems can prevent some crises and can minimize the effects of others by establishing programs and services that have a preventive and developmental focus. This section presents brief descriptions of several types of programs and activities that can help prevent crises from occurring, can minimize the impact of a crisis, or can serve to maintain order and stability during critical situations.

Educational Programs: The following programs and services can be established in schools and school systems to focus on the developmental needs of school populations and provide coping skills that can be called upon during crisis situations. Addressing developmental needs and enhancing coping skills of school populations are two preventive measures that can have a positive effect on how school systems deal with crises.

Classroom Guidance: Guidance activities are used by teachers, counselors, and other student service personnel to help students learn about themselves, their relationships with others, and the career, educational, social, and personal decisions to be made in their lives;

Developmental Guidance: School counselors and other student service workers, such as psychologists and nurses provide counseling services to help students with developmental concerns. Often, these counseling services can be provided in-group settings;

Parent Education: Another way that schools can maintain a preventive focus is by offering parent education programs. Student service personnel can facilitate these informational/instructional services with assistance, if needed, by outside consultants. The topics of such programs could include: child behavior and development, parenting skills, parent-child communications, home-school relationships, health-nutrition information, and others; and

Community Awareness: An additional preventive focus for school systems is community awareness programs. A crisis that affects the entire school is often closely related to the community as a whole. For that reason, the school system should work with community leaders to assess community needs, establish services, and develop community resources.

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(P). T.4.7. Disaster Plans

Each school shall have a plan of procedure to be followed in case of emergency. The principals in cooperation with Civil Defense officials and the Superintendent's Office shall develop these plans which shall fit the population and nature of each school. A copy of each school's disaster plan shall be placed on file with the Superintendent's Office and shall be periodically reviewed and updated at each school.

(P) T.4.8. Playground Inspection

The principal to insure the safety of all pupils should inspect all recreation and play facilities periodically. All defective equipment shall be reported immediately to the Superintendent's Office to begin procedures for the correction of the hazard.

(P) T.4.9. Fire Drills

State Fire Regulations require ten fire drills to be conducted during the school year. The fire alarm signal is a continuous ringing of the alarm system that consists of bells located throughout the school.

Since all drills represent actual fire conditions, pupils shall not be allowed to obtain books or clothing or loiter for any reason after the alarm has sounded. The purpose of each drill shall be to attain complete control of the class or occupants, so that ranks may be formed quickly and quietly, may be halted, turned or directed as desired. Stress should be laid on the execution of each drill in a brisk, quiet and orderly manner.

Upon moving out of the building, each class or group shall proceed to a predetermined point, at least one hundred feet from the building, and upon reaching this point shall face away from the building, remaining in line for roll call and other drill directions from the teacher

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(P) T.4.10. School Access Safety Plan

Funds appropriated by the legislature to the School Access Safety Fund shall be distributed by the School Building Authority on the basis of net enrollment. These funds are for improvements of school access safety and will be distributed in accordance with SBA policy and in accordance with all requirements in Attachment K of the SBA Policy and Procedures Handbook.

To qualify for School Access Safety Funding, the Pendleton County Board of Education must develop a School Access Safety Plan. The plan must be incorporated into the county CEFP. An approved School Access Safety Plan is required prior to the distribution of state funds for a project pursuant to the requirement of West Virginia Code Chapter 18-9F.

The School Access Safety Plan shall be prepared in consultation with the Countywide Council on Productive and Safe Schools. Once completed, the School Access Safety Plan shall be submitted to the School Building Authority for review and approval in order to qualify for School Access Safety funding. The plan shall be amended annually to summarize activities and to identify progress being made on projects in the plan.

The School Access Safety Plan shall become part of the county comprehensive educational facilities plan and together address the safety upgrading of existing facilities and equipment, building systems, utilities and other similar items in connection with improving the overall access safety and security of the facility. Projects must directly address planning, deterrence, detection, delay and communication issues associated with the ingress and egress of pupils, school employees, parents, visitors and emergency personnel at the schools.

A School Access Safety Audit must be performed and become an integral part of the plan. The SBA approved audit format must be used. The audit must be performed prior to formulating the School Access Safety Plan to establish a basis for current conditions and formulation of the plan. In so doing, both short and long term effects of building access safety improvements will be considered.

School Access Safety funding shall be provided by the Authority on the basis of net enrollment and the efficient use of state funds for school access safety improvement projects. In order to secure School Access Safety funding, an amount equal to or exceeding 15% of the funding available to the county as a local match will be required. Should the Pendleton County Board of Education feel it cannot fulfill the 15% local match requirement, it may submit a financial hardship waiver request to the Department of Education for review and consideration. Upon review and approval of the request by the State Board of Education, the Authority shall waive the local match requirement and distribute the funding upon approval of the School Access Safety project by the Authority.

The School Access Safety Plan shall include the recommendations and guidelines developed by the Countywide Council along with the Board's assessment of the improvements necessary to improve school access safety. The plan shall address the access safety needs of all school facilities and include a projected school access safety repair and renovation schedule. The plan must be approved by the SBA prior to the distribution of state funds. The plan shall minimally include the key elements referenced below.

- ❖ A prescribed countywide inventory of each school facility's means of ingress to and egress from the school for students, school employees, parents, visitors and emergency personnel;
- ❖ The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the county board's assessment of the recommendations and guidelines;
- ❖ Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county;
- ❖ An assessment of the current status of crime committed on school campuses and at school-related functions;
- ❖ A projected school access safety repair and renovation schedule for all school facilities in the county;
- ❖ A prioritized list of all projects contained in the plan, including the projected cost of each project;
- ❖ A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the county board's safety plan, facilities plan and school major improvement plan;
- ❖ Notation of the funds available for allocation and disbursement to the county board from the School Access Safety Fund ;
- ❖ A description of any source of local funds that the county board intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements; and
- ❖ Any other element considered appropriate by the SBA or required by other regulations.

(18-9F-1 et seq; SBA Policy and Procedures Handbook, Revised 9/26/11; SBP 4373)

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(P) T.4.11. Crisis Response Plan

In conjunction with support and guidance from the State Board of Education and School Building Authority, each Pendleton County school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only.

Board of Education's Responsibility:

The Board will support schools in the development and updating of school crisis response plans by providing the following guidance and support:

- ❖ Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis plan as appropriate when one agency or service provider serves all schools within the county;
- ❖ Standardized lists of existing county board policies that support the requirements of the school crisis response plan;
- ❖ Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan;
- ❖ Standardize procedures for the annual review/update of each school crisis response plan.
- ❖ Resources for training school personnel on school specific crisis response plans.

The Board is also required to:

- ❖ Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan;

- ❖ Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards.

Local Schools' Responsibility:

Each school shall develop a school specific crisis response plan by using the State Board's Crisis Response Plan Templates and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted. The crisis response plans must be developed under the following requirements:

- ❖ Each school shall form a crisis response planning team. The team may consist of the school's Local School Improvement Council or a separate team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may also include one member of the board of education, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades;
- ❖ Each school, through the school's crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted;
- ❖ Each school's specific crisis response plan shall be in place and filed with Board and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first;
- ❖ Each school's crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013;
- ❖ Each school shall make a redacted copy of its school crisis response plan available, upon request, for inspection by the public with any information removed that is necessary for compliance with the necessary safeguards developed by the state.

Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board;

- ❖ Each school crisis plan shall include at least the following:
 - The school employee in charge during a crisis and a designated substitute;
 - A communication plan to be used during a crisis;
 - Protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded;
 - Disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely;
 - Crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
 - Policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

(WVC §18-9F-9; West Virginia Schools Crisis Response Plan; SBP 4373)

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(P) T.4.11.1. Enhancements to the Crisis Response Plan

Per the guidance set forth in WVC §18-9F-10 the Pendleton County Safety Coordinator, under the direction of the Superintendent, shall devise and implement additional school building safety features including, but not limited to the following:

1. Room numbers shall be placed on exterior walls or windows of school buildings, so rooms with exterior walls can be identified by law enforcement and first responders from the outside;

2. Providing updated floor plans of the school to first responders and local law enforcement by September 1 of each school year;
3. First aid training for all school personnel and students each school year; and
4. Active shooter training for all school personnel and students at the beginning of each school year.

This school safety program shall be in place before September 1, 2019,

The Safety Coordinator shall coordinate his/her efforts with local law enforcement officials and other first responders in the community

(WVC §18-9F-10)

(P) T.4.12. Integrated Pest Control Management

In compliance with WVC §61-12j-1, the Pendleton County Board of Education establishes the following Integrated Pest Control Management policy. All buildings operated by the Board should exemplify cleanliness and be free of pests. In order to meet this commitment, this policy is designed to provide a responsible environment through pest-free facilities, comfort to building occupants, structural integrity of facilities and efficiency to the process of eliminating pests within buildings, and to collect and disseminate information about pests and pest control in the facilities operated by the Pendleton County Board of Education.

Definitions:

For the purposes of this policy, the following definitions shall apply:

- ❖ **Crack and crevice treatment** - the application of small amounts of insecticides, using application devices specially designed for this purpose, into openings commonly found at expansion joints, between different elements of construction, and between equipment and floors or walls.
- ❖ **Broadcast** - the application of pesticides over an area such as a lawn, field, room, crawl space, or other such surface. The term does not include crack and crevice or spot applications made to select plants, insects, soil, or surfaces.
- ❖ **Least hazardous materials** - the use of pest control materials, practices and methods, including the use of chemicals in a manner to cause the least practical exposure or harm to the occupants of a structure. The "least hazardous materials" takes into account the pest control method, toxicity of the product and the exposure to the occupants to the practice or methods employed to control pests, such as the use of a non-volatile material formulation and or application method as opposed to a broadcast application that creates the potential for exposure.
- ❖ **Pesticide** - the use of insecticides and herbicides that are sprayed into or around a building and the adjacent play grounds utilized by a school or day care center.
- ❖ **School** - a completed structure utilized as a public or private school, grades kindergarten through twelfth grade.
- ❖ **Space treatment** - the application of a pesticide that is intended to discharge the pesticide into the air throughout an entire room or area.
- ❖ **Spot treatment** - the application of a pesticide to a limited area where pests are likely to occur, such as portions of floors or walls, the base or underside of equipment, turf or ground and shall not be construed to be a broadcast treatment of baseboard areas. A "spot" shall not be more than 2 square feet and shall not be more than 20 percent of a surface area.
- ❖ **Re-entry period** - the time that must elapse from the completion of a pesticide application until students or school and day care employees may enter the building to conduct scheduled activities.
- ❖ **Integrated pest management** - a system of controlling pests in which pests are identified, action thresholds are considered, control options are evaluated and selected controls are implemented.
- ❖ **Control options** - are biological, chemical, cultural, manual, and mechanical methods used to prevent or remedy unacceptable pest activity or damage. Choice of control options is based on effectiveness, environmental impact, site characteristics, worker/public health and safety, and economics.

Education of Building Occupants on Integrated Pest Management Practices:

- ❖ All employees shall receive training on Integrated Pest Management practices which shall include, but not be limited to, the goals and objectives of the program, health and safety matters and the use of pesticides within and around buildings,
- ❖ All students shall be informed of the intent of the program with particular emphasis on health and safety concerns.
- ❖ Special training shall be provided for any employee who may be in direct contact with devices used in the catching, counting and/or identification of pests.

Integrated Pest Management Plans:

- ❖ Pest management plans shall be written for each building. Each plan shall contain the results of a survey of the facility. The survey shall record the structural maintenance, cultural or sanitation practices needed to implement a successful integrated pest management program. This survey shall be updated as required.
- ❖ Pest management plans shall contain objectives and pest threshold levels based on the school facility and the occupants of the facility. School Improvement Councils may review and approve the schools integrated pest management plan.
- ❖ Completed integrated pest management plans shall be filed with the Commissioner for compliance inspection. When any changes are made to the program, the revised integrated pest management plan shall be submitted to the commissioner prior to the initiation of the new plan.

Inspection and Monitoring Activities:

- ❖ Each building shall maintain a floor plan which specifies the location and number of each trap.
- ❖ Two inspections per month will be made of each trap. Results of inspections will be listed on a "Pest Surveillance Data Sheet" and will include the date of inspection, trap number and location, trap condition, the quantity and species of pests trapped, and other evidence of pests or need for pest management, and the name of person(s) performing the service.
- ❖ Traps will be replaced every two months, or when the adhesive is no longer tacky, or the trap is full.
- ❖ All pests will be removed and disposed of after being counted and identified.

Control Methods:

Once the number and type of pest(s) have been determined, a determination will be made as to the most effective means of treatment.

The Hierarchy of Pest Control Methods is as Follows:

Level 1 - Non-chemical Control Methods include pest-preventive measures that are incorporated into existing structures. Such preventive measures reduce the need for pesticide applications, and include sanitation such structural repairs as sealing cracks, and such physical and mechanical controls as screens, traps, and air doors.

Level 2 – Least Hazardous Materials - if non-chemical pest management methods alone are ineffective or impractical, it may be necessary to incorporate a pesticide into the integrated pest management program. There are a number of pesticide materials that are determined to be of low impact to occupants because of their organic or biological nature, low toxicity, relative non-volatility, and or low or non-existent exposure to the occupants due to the manner in which they are applied as baits, gels or dusts into cracks and crevices or wall voids. The least hazardous pesticides are those with a Caution signal word (EPA toxicity categories III and IV) such as botanical pesticides - pyrethrin and the synthetic pyrethroids; the inorganic insecticides - boric acid, disodium octaborate tetrahydrate, silica gel, and diatomaceous earth; insecticidal soaps; insect growth regulators biological control agents – fungi, bacteria, nematodes; baits in tamper-resistant containers or for crack and crevice placement only. These products have no re-entry interval due to their level of safety.

Level 3 - Crack and Crevice and Spot Treatments - Products with an EPA Caution signal word not listed under Level 2 and applied as crack and crevice or spot treatments. Products applied by these methods provide for reduced, minimal use of liquid materials that may present some, but limited volatility of the pesticide applied. The re-entry interval for which students and employees are to remain out of the facility after the conclusion of treatment is four hours or the time period specified on the pesticide label as

registered by the United States Environmental Protection Agency, whichever is greater.

Level 4- Broadcast Applications and Space Treatments - Products with a Caution signal word applied by broadcast application or as a space treatment or products with a Warning or Danger signal word applied by any application method. Products applied as fogging agents are usually of low mammalian toxicity and pose little exposure after label re-entry times specified by the United States Environmental Protection Agency. The reentry interval for which students and employees are to remain out of the facility after the conclusion of treatment is eight hours or the period specified on the label of the pesticide product as registered by the United States Environmental Protection Agency, whichever is greater.

Prior Notification:

Employees: All schools shall notify their employees at least 24 hours in advance of the application of pesticides. Notification to employees shall be by routine announcement or individual notice to each employee of a facility where pesticides are to be applied.

Parents or Legal Guardians: At the beginning of each school year or at the time a student is enrolled into the school, school administrators shall notify the parents or guardians of their right to be informed of the application of pesticides in levels 3 and 4. This notification shall contain a registration form, whereby the parent or guardian can request to be notified by the school administrator of the application of pesticides. The administrator of the school shall provide notification to the parent or guardian requesting such notification at least 24 hours in advance of the pesticide application.

Application of Pesticides:

There shall be no application of pesticides made in the presence of students or employees except those employees who are Certified Pesticide Applicators. The only exception to this policy statement would be for application of a pesticide to a localized area of infestation if the infestation causes imminent threat of bodily harm (bees, wasps, etc.). Pesticide applications are to be made only by Certified Commercial Pesticide Applicators certified under General Pest Control and Urban Pest Management or by registered technicians under the supervision of a certified applicator. All persons applying pesticides, supervising, or providing services as a consultant must complete a specialized training program in Integrated Pest Management that has been approved by the Commissioner, WV Department of Agriculture.

Record Keeping:

Records of the Integrated Pest Management program are to be kept for two years and shall be made available upon request to the commissioner to verify the maintenance of the Integrated Pest Management Program.

Implementation:

Each school shall maintain an integrated pest management file containing a copy of the integrated pest management plan, monitoring diagrams, treatment records with locations, labels of pesticide products used, and copies of material safety data sheets. Copies of pesticide labels and materials safety data sheets are to be provided to employees and to parents or guardians of students or children upon request.

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(P) T.4.13. Key and Electronic Fob Control Policy

Introduction

The Pendleton County Board of Education considers the safety of all students and staff to be a priority and a serious issue. This policy is designed to control access to district buildings, as well as within the buildings, thereby enhance overall security as well as promote accountability and prevent loss of property.

Employees who are entrusted with keys and electronic fobs will be held accountable for their safekeeping, proper use and replacement in the event either item is lost or misplaced. The following is a list of costs for lost keys and electronic fobs:

Keys:

- ❖ 1st time \$10.00
- ❖ 2nd time \$30.00, within a 12-month period
- ❖ 3rd time \$50.00, within an 18-month period

Electronic Fobs: The actual current cost of replacing said fob.

Distribution of Keys and Electronic Fobs:

- ❖ **Issuing Authority** — The Building Principal or Department Administrator will authorize the issuance of individual keys to school personnel where a need for access to the area in question can be demonstrated.
- ❖ **Accessing School Facilities after Hours and Weekends** — Employees may utilize their assigned keys and electronic fobs only to access the building for purposes related to their work assignment. Ethics laws prohibit the use of school facilities by employees for personal reasons, recreation or personal gain (i.e. utilizing copying equipment for personal matters)
- ❖ **Who is Authorized Specific Keys** — Access will be given only to the areas where need can be demonstrated. Justification could include but not be limited to the following: work necessities, assigned office, assigned laboratory, and/or areas of responsibility. The Key and Electronic Fob Receipt and Agreement form will be completed by each employee issued keys and an electronic fob. This shall be kept on file under the supervision of the Superintendent or designee.
- ❖ **Keys and Electronic Fobs may not be Left Unattended** — All keys and electronic fobs issued on a "permanent" basis should be retained at all times by person to whom issued. **The person to whom the keys and electronic fobs are issued will be responsible for the security of such keys and electronic fobs and will be held accountable for the use of these items at all times.**
- ❖ **Lost or Stolen Keys and/or Electronic Fobs** — Any person losing a key(s) and/or electronic fobs must notify the Building Principal or Department Administrator immediately to ensure against any compromise in the system. Notification should be made by telephone, e-mail, or in person.
- ❖ **Keys and Electronic Fobs are not to be loaned to Unauthorized Personnel** — To protect the integrity of assigned areas; no issued key or electronic fob may be loaned or signed out to anyone not previously authorized by the Superintendent or designee. Authorization will be granted to any person who can demonstrate a need for access.

Keys shall be as follows:

- ❖ Grand Master (external)
- ❖ Grand Master (internal)
- ❖ Building Master (external)
- ❖ Building Master (internal)
- ❖ Department Master
- ❖ Individual Room Keys

Electronic Fobs shall be as follows:

Electronic fobs are programmed to open designated exterior doors to the building to which an employee is assigned.

Key and Electronic Fob Requests/Key and Electronic Fob Inventory/Key Audit:

All key and electronic fob requests shall be made in writing to the Superintendent or designee. All requests should be made two weeks in advance of the date an individual should need keys or an electronic fob.

A key and electronic fob inventory shall be maintained in each building in a logbook. All keys and electronic fobs shall be lettered and numbered. All keys and electronic fobs (upon approval) shall be issued from this logbook.

A key and electronic fob audit shall be performed at the beginning of the school year and at the end of the school year. All personnel, if requested, shall surrender their keys and electronic fobs during the summer months, and may be reissued the same keys and electronic fob at the beginning of the next school year.

Security of Building Policy:

All personnel requesting a Grand Master Key, Building Entrance Master Key, Building Entrance, Building Master Key and Electronic Fob will be held accountable for the security of the building, during non-school days, weekends and other times when Maintenance and Custodial Staff are not on duty.

Employees Leaving the School System:

Any person terminating employment with the District will immediately turn in all keys and electronic fobs to the Director of Human Resources or designee.

Policy Violation:

School employees who are found to have violated this policy will be subject to disciplinary action as provided in (P) P.8.7. *Suspension and Dismissal and File: (P) P.8.8. Due Process Rights of School Personnel.*

Non-employees who secure a key or an electronic fob and use it for unauthorized entry to school facilities will be subject to Board action within its discretionary powers as defined in the Pendleton County Policy Manual and may be subject to criminal penalties for trespassing or unauthorized entry.

Students who secure a key or an electronic fob and use it to enter school facilities unauthorized will be subject to Board action in accordance with *File: S.8. Expected Behavior in Safe and Supportive Schools* and may be subject to criminal penalties for trespassing or unauthorized entry.

(WVC §18-5-13)

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Key and Electronic Fob Request Form

Requested by: _____ Reason Needed: _____

Building: _____ Department: _____ Date: _____

Signature: _____
Building or Department Administrator

Office Use Only:

Key Code: _____ Cut By: _____ Date: _____

Fob Code: _____ Issued By: _____ Date: _____

Signature: _____

Key and Fob Receipt and Agreement

Issued To: _____ Building: _____

Department: _____ School Year: _____

Key Code: _____ Key Code: _____

Fob Code: _____

I accept the above key(s) with the following understanding:

1. The key(s) and electronic fob is the property of (School District) and is on loan to me. Use of this/these key(s) and electronic fob is an irrevocable privilege granted to me for the intended purpose for my personal use in the performance of my assigned job duties. By accepting the identified key(s) and electronic fob, I hereby agree to the current key and electronic fob policy that has been established by the Board of Education. I further agree to return it to the issuing office upon demand or when my need for said key(s) and/or electronic fob no longer exists. I understand that any violation of this agreement may result in disciplinary action.
2. In the event that a key or electronic fob is lost, I authorize the payroll department to deduct the fee from my payroll check.
3. It is my full responsibility to return this property to the Principal or designee in the event that I leave the (School District) employment.
4. I accept the responsibility for the security of any keys or electronic fob issued to me and under no circumstances will I loan said keys or fob to anyone not previously authorized by the Superintendent or his/her designee.

Signature: _____ Date: _____

Approved by: _____
Building or Department Administrator

Key/ Electronic Fob Return Only:

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Amended/Revised: August 21, 2010; August 21, 2012; October 2, 2012; September 3, 2019

PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.5. Building and Grounds Maintenance	Adopted: August 20, 2003 Last Review: March 2018

Before the closing of the school term each year the principal shall report the condition of the building and grounds to the Superintendent or his/her designee. This report will list the things that need to be done as a part of the summer maintenance and repair program. The more urgent needs should be listed first so that they can be given first priority.

Other requests throughout the year for maintenance and repair jobs should be made in writing to the Superintendent or his/her designee for their approval, and appropriate action. Emergency needs shall be promptly reported.

The custodian shall be responsible for minor repair jobs, and for general maintenance of building, grounds, and equipment.

(WVC §18-5-13; SBP 2320)

(P) T.5.1. Vandalism

West Virginia Coed §55-7A-2 decrees that the custodial parent or parents of any minor child shall be personally liable in an amount not to exceed \$5,000 damages which are the proximate result of any one or a combination of the following acts of the minor child:

- ❖ The malicious and willful injury to the person of another; or
- ❖ The malicious and willful injury or damage to the property of another, whether the property be real, personal or mixed; or
- ❖ The malicious and willful setting fire to a forest or wooded area belonging to another; or
- ❖ The willful taking, stealing and carrying away of the property of another, with the intent to permanently deprive the owner of possession.

For purposes of this section, "custodial parent or parents" shall mean the parent or parents with whom the minor child is living, or a divorced or separated parent who does not have legal custody but who is exercising supervisory control over the minor child at the time of the minor child's act.

Persons entitled to recover damages under this article shall include, but not be limited to, the state of West Virginia, any municipal corporation, county commission and board of education, or other political subdivision of this state, or any person or organization of any kind or character. The action may be brought in magistrate or another court of competent jurisdiction. Recovery hereunder shall be limited to the actual damages based upon direct out-of-pocket loss, taxable court costs, and interest from date of judgment. The right of action and remedy granted herein shall be in addition to and not exclusive of any rights of action and remedies therefor against a parent or parents for the tortious acts of his or their children heretofore existing under the provisions of any law, statutory or otherwise, or now so existing independently of the provisions of this article.

(WVC §55-7A-2)

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(P) T.5.2. Custodial Services

The building principal is responsible for seeing that his/her building is maintained and operated in a clean, efficient manner. He/she is responsible for establishing, in conjunction with the custodian, a custodial work schedule that will result in clean well-kept building and grounds. The principal shall monitor the custodians schedule and a major segment of the custodian's regular evaluation shall be based on the affective, efficient manner in which he/she carries out his/her responsibilities.

The custodian is responsible for the building at all times. It is the duty of the custodian to open the building in the morning and close it in the evening.

The custodian shall make minor repairs and improvements, such as replacing broken glass, applying paint and varnish where needed, moving and repairing seats, keeping commodes open, repairing window sashes, replacing light bulbs and tubes, etc.

All rooms occupied for school purposes shall be maintained at a proper and prudent temperature throughout the school day. Adjustments are to be made only by the custodians or the maintenance staff. The custodian shall be responsible for the replacement and/or cleaning of filtration pertaining to the H.V.A.A.C. or heat plant systems when they are readily accessible to them. The heat plants and H.V.A.C. systems must be started as early as necessary, either manually or automatically to ensure proper environmental conditions. Failure of any part of the heating plants or the H.V.A.C. systems must be reported immediately to the principal if available, otherwise the maintenance supervisor.

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(P) T.5.3. Energy Conservation

The Pendleton County Board of Education recognizes the fact that energy conservation is an important issue for all schools systems as they contend with rising costs of all types of energy in the 21st century. These rising energy costs and the reality that rural schools systems are likely to be faced with shrinking school budgets for the foreseeable future make it essential that the Board and its employees at all levels strive to be as efficient as possible in the utilization of energy throughout the schools system. Therefore, the Pendleton County Board of Education and its employees shall take the following steps to assure the efficient use of energy resources:

- ❖ The Board, for its part, shall strive to install HVAC automation management systems in all of its schools as funding permits.
- ❖ As funds permit, lighting ballasts and bulbs will be upgraded to be more energy efficient.
- ❖ Principals and schools staffs are encouraged to discuss ways in which each local school can contribute to energy efficiency. Some examples of energy conservation measures may include, but are not limited to:
 - Turn off lights when an area is to be out of use for a period of time;
 - Where appropriate, keep thermostats set at temperatures that will provide a comfortable learning environment for teachers and students while achieving maximum energy efficiency; and
 - Open windows for ventilation only as appropriates rather than as a means of lowering the room temperature during the heating season.
- ❖ Minimize late evening activities which require lighting and heating.
- ❖ Utilize other utilities (water, etc.) as efficiently as possible.

(P) T.5.4. Annual Assessment of the Safety and Security of School Facilities

The Superintendent or his/her designee shall collaborate with the County Safety Coordinator and building level principals to conduct an annual assessment of each school's level of safety and security.

This team of administrators shall gather first hand data from each school, solicit input from other school personnel, work cooperatively with the LSIC, and community leaders to determine areas in which safety and security measures can be improved. This review might include, but not limited to, physical upgrades, visitor protocols, supervision schedules, better use of existing resources, etc.

Working within the level of resources available to the school system, the team shall (annually) develop a county-wide list of needed improvements for safety and/or security reasons. This list will include an individual list for each school. The Superintendent shall convey those recommendations to the Board.

The Superintendent shall submit an annual report to the State Department detailing the safety and security improvements and physical upgrades that have been put in place at each school

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Good nutrition enhances learning and the quality of life. The Board expects the Child Nutrition Program to be operated on an integrated approach to ensure a school environment that promotes optimal nutrition for students who participate in the county food service programs. Child Nutrition Programs shall meet the meal pattern and minimum daily nutritional requirements by category as regulated by the United States Department of Agriculture and State Board of Education. All food service programs shall be operated in accordance with the West Virginia Standards for School Nutrition.

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(P) T.6.1. Director of Child Nutrition

Child Nutrition Programs in Pendleton County Schools will be organized and operated by the Director of Child Nutrition who will manage the county Child Nutrition Program in accordance with all federal, state and local regulations and supervise the Child Nutrition staff in conjunction with the building administrators.

Director's Performance Responsibilities:

- ❖ Serve on the Local Wellness Committee that will develop and implement a Local Wellness Policy with the purpose of providing schools with an opportunity for schools to create an environment that promotes wellness.
 - ❖ Establish a focus on wellness and nutrition by planning professional development activities to be implemented as part of the total county staff development plan.
 - ❖ Supervise the child nutrition staff in conjunction with the building administrator.
 - ❖ Plan county wide menus with standardized recipes in accordance with dietary guidelines and nutritional analysis, while also keeping in mind student acceptance.
 - ❖ Communicate with parents and staff about child nutrition concerns including point of service.
 - ❖ Implement and monitor sanitation and safety, including HACCP, for the child nutrition program
 - ❖ Assume responsibility for all aspects of food ordering and delivery to the schools including the CLOC Program.
 - ❖ Assume responsibility for processing applications for free and reduced meals and complete all requirements and reports for the verification of applications.
 - ❖ Complete monthly and annual financial reports through reconciliation of child nutrition records with business office records.
 - ❖ Prepare requisitions for purchase of food and supplies, compare invoices received to purchase orders and reconcile differences; prepare invoice to be paid by the finance office.
 - ❖ Prepare all necessary reports to the State Department of Education.
 - ❖ Plan and provide specific job related training for child nutrition staff and provide necessary orientation for substitute staff members.
 - ❖ Work with the county curriculum team in the development and implementation of improved nutrition education for students. Plan, along with the child nutrition staff, activities to promote a focus on good nutrition with the student body.
 - ❖ Monitor snack and beverage sales in the schools to assure compliance with state and federal regulations.
 - ❖ Perform other assignments related to the job as assigned by the Superintendent.
- (SBP 4321.1)

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(P) T.6.2. School Principal's Responsibility

It is the responsibility of the principal to administer the daily operation of the food service program in his/her respective school to:

- ❖ Ensure that breakfast and lunch is available each day to all students with adequate time to consume meals;
- ❖ Monitor the kitchen and cafeteria facilities to ensure that sanitation requirements are being met;
- ❖ Check that all records are being completed by food service staff and report any concerns to the Director of Child Nutrition;
- ❖ Ensure that all records are accurately maintained, that reports are completed and submitted to the Director of Child Nutrition;
- ❖ Maintain records to show the accurate collection of monies for student and staff meals. Food service employees who are considered program adults will be given free meals. All other staff will be required to pay for meals except those who are designated by the principal and meet the following criteria:
 - Give up a duty free meal period;
 - Assist with the Child Nutrition Program beyond their regularly assigned duties; and
 - Complete four (4) hours of continuing education that is specific to child nutrition.
- ❖ Implement the "pre-pay" procedures for payment of meals. In order to help maintain financial stability, the Pendleton County Board of Education adopted the "pre-pay" method for the payment of meals; therefore, parents /guardians are expected to have money in account before the meal is served. Students will not be punished for parents' lack of responsibility in paying for meals. Even if parents do not pack meals or pay, students will be fed regular meals and these meal charges will be added. Monthly invoices for meals will be sent home for all students. If no payment is received, the following steps will be taken:
 - Step 1 – When the outstanding balance is \$150 per student/staff member or \$250 per family, the principal or designee will contact the parent/staff member informing them of the balance due and the "pre-pay" method of payment. A payment plan can be established at this time.
 - Step 2 – If no payment is received by the end of the next billing cycle, additional contact will be made by the principal or designee.
 - Step 3 – If no payment is received, the principal or designee will contact the Child Nutrition Director to discuss the account.
 - Step 4 – The child nutrition director will contact the parents/staff member stating that unless payment is made, a civil complaint will be filed with the magistrate court.
 - Step 5 – If no payments are received, accounts with delinquent debt of at least \$100 will be reviewed. Civil complaints will be filed with magistrate court as deemed appropriate.
- ❖ Reports of delinquent debts at the end of the school term will be sent to the Central Office. The finance office will contact families/staff members regarding delinquent debt during the summer. When school resumes, uncollected balances will be returned to the school for collection.

(SBP 4320; SBP4321.1)

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(P) T.6.3. Free and Reduced Price Food Services

The Pendleton County Board of Education hereby assures the West Virginia Department of Education that it accepts responsibility for and will implement uniformly the following policy with respect to determining the eligibility of children for free and reduced price school meals in all schools, in compliance with the Provision of Free and Reduced Price School Meals or Free Milk as provided under the National School Lunch Act and Child Nutrition Act. In fulfilling these responsibilities, Pendleton County Schools will do the following:

- ❖ The official designated by the Board of Education to determine eligibility of children to receive free and reduced price school meals is the Director of Child Nutrition.
- ❖ Serve meals free or at a reduced price to children who have a completed, approved application on file in the office of the Child Nutrition Director, or children who are approved for free meals through the Direct Certification Program.
- ❖ The County Board of Education will use the Eligibility Standards for Free and Reduced Meals from the US Department of Agriculture and WV Department of Education in determining the eligibility of children for free or reduced price school meals. Application for free or reduced price lunches may be made any time during the school year as family circumstances may change.

- ❖ Under the provision of the free and reduced price meal and free milk policy the Director of Child Nutrition will review applications and determine eligibility. If a parent or guardian is dissatisfied with the decision, he/she may wish to discuss the decision with the Director of Child Nutrition on an informal basis. If the parent or guardian wishes to make a formal complaint, he/she may make a request either orally or in writing to: Pendleton County Public Schools, Designated Hearing Officer, Board of Education Offices, P.O. Box 888, Franklin, West Virginia, 26807.
- ❖ In accordance with Federal law and United States Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color national origin, sex, age, disability and retaliation. If you require information about this program, activity or facility in a language other than English, contact the USDA agency responsible for the program or activity, or any USDA office. To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call toll free (866) 632-9992 (Voice). TDD users can contact the USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.
(SBP 4320; SBP 4321.1)

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(P) T.6.4. Sale of “Other Foods and Beverages” in Schools

“Other foods and beverages” is defined in Standards for School Nutrition (SBP 4321.1) as any food or beverage, sold, served or distributed to students including snacks from vending machines, school stores, parties, and school day fund raising activities, except those served as part of the child nutrition program meals and snacks. Other foods do not include those brought to school by individual students for their own consumption.

The use of “other foods and beverages” in schools shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the WV State Board of Education and United States Department of Agriculture. See also *(P) F.8.10 Vending Machine Sales*

The Pendleton County Board of Education will allow the sale of soft drinks in the high school in grades 9-12 with the stipulation that they will not be available to students during the breakfast and lunch periods designated on the master schedule.

Following are the nutrition standards for and the marketing of “other foods and beverages” as contained in SBP 4321.1.

(WVC §18-2-6a; SBP 4320; SBP 4321.1)

Nutrition Standards for Other Foods and Beverages:

All other foods and beverages made available on school premises during the school day must meet the requirements set forth in this policy. In order to promote healthy eating habits, the consumption of fruits, vegetables, whole grains and non-fat and/or 1% low-fat dairy products should be encouraged.

Other foods and beverages available to students on school premises shall contribute to students' nutrient requirements and should not add unnecessary calories, fat, sugar or sodium. While West Virginia law allows county boards to permit the sale of soft drinks to students in high schools, the West Virginia Board of Education strongly recommends that only water, 100% fruit and/or vegetable juice and non-fat and/or 1% low-fat milk, flavored or unflavored be sold, served or distributed during the school day. It is required that all other foods and beverages available during the school day reflect the following requirements:

- ❖ Limit total calories to no more than 200 per product/package;
- ❖ Limit total fat to no more than 35% of calories per product/package excluding nuts, seeds or cheese;
- ❖ Limit saturated fat to less than 10% of the total calories;
- ❖ Limit trans fat to less than or equal to 0.5 grams per product/package;
- ❖ Reduce sugar content of food items to no more than 35% of calories per product excluding fruits;
- ❖ Limit sodium to no more than 200 milligrams per product/package;

- ❖ At all grade levels, it is recommended that only water, 100% fruit and/or vegetable juice and non-fat and/or 1% low-fat milk, flavored or unflavored be sold, served or distributed during the school day. However, W. Va. Code §18-2-6a permits the sale of other juice beverages with a minimum of 20% real juice;
- ❖ No candy, soft drinks, chewing gum or flavored ice bars will be sold, served or distributed during the school day, except that, W. Va. State Code §18-2-6a permits the sale of soft drinks to students in county high schools except during breakfast and lunch periods;
- ❖ The WVBE strongly recommends that other juice beverages not contain added sugar;
- ❖ Limit fruit/vegetable juice portion sizes to no more than 4 oz. for elementary students and no more than 8 oz. for middle/high school students per product/package;
- ❖ Prohibit the sale, service or distribution of coffee and coffee-based products during the school day;
- ❖ Prohibit caffeine containing beverages with the exception of those containing trace amounts of naturally occurring caffeine substances; and
- ❖ Prohibit the sale, service or distribution of any foods containing non-nutritive/artificial sweeteners. (SBP 4321.1)

Additional requirements of SBP 4321.1—Standards for School Nutrition include the following:

- ❖ Except for foods served in the school nutrition programs, no food or beverage shall be sold, served or distributed to students in elementary schools from the time the first child arrives at school until 20 minutes after all students are served lunch.
- ❖ Foods and beverages shall not be offered as a reward or used as a means of punishment or disciplinary action for any student during the school day.
- ❖ Foods and beverages may not be sold, served or distributed in competition with the federal child nutrition programs in the food service areas during the meal service periods.
- ❖ Other foods and beverages may not be sold, served or distributed in such a way as to encourage the distribution or purchase of these items as a ready substitute for, or in addition to, reimbursable meals.
- ❖ Wherever and whenever foods are sold, served or distributed on school premises, outside the school day, such foods shall include nutritious choices.

Food and Beverage Contracts:

Food and beverage contracts must comply with WV 126 CSR 202, WVBE Policy 8200, Purchasing Policies and Procedures Manual for Local Educational Agencies. All contracts shall be approved and signed by the Board or the Superintendent, if approval authority has been delegated by the Board to the Superintendent. County boards of education are statutorily created and given authority to contract. Individual schools do not have such authority. All food and beverage contracts or agreements regarding public schools and vendors shall meet all purchasing standards as set forth in policy and code and shall be competitively negotiated. Contracts that extend beyond a fiscal year shall contain a clause allowing the board to terminate the contract at the end of each year. Contracts shall facilitate the WVBE efforts to offer and promote nutritious food and beverage choices.

Owing to special dietary needs and food safety concerns, foods and beverages brought or delivered from outside sources may be consumed only by individual students for which they were brought or delivered, and not by the general student population. Organized food events and celebrations held during the school day shall be regulated and monitored by school personnel to meet the requirements of this policy.

Marketing Other Foods and Beverages during the School Day on School Premises:

From the arrival of the first child at school until the departure of the last regularly scheduled school bus, all fund raising activities involving foods and beverages shall comply with the standards set forth in this policy.

Pendleton County High School should minimize the marketing other foods and beverages in the high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.

(P) T.6.5. Feed to Achieve

Every child in school needs to have nutritious meals in order to achieve his or her potential. Providing the best schools and teachers alone does not ensure a child is mentally present and able to learn. A growing body of research establishes that a hungry child is less able to process the information provided and is less likely to be attentive to the lessons being taught.

It is the intent of *§18-5D-3-School Nutrition Programs* that healthy nutritious school lunches shall be made available to all students in a manner which maximizes participation and minimizes stigma attached to participating low income students. The Act requires all county boards of education to establish and operate school nutrition programs that effectively make a nutritious breakfast and lunch available to all students in accordance with State Board of Education standards.

The standards shall include guidelines for determining the eligibility of students for paid, free and reduced meals. The standards shall also establish procedures and guidelines for the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all elementary school students, without cost to students, where schools find it practical to do so.

The Feed to Achieve initiative will be phased in for all elementary schools as sufficient funds become available, through donations, contributions and payments made by individuals, communities, businesses, organizations and parents or guardians on behalf of students. Nothing in the code prohibits any school from providing free meals to all of its students.

WVC §18-5D-3 requires the Pendleton County Board of Education to fulfill its obligations under the law in the following manner:

- ❖ All schools are required to adopt a delivery system approved by the state Office of Child Nutrition, no later than the 2015 school year, which ensures all students are given an adequate opportunity to eat breakfast. These approved systems shall include, but are not limited to, Grab –And -Go Breakfasts, Breakfast In The Classroom or Breakfast After First Period; and
 - ❖ The Board must collaborate with the state Office of Child Nutrition to develop strategies and methods to increase the percentage of children participating in the school breakfast and lunch nutrition programs.
 - ❖ In addition to other statistics, the county boards of education, in consultation with the state Office of Child Nutrition, shall determine the number of children in each school who are participating in each meal offered by the school; the number of children who are not eating each meal offered by the school; and the total daily attendance.
 - ❖ The Board may utilize the nonprofit funds or foundations established in WVC §18-5D-4 or other available funds to offset the costs of providing free meals, after school and summer nutrition programs to elementary students.
 - ❖ If at any time federal financial appropriations to West Virginia for school nutrition programs are terminated, county boards of education are authorized, but not required, to continue the programs at their own expense.
 - ❖ Classroom teachers may not be required to participate in the operation of the school breakfast program as part of their regular duties.
- (WVC §18-5D-2; §18-5D-3)

Requirements of §18-5D-4 – Creating Public-Private Partnerships; Creating Nonprofit Foundation/Fund

The State Department of Education and the Pendleton County Board of Education must promptly establish a fund or nonprofit foundation solely to receive and spend gifts, grants and bequests to provide supplemental or matching funds to increase participation in the nutrition programs. The State Department's fund or foundation may assist county boards whose fund or foundation lacks sufficient business, industry and individual contributors to fund the Feed to Achieve programs.

Financial support for the fund or foundation may come from either public or private gifts, grants, contributions, bequests and endowments.

Expenditures from the state or county funds or by the foundations shall be used for provision of food to students through any of the programs or initiatives approved by the Office of Child Nutrition, including the following programs: School Breakfast Program, National School Lunch Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, the Child and Adult Care Food Program, the farm-to-school initiative and community gardens. Expenditures may also be made for initiatives developed with the Department of Health and Human Resources and public-private partnerships to provide outreach and nutritional meals when students are not in school.

No administrative expenses or personnel expenses may be paid from the funds or by the foundations

Individuals or businesses that contribute to the funds or foundations may specify schools or nutrition programs for which the contribution is to be used.

The State Department of Education and county boards of education may establish public-private partnerships to enhance current or advance additional nutrition programs that provide nutritious food for children to take home for weekend meals.

The Department of Education and county boards of education shall form or expand existing partnerships with the federal and state departments of agriculture, Department of Health and Human Resources, local master gardeners, county extension agents or other experts in the field of agriculture or gardening to develop community gardens, farm to school programs and other such programs that teach students how to grow and produce healthy food and provide healthy food to the students.

All moneys contributed to a fund or foundation established pursuant to this section and all expenditures made therefrom shall be audited as part of the annual independent audit of the State Board of Education and the county boards of education.

(WVC §18-5D-4)

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(P) T.6.6. Temporary Suspension of Nutrition Standards in Public Schools

This suspension of rules is operative only during the existence of a state of emergency or state of Preparedness proclaimed by the Governor or by concurrent resolution of the Legislature.

During a state of emergency or state of preparedness, the Governor or the Legislature may, to facilitate uninterrupted days of instruction, temporarily suspend legislative rules establishing nutrition standards for foods and beverages distributed to students in public schools during the school day.

The school system must assure that safe alternative foods and beverages are available for distribution to students and that the temporary suspension of nutrition standards permitted by §15-5-6a is limited to the geographic area affected by the state of emergency or state of preparedness and a report of any such action be made to the Joint Committee on Government and Finance.

(WVC §15-5-6a)

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(P) T.6.7. Policy for School Day Celebrations and School Day Snacks

Pendleton County Schools will allow outside foods and beverages to be served at School Day Celebrations and Snacks. This includes foods and beverages that are served or distributed to students during the school day but does not include foods and beverages that are sold. Foods and beverages that are sold are regulated by USDA Smart Snack Standards.

Students with special dietary needs and food allergies must be considered in any and all scenarios where students with special dietary needs and food allergies are present. Schools shall operate with the utmost care and caution. School health teams will assist with identification of foods and beverages that meet an individual student's special dietary needs.

Schools will communicate information to parents/guardians about acceptable foods and beverages that meet nutrition and safety standards for school day celebrations and snacks.

Guidelines for Celebrations and Snacks

I. School Day Celebrations:

School Day Celebrations (Parties) are occasional celebrations of special events. The number of classroom celebrations that each school holds will be at the discretion of the School Principal.

Foods and beverages served to students at these celebrations shall meet the following guidelines:

1. All foods and beverages are to be commercially prepared with a nutrition label that contains an ingredients list. Exceptions are whole, uncut fresh fruits and fresh vegetables. (See #2 below.)
2. Whole, uncut, washed fresh fruits and fresh vegetables are acceptable without an ingredients list. However, cut fresh fruits and fresh vegetables shall be commercially prepared and contain an ingredients list.
3. Foods and beverages containing caffeine are prohibited. (Policy 4321.1)
4. Foods and beverages containing non-nutritive/artificial sweeteners are prohibited. (Policy 4321.1)
5. In elementary schools, celebrations shall not be held until 20 minutes after all students are served lunch. (Policy 4321.1)

II. School Day Snacks:

Snacks are foods and beverages that are served to students on a regular basis, such as Pre-K and Kindergarten snacks. Since these snacks are served with more frequency, the standards for these snacks are will be more stringent to promote student wellness and prevent and reduce childhood obesity.

Guidelines for Snacks will adhere to WV State Board of Education Policy 4321.1 and are based on USDA Smart Snack Nutrient Standards.

1. All foods and beverages are to be commercially prepared with a nutrition label that contains an ingredients list. Exceptions are whole, uncut fresh fruits and fresh vegetables. (See #2 below.)
2. Whole, uncut, washed fresh fruits and fresh vegetables are acceptable without an ingredients list. However, cut fresh fruits and fresh vegetables shall be commercially prepared and contain an ingredients list.
3. Foods and beverages containing caffeine are prohibited. (Policy 4321.1)
4. Foods and beverages containing non-nutritive/artificial sweeteners are prohibited. (Policy 4321.1)
5. In elementary schools, snacks shall not be served until 20 minutes after all students are served lunch. (Policy 4321.1)
6. Foods and beverages shall meet nutrient standards for calories, fats, sodium, and sugar:

Calories	200 calories or less
Sodium	200 mg or less
Total Fat	35% of calories or less
Saturated Fat	Less than 10% of calories
Trans Fat	0 g
Sugar	35% by weight or less.

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Amended/Revised: October 19, 2005; August 26, 2008; October 1, 2013; September 1, 2015;
August 1, 2017; December 12, 2017

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE	Last Review:
File: T.7. Insurance Management	March 2018

The Board of Education believes that the School District provides insurance primarily for three reasons:

- ❖ To protect the School District, i.e., County tax payers, from financial loss;
- ❖ To protect Board members and employees from financial loss because of liability incurred in carrying out their official duties or functioning on Board business; and
- ❖ To protect the lives and property of innocent parties who come in contact with Board employees, facilities, equipment, and decisions.

The business manager shall determine that the school district has adequate coverage in property insurance, faithful performance bonds, public officials' bonds, and liability insurance. To implement and administer the school districts' insurance coverage, the business manager shall:

- ❖ Identify facilities, conditions and situations conducive to potential exposure to loss;
- ❖ Estimate the maximum potential loss from each exposure;
- ❖ Prepare recommendations and provide assistance in eliminating or minimizing losses;
- ❖ Prepare recommendations regarding the method of funding potential risks (purchase insurance or self-insure);
- ❖ Negotiate insurance coverage;
- ❖ Establish and maintain a safety and loss prevention program;
- ❖ Review and analyze changes in state and federal legislation and regulations as they apply to areas of insurance and liability and make sure that appropriate changes are made in coverage;
- ❖ Write specifications for insurance coverage;
- ❖ Prepare and place bid request for needed insurances and compares bids with coverages and premiums offered by the state Board of Risk and Insurance Management;
- ❖ Audit all coverages annually to ascertain if current coverages meet current needs of the school district, and
- ❖ Work with the insurance company or state Board of Risk and Insurance Management, agent, attorney, etc., in the defense and settlement of claims against the school board.

(WVC §29-12-5a)

(P) T.7.1. Liability Insurance

Fleet/Automobile Liability insurance

The state Board of Risk and Insurance Management provides fleet liability insurance as well as general liability insurance for all school districts. This insurance must be purchased from the state Board of Risk and Insurance Management. An annual premium is paid by the Pendleton County Board of Education to that board. The details of coverages shall be included on a Certification of Insurance, which is sent to the Pendleton County Board of Education. All county vehicles, including buses, shall be furnished with copies of the Certificate of Insurance in some form for presentation as proof of insurance in the event of an accident.

Because of the rural nature of Pendleton County, certain bus operators (who volunteer to do so) may be granted permission to take their buses home with them at the end of their assigned routes. In such instances, it is understood by both the Pendleton County Board of Education and the employee that the Board of Risk and Insurance Management liability coverage on the bus shall remain intact during the time it is parked at the employee's residence in the same manner it would be on Board property.

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(P) T.7.2. Property Insurance

Coverage may be of the blanket multiple location type, including automatic inclusion for additional property. Property can be insured against damage or loss from:

- ❖ Fire and lightning;
- ❖ Windstorm and hail;
- ❖ Explosion (other than boiler);
- ❖ Sonic boom;
- ❖ Vandalism and malicious mischief;
- ❖ Riot and civil commotion;
- ❖ Aircraft and vehicles;
- ❖ Smoke;
- ❖ Removal;
- ❖ Flood; and
- ❖ Boiler: explosion, bulging, bursting, and cracking.

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(P) T.7.3. Faithful Performance and Public Officials' Bonds

Faithful performance and public officials' bonds are required for the president of the county board, the superintendent of schools, and the treasurer or county sheriff. A blanket bond should be purchased covering board members and all board employees. Additional indemnity may be needed for other employees such as cashier, internal auditor, director of data processing, computer programmer, computer operator, payroll clerk, accounts payable clerk, director of purchasing, and buyer.

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(P) T.7.4. Flood Insurance Requirements

Pursuant to WVC §18-5-47, the Pendleton County Board of Education shall maintain flood insurance on each insurable building that it owns and that meets one or both of the following requirements:

- ❖ The building is within the identified special flood hazard area which is the area on a flood hazard boundary map or a flood insurance rate map that is identified as an "A zone", a numbered "A zone" or an "AE zone" or regulatory one hundred year floodplain and the building has a replacement value that is greater than three hundred thousand dollars; or
- ❖ The building has been damaged in a previous flood and flood insurance is required by the Federal Emergency Management Agency.

The Board shall also maintain flood insurance on the contents of each insurable building that it owns and that meets one or both of the requirements set forth above.

The buildings and the contents of those buildings required to be insured by WVC §18-5-47 shall be insured at the maximum amounts available through the National Flood Insurance Program or the estimated replacement value of the structure and contents, whichever is less.

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Amended/Revised: September 20, 2006

PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.8. Board of Risk and Insurance – Safety and Loss Control Policy	Adopted: August 20, 2003 Last Review: March 2018

The Pendleton County Board of Education recognizes its responsibility for the safety and well-being of all students, employees, visitors, and others present on district property or at school-sponsored events. Therefore, the personal safety of all persons will be emphasized in all operations, planning and training in the Pendleton County School System. Providing a safe workplace and learning environment shall be one of the Board's chief priorities.

It is the Board's belief that an investment in time and financial resources in the area of safety will provide benefits in lower worker's compensation rates, insurance rates, and indirect expenses that are associated with losses owing to injuries and property damages that occur within the school system.

A county Safety/Loss Control Committee shall be appointed for the purpose of establishing, implementing, and maintaining a safety management program for the district meeting the standards of this policy as approved by the Board of Education.

The Central Office and supervisory staff shall keep all employees of the district aware of the management program for safety and health and of the organizational arrangements intended to achieve the goals set forth in this policy and the safety manual that is to be developed for distribution to employees at all work locations. It is the goal of this Board to provide safe facilities and equipment and to provide effective management of all activities through the leadership of the Superintendent and all school employees who serve the district.

The goals set forth in this policy and the procedures to be set forth in the Safety Manual can only be attained through the cooperation of the employees of the school system; therefore, each employee (and students as appropriate) shall receive annual job specific training on the implementation of the adopted safety regulations and guidelines. The Safety Coordinator shall maintain documentation of personnel training regarding this policy and its implementation. Principals shall maintain documentation of student training.

In so far as it is reasonable, the Superintendent and his/her administration shall ensure that staff members who are designated to carry out safety and health responsibilities in a supervisory role are competent to complete those assignments. It is equally the duty of all county school staff to cooperate with the supervisors and the Board of Education to ensure the safety of themselves, co-employees, students, and other persons who may be affected by their activities at work, and to adhere to the operational procedures set forth by this Board of Education.

The Superintendent, along with the Safety Coordinator shall approve all new and existing procedures and policies prior to their implementation.

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(P) T.8.1. Safety/Loss Control Committee

The Safety Committee is an important part of the Pendleton County School System's safety and loss control efforts. Principals and supervisors can gain valuable assistance in their assignment areas by a joint effort with the committee members. Committee membership is a voluntary service to the school system. All principals, supervisors, employees, and students are to fully support the efforts of the Safety/Loss Control Committee.

Goals of the Safety/Loss Control Committee

- ❖ Involve employees in safety and loss control management;
- ❖ Lower the frequency and severity of accidents and injuries;
- ❖ Maintain a safe environment for employees, students, and visitors; and
- ❖ Involve all employee participation in safety programs.

Committee Formation

Membership on the committee is to be voluntary. The committee will represent all departments, but have the most efficient number of members to assist in accomplishment of committee goals. The Safety Coordinator shall serve as chairperson and be the main contact for loss control and safety activities. The committee's other members represent a cross-section of employees from various departments with membership rotated on an annual basis with staggering terms to ensure continuity.

The membership of the committee shall consist of the following:

- ❖ The principal of each school;
- ❖ Food service supervisor;
- ❖ Personnel Director;
- ❖ One teacher appointed by the Superintendent;
- ❖ Safety Coordinator (who also represents Maintenance & Transportation);
- ❖ One member appointed by the Superintendent from the ranks of service personnel;
- ❖ One member representing extracurricular and athletic activities appointed by the Superintendent; and
- ❖ Business Manager.

The Safety Coordinator, Personnel Director, Business Manager and the Food Service Supervisor shall act as a Standing Committee. All other members of the committee shall be considered at large members who shall serve for a one-year term. At large members may be appointed to consecutive terms. The Safety Coordinator, appointed by the Superintendent, will lead the Safety Committee in designing appropriate guidelines, disseminating information, producing a safety performance evaluation tool for applicable employees, and monitoring the effectiveness of the safety management program.

Each Safety Committee member will be provided the necessary training in the functions of the committee and the Safety and Loss Control Program and all policies related to the program.

Committee Functions

The Safety Committee duties shall include, but are not limited to the following:

- ❖ Sounding board for safety activities;
- ❖ Recommend new rules;
- ❖ Identify training needs;
- ❖ Review accidents and provide direction to prevent recurrence;
- ❖ Establish procedures for reporting hazardous conditions or activities and taking corrective action;
- ❖ Prepare checklists to guide and document inspections;
- ❖ Ensure that first aid kits and personal protective equipment needs are met;
- ❖ Develop and conduct loss control and safety orientation program for new employees;
- ❖ Establish a procedure to recognize employees for safe and healthful work practices; and
- ❖ Document meetings with written agendas and minutes.

Meetings

The Safety Committee will meet at least quarterly. A regular time and date should be established for meetings. Each meeting will have a fixed agenda that is sent to the members about two weeks before the meeting. Special meetings may be held or an additional committee may be formed to address an emergency situation or a complicated issue.

The agenda for the meeting can be simple:

- ❖ Call to order;
- ❖ Roll call by the secretary;
- ❖ Introduction of any visitors, if allowed;
- ❖ Reading and approval of minutes of the previous meeting;
- ❖ Review of any policies issued since the last meeting;
- ❖ Taking care of unfinished business;
- ❖ Review of any general liability, property, and auto claims or losses occurring and preventive measures taken since the previous meeting;
- ❖ Discussion of loss control inspections and recommendations;
- ❖ Addressing new business; and
- ❖ Adjournment.

Records of all Safety/Loss Control Committee Meetings and actions shall be maintained by the Safety Coordinator. A copy of the formal meeting minutes will be submitted to the Superintendent.

Special Note: BRIM regulations require that the minutes of all meetings must be attached to the annual Loss Control Questionnaire which must be completed in October to qualify for the insurance discount.

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(P) T.8.2. Safety Coordinator

The Safety Coordinator is responsible for the staff direction and administration of the loss control program to prevent injury, liability, and damage to property. He/she will:

- ❖ Maintain the Pendleton County Safety/Loss Control Manual;
- ❖ Acquire and make available to department directors, supervisors and employees all applicable standards and requirements;
- ❖ Coordinate and/or conduct safety training programs that are beyond the scope of individual supervisors;
- ❖ Perform ongoing evaluations of the county's Safety /Loss Control program and make recommendations to the Superintendent for improvements;
- ❖ Review and analyze accident reports and investigations for causes and corrective actions;
- ❖ Establish a review of procedures to ensure the proper investigation of accidents;
- ❖ Consult directly with management and employees on loss prevention matters and provide guidance to assure effective program administration;
- ❖ Chair the Safety/Loss Control Committee;
- ❖ Establish and evaluate emergency procedures for facilities and personnel;
- ❖ Review of all driver reports including training and safety policies;
- ❖ Maintain all documentation related to the safety and loss control program; and
- ❖ The Safety Coordinator, along with the Superintendent, shall approve all new and existing procedures and policies prior to their implementation.

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Amended/Revised

Pendleton County Board of Education

Safety Manual

***Adopted
December 21, 2005***

PURPOSE

It is the declared intention of the Pendleton County Board of Education to provide for the safety and well-being of all persons who engage in activities in and around its school facilities and the purpose of this manual is to assist our school employees and students in their efforts to provide a safe workplace and learning environment. A second function of this manual is to provide guidance to our school employees in ways that they can assist the school system in its efforts to protect its assets through an efficient and effective risk management and loss control program.

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SECTION ONE

Roles and Responsibilities

Central Office Personnel:

The Superintendent and Central Office staff members shall perform the following functions:

- ❖ Receive and review all documents from state level agencies;
- ❖ Develop policies and procedures as appropriate;
- ❖ Disseminate policies and procedures to appropriate entities within the school system;
- ❖ Disseminate safety information as appropriate;
- ❖ Assist in the development and presentation of training activities;
- ❖ Take an active role in the Safety Committee; and
- ❖ Monitor the effectiveness of the safety management program.

Building Principals:

The principal shall be the lead person in charge of the safety program in his or her school. The duties of the principal shall include, but are not limited to:

- ❖ Receive all policies, procedures, and other communications from the Central Office;
- ❖ Disseminate all such documents to the appropriate personnel and students;
- ❖ Discuss the contents of the Safety Manual with the staff at a special faculty meeting called for that purpose (service personnel should be included in this discussion);
- ❖ Ensure that the policies and procedures set forth herein are complied with by all personnel under his/her direction and maintain the Safety/Loss Control Manual.
- ❖ Disseminate safety information as appropriate;
- ❖ Provide safety bulletin boards which display state required posters in work areas as appropriate;
- ❖ Supervise all training activities at the school level;
- ❖ Conduct walk through inspections of the facilities and recreational areas on a regular basis (at least weekly);
- ❖ Submit work orders to request needed repairs (prioritize);
- ❖ Complete evaluation questionnaires and check list as requested;
- ❖ Conduct fire and emergency drills as required by state law and policies;
- ❖ Post safety rules for each work area as appropriate;
- ❖ Maintain documentation of all safety and health incidents that occur on site;
- ❖ Investigate all accidents thoroughly, record and promptly report the findings in accordance with existing directives;
- ❖ Ensure prompt, corrective action is taken wherever hazards are recognized or unsafe acts are observed; and
- ❖ Complete all reports that are required to successfully implement the safety management program.

Supervisors:

The various department supervisors shall be the lead persons in charge of the safety program within their department. The duties of the supervisor shall include, but are not limited to:

- ❖ Receive all policies, procedures, and other communications from the Central Office;
- ❖ Disseminate all such documents to the appropriate personnel;
- ❖ Discuss the contents of the Safety Manual with the staff at a special meeting called for that purpose;

- ❖ Ensure that the policies and procedures set forth herein are complied with by all personnel under his/her direction and maintain the Safety/Loss Control Manual;
- ❖ Assume full responsibility for safe and healthful working areas for all employees while they are under the supervisor's jurisdiction;
- ❖ Be accountable for preventable injuries, accidents, and liabilities occurring in his/her area of the facility;
- ❖ Ensure that all management policies pertaining to safety and loss control are fully implemented for maximum efficiency of each job and maintain the corresponding manuals and directives;
- ❖ Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, employee job knowledge, or attitudes that adversely affect the loss control efforts;
- ❖ Be firm in enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt to give recognition to those who perform well;
- ❖ Ensure that each employee is fully trained for the job the employee is assigned to do, and familiar with the published work rules, by certifying in writing that he/she understands that compliance is mandatory;
- ❖ Disseminate safety information as appropriate;
- ❖ Provide safety bulletin boards which display state required posters in work areas as appropriate;
- ❖ Supervise all training activities at the department level;
- ❖ Conduct walk through inspections of the facilities on a regular basis (at least weekly);
Note: Cafeteria Managers may act as the Director of Nutrition's designee in conducting walk through inspections;
- ❖ Post safety rules for each work area as appropriate;
- ❖ Submit work orders to request needed repairs (prioritize);
- ❖ In some cases, respond to work order requests on a prioritized basis (i.e., Director of Maintenance);
- ❖ Complete evaluation questionnaires and check list as requested;
- ❖ Conduct fire and emergency drills as required by state law and policies;
- ❖ Maintain documentation of all safety and health incidents that occur on site;
- ❖ Investigate all accidents thoroughly, record and promptly report the findings in accordance with existing directives;
- ❖ Ensure prompt, corrective action is taken wherever hazards are recognized or unsafe acts are observed; and
- ❖ Complete all reports that are required to successfully implement the safety management program.

Professional Employees and Service Employees:

It is the duty of all county school staff to cooperate with the supervisors and the Board of Education to ensure the safety of themselves, co-employees, students, and other persons who may be affected by their activities at work, and to adhere to the operational procedures set forth by this Board of Education. Duties may include, but are not limited to:

- ❖ Participate in faculty discussions of the contents of the Safety Manual;
- ❖ Participate in training sessions as appropriate;
- ❖ Comply with the rules, regulations and policies set forth in this manual applicable to personal actions and conduct;
- ❖ Operate all equipment and vehicles in a safe manner and refrain from removing, displacing, or damaging any safety device-installed on equipment or property;
- ❖ Call unsafe conditions *or* possible violations of the policy procedures to the attention of the supervisor;
- ❖ Report all accidents according to the proper procedures set forth in this manual;
- ❖ Operate only those machines and equipment for which the employee has been trained and authorized to operate;

- ❖ When applicable, employees must participate in an annual safety performance evaluation as a part of their annual review process;
- ❖ Display safety bulletins and other documents within their work areas as appropriate;
- ❖ Develop safety units for students as appropriate (i.e. science labs, shop areas, etc.);
- ❖ Conduct regular safety checks of their work areas as appropriate (at least monthly); and
- ❖ Complete safety reports as necessary.

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SECTION TWO

Accident Reporting Procedures

Reporting Accidents That Occur to Individuals:

To ensure the proper coordination and response to accidents on school property, the person submitting the accident and/or injury report shall consult the following county policies: (P) P.7.1. *Workmen's Compensation*; (P) R.7.4. *Injury to Visitors on School Property* and (P) P. 9.3. *Injury to Volunteers on School Property*.

- ❖ Employees must notify their principal or supervisor of an accident or injury as soon as possible, **but no later than the next workday**;
- ❖ Accidents and or injuries involving students on school property or any other location under the jurisdiction of the Board of Education must be reported to the principal immediately. The report shall be made by the person in charge of the students at the time of the incident and/or the student. Accidents/injuries involving students shall be reported using the Student Accident Report Form which may be found in (P) S.15.3.1;
- ❖ The principal or supervisor must notify the Safety Coordinator soon as possible, **but no later than the next workday**;
- ❖ The principal or supervisor must complete an accident report **the same day as notified of the accident**. A copy of the report shall be sent to the Safety Coordinator;
- ❖ The Business Manager shall assist the Safety Coordinator with the paperwork and accident investigations as appropriate;
- ❖ Accidents/injuries involving employees shall be reported using the Employee Accident Report (State Department Form) which are available at the Central Office and the local school office;
- ❖ The Safety Coordinator and other appropriate personnel will review accidents for corrective action within a reasonable time;
- ❖ The principal or supervisor shall investigate accidents the same day he or she was notified of the accidents;
- ❖ The principal or supervisor shall file a copy of witness statements with the accident report;
- ❖ The Safety Committee will review accident reports at each safety meeting; and
- ❖ The Superintendent and the Board of Education shall be presented a summary of accidents on a regular basis.

Reporting Bus Accidents:

Every driver of a school bus is required to report promptly to the Department of Motor Vehicles and the County Superintendent of Schools, any school bus accident involving death, injury, or property damage in excess of \$250. Failure to comply with the regulation may result in the revocation of the person's special school bus operator's license.

If any part of a bus bumps, scrapes, or touches any other object causing damage to the bus or the other object, this constitutes an accident. All accidents, regardless of scope must be reported to the County Superintendent and/or the Safety Coordinator as soon as possible and no later than one hour after completion of run. The procedure for reporting accidents is as follows:

- ❖ The bus operator will call the Transportation Department as soon as possible when an accident occurs, but no later than one hour after completion of run;
- ❖ A representative at the Transportation Department will notify the Superintendent;
- ❖ The appropriate police agency shall be notified of the accident (Superintendent's office or Transportation Department);
- ❖ The Transportation Department will send a representative to the accident scene to take pictures and gather information;
- ❖ Appropriate accident forms must be completed;
- ❖ All accident information shall be forwarded to the Safety Coordinator who will forward the information to the insurance carrier;
- ❖ Appropriate reports will be forwarded to the Department of Motor Vehicles in a timely fashion; and
- ❖ The transportation office shall also keep copies of all bus accidents on file per operator.

SECTION THREE

Accident Investigation Guidelines

All abnormal events and circumstances such as injury to an employee, student, or visitor; illness to an employee; property damage; close call; or a fatality shall be investigated thoroughly and a written report shall be filed. Aside from the documenting of the events leading up to an accident, much can be learned about accident prevention through a thorough investigation of accidents that occur within the school system.

Central Office Responsibilities:

- ❖ Conduct accident prevention and investigation training for supervisors;
- ❖ Ensure all accidents and injuries are investigated;
- ❖ Ensure immediate and long term corrective actions are taken to prevent recurrence of the accident;
- ❖ Provide all necessary medical care for injured workers or other constituents; and
- ❖ The Safety Coordinator shall forward incident reports to the school system's insurance carrier as appropriate.

Principal or Supervisor Responsibilities:

Direct supervisors are familiar with employees' work environment and assigned tasks; therefore, in most cases they are the logical person to conduct the investigation. These are the people who must take immediate control and eliminate or minimize the hazards to others. Their responsibilities shall include, but are not limited to:

- ❖ Ensure conditions are safe before entering the accident scene;
- ❖ Provide First Aid for injured parties as appropriate;
- ❖ Eliminate or control hazards;
- ❖ Document accident scene information to determine the cause;
 - Complete Accident Report; and
 - Take photos as appropriate to document events at the scene.
- ❖ Interview witnesses as soon as practicable;
- ❖ Send the original of the accident report of the findings to the Safety Coordinator; and
- ❖ Maintain a copy of the accident report in his or her files.

Investigation Procedures:

The actual procedures used in a particular investigation depend on the nature and results of the accident. This is a brief outline of what to look for when conducting an accident investigation.

- ❖ Points of interest may include:
 - Description of the accident including damage estimates;
 - Normal operating procedures;
 - Maps (local and general);
 - Location of the accident site;
 - List of witnesses; and
 - Events that preceded the accident.
- ❖ Inspect the accident site:
 - Secure the area. Do not disturb the scene unless a hazard exists; and
 - Prepare the necessary sketches, photographs and videos. Label each carefully and keep accurate records.
- ❖ Interview each victim and witness. Also interview those who were present before the accident and those who arrived at the site shortly after the accident. Keep accurate records of each interview. Use a tape recorder if desired and if approved.

- ❖ Determine the most likely sequence of events and the most probable causes.
- ❖ Prepare a summary report, including the recommended actions to prevent a recurrence. Forward the report to the Safety Coordinator.

Suggestions for Conducting Interviews:

Personnel who are designated to conduct accident investigations shall receive training on the procedures to be followed. Depending upon the nature of the accident the investigation may be carried out by one individual or a team of individuals. The following are some suggestions of actions to be taken, but the investigator(s) have the latitude to include other actions deemed appropriate:

- ❖ Get preliminary statements as soon as possible from all witnesses;
- ❖ Locate the position of each witness on a master chart (including the direction of view);
- ❖ Arrange for a convenient time and place to talk to each witness;
- ❖ Explain the purpose of the investigation (accident prevention) and put each witness at ease;
- ❖ Listen, let each witness speak freely, and be courteous and considerate;
- ❖ Take notes without distracting the witness. Use a tape recorder only with the consent of the witness;
- ❖ Be sincere and do not argue with the witness;
- ❖ Record the exact words used by the witness to describe each observation. Do not "put words into a witness' mouth";
- ❖ Word each question carefully and be sure the witness understands;
- ❖ Identify the qualifications of each witness (name, address, occupation, years of experience, etc.; and
- ❖ Supply each witness with a copy of his or her statements. Signed statements are desirable.

After interviewing all witnesses, the investigator(s) should analyze each witness' statement. It may be necessary to re-interview one or more witnesses to confirm or clarify key points. While there may be inconsistencies in witnesses' statements, the available testimony should be assembled into a logical order. Analyze this information along with the data from the accident site.

Investigators should be mindful that witness accounts of an accident may be affected by the distance they were from the accident, eyesight, hearing, some are affected by the trauma of seeing the accident, some may have a vested interest and offer biased testimony, and some witnesses do not have good recall skills.

Writing the Report:

An accident investigation is not complete until a report is prepared and submitted to the proper authorities. The report should be straight forward, clear, and concise. Beyond establishing the cause and effect of the accident, the report will provide valuable guidance in establishing procedures to avoid such accidents in the future. Information to be included in the report may include, but is not limited to the following:

- ❖ Background Information:
 - Where and when the accident occurred;
 - Who and what were involved; and
 - Operating personnel and other witnesses.
- ❖ Account of the Accident (What happened?):
 - Sequence of events;
 - Extent of damage;
 - Accident type; and
 - Hazardous materials (if any).
- ❖ Analysis of the Accident (How; Why?):
 - Direct causes (i.e., hazardous materials);

- Indirect causes (i.e., unsafe acts and conditions); and
- Basic causes (i.e., management policies, personnel or environmental factors).
- ❖ Recommendations for immediate and long-range action to remedy the situation.

Possible Causes of Accidents:

More often than not, accidents are the outgrowth of a “root cause” problem. The following are some examples of unsafe acts and unsafe conditions which may lead to accidents:

- ❖ Unsafe Act:
 - Unauthorized operation of equipment;
 - Running – Horse Play;
 - Not following procedures;
 - By-passing safety devices;
 - Not using protective equipment; and
 - Under the influence of drugs or alcohol.
- ❖ Unsafe Conditions:
 - Ergonomic hazards;
 - Environmental hazards;
 - Inadequate housekeeping;
 - Blocked walkways; and
 - Inadequate machine guarding.

Records:

All accident records shall be maintained in a permanent file in the office of the Safety Coordinator. Copies of accident records may also be maintained in the direct supervisor’s permanent files as appropriate.

Safety Policy Enforcement/Disciplinary Action:

The immediate supervisor may choose to take the following action to discipline an employee who willfully committed an unsafe act:

- ❖ Verbal warning (Document this action by stating the nature of the unsafe act, employee’s title, and the date of the act. The supervisor and employee must sign the document);
- ❖ Written warning;
- ❖ Recommend a suspension without pay to the Superintendent; and
- ❖ Recommend termination of the employee to the Superintendent.

The action taken must be justified by the severity of the unsafe act.

Forms for recording and reporting accident investigations may be downloaded for the BRIM Loss Control Manual.

SECTION FOUR

Safety Procedures and Guidelines

The following pages contain a series of safety procedures and guidelines that have been established to assist employees and students in their efforts to ensure a safe working and learning environment in the Pendleton County School System. These documents should not be looked upon as information sheets; rather, they should be looked up as directives to be followed in carrying out your duties as employees and students within the system.

BLOOD BORNE PATHOGENS

BUS AND FLEET MANAGEMENT PROGRAM

CAFETERIA AND FOOD PREPARATION AREA

FIRE SAFETY

HAND AND PORTABLE POWER TOOLS

HAZARDOUS CHEMICALS COMMUNICATION PROGRAM

HEAD PROTECTION POLICY

HEARING PROTECTION

LADDER AND SCAFFOLD SAFETY

LIFTING AND BACK INJURIES

MACHINE AND EQUIPMENT SAFETY

PERSONAL PROTECTIVE EQUIPMENT

PLAYGROUND SAFETY

WALKING AND WORKING SURFACES

BLOOD BORNE PATHOGENS

Infectious body fluids and blood may carry diseases. The most common are Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

HBV is an inflammation of the liver. Symptoms are flu-like and may require hospitalization. HBV can survive on surfaces at room temperature for a least one week.

HIV attacks the immune system causing AIDS for which there is no vaccine. Flu-like symptoms, fatigue, neurological problems, and other secondary infections may occur.

Blood borne pathogens can cause infection by entering the body through open cuts, mucous membranes of the mouth, eye, and nose. Sharp objects such as glass, metal, needles, or knives may infect if contaminated. Treat all blood and body fluids as if they were known to be infected.

The following tactics reduce the risk of contamination:

- ❖ Use latex or vinyl disposable gloves. Remove glove from top to bottom, inside out, disposing immediately;
- ❖ Wash hands vigorously and immediately after removing gloves and dry properly. Hand washing is one of the most effective work practices;
- ❖ Use a mixture of one part bleach to eight parts of water or disinfectant to clean up spills;
- ❖ Use physical or mechanical systems such as containers for waste disposal. Biohazard labels must be used on bags;
- ❖ Good housekeeping is a must;
- ❖ Get Hepatitis B vaccine;
- ❖ Personal protective equipment includes:
 - Gloves;
 - Aprons;
 - Face shields;
 - Eye wear;
 - Masks;
 - Mouthpiece; and
 - Resuscitation devices.

If exposed, contact your supervisor. Blood tests may be needed. Training has been provided to employees and will be updated and reviewed in future training sessions.

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BUS AND FLEET MANAGEMENT PROGRAM

The Pendleton County Board of Education is committed to instituting and maintaining a Fleet Safety Program. The goal of the Fleet Safety Program is to take the proper steps to prevent loss of life, injury, or property damage to all employees and members of the general public. The Board recognizes that the responsibilities for safety and loss prevention must be shared by everyone.

Careful selection of drivers, proper training, vehicle maintenance, and inspections are all effective tools that may reduce accidents. Accidents shall be reviewed, investigated, and corrective action taken. Accident reports will be completed immediately and they will be sent to BRIM and the State Transportation Authority as appropriate.

All personnel who drive county-owned vehicles shall receive training. Bus drivers, mechanics, and aides receive 12-18 hours of training related to their assignments each year. Preventive maintenance programs have been developed for buses, driver education vehicles, and maintenance vehicles.

Drivers are to drive defensively at all times. Do not drive unsafe vehicles. Problems or unsatisfactory conditions should be immediately reported to the Transportation Supervisor or Superintendent. Drivers are represented on the safety committee where their concerns may receive attention.

The Fleet Management Program shall be under the direction of the Transportation Supervisor, Superintendent, or Safety Coordinator who shall have a shared responsibility for the following:

- ❖ Determining driver qualifications for all county owned and operated vehicles;
- ❖ Driver training for all county owned and operated vehicles;
- ❖ Accident investigation;
- ❖ Vehicle maintenance; and
- ❖ Driver incentive programs.

Driver Qualification Guidelines:

Bus Drivers and Other CDL Drivers:

The selection process for drivers shall take into consideration previous employers' assessment, accident record, and the ability to get along with others. The employee's physical fitness is considered and monitored on a yearly basis. Road tests, written tests, and a CDL are required for operation of certain vehicles. Evaluations and driver performance are recorded and filed.

The Transportation Supervisor or the Superintendent or the Safety Coordinator shall:

- ❖ Check Motor Vehicle Records on all applicants at the time of application *and* on all current drivers periodically throughout their employment as appropriate;
- ❖ All new bus driver applicants must undergo a criminal background check;
- ❖ If possible, check on number of accidents during the past three years;
- ❖ Make certain all drivers are properly licensed for the type of equipment they will be operating (CDL, if necessary, with the appropriate endorsements);
- ❖ Make and keep a copy of each driver's operator's license in his or her Personnel file;
- ❖ Evaluate MVR's according to the model MVR Evaluation Policy (Appendix 1) or other appropriate evaluation policy;
- ❖ Exclude all unqualified drivers from driving county vehicles or their private vehicles on county business; and
- ❖ Ensure all drivers using their own private vehicles on county business have at least \$100,000 - \$300,000 liability coverage.

Drivers of Non-Bus Vehicles:

This group includes professional and service personnel who may be called upon to drive county-owned vehicles (automobiles or vans) in the course of carrying out their administrative and instructional duties. BRIM requires a check of Motor Vehicle Records at the time of employment and periodically thereafter as appropriate.

Driver Training:

The Transportation Supervisor and/or the Safety Coordinator shall:

- ❖ Provide driving training to all drivers of county vehicles (buses, cars, trucks, vans) before allowing them to drive;
- ❖ Provide driving training to all current drivers at least annually;
- ❖ Emphasize that any accident can be judged preventable if it could have been avoided had the driver taken appropriate Defensive Driving action. (See Appendixes 2, 3,4);
- ❖ Provide all drivers with special training on any special equipment they are expected to operate (school buses, ATV's, etc.); and
- ❖ Maintain written records of all training provided to drivers.

Annual training sessions for Pendleton County employees who will be operating county owned vehicles covers two distinct levels of responsibility: those who operate commercial vehicles (buses and certain trucks) and those who operate cars and vans.

Drivers of Non-Bus/Commercial Vehicles:

Annual training for school personnel who will have access to non-commercial vehicles may be addressed through training sessions scheduled by the principals at each school, at faculty meetings or as part of the in-service sessions at the beginning of the school term. The presentations may be by videos, outside consultants, driver education instructor or online resources. Principals, central office staff and the driver education teachers will be trained separately. This training will also be conducted by the Safety Coordinator or his/her designee. It will include pertinent information about the operation of the vehicles, and other information deemed appropriate by the trainer. Brim also requires annual driver training for employees who use their private vehicles to conduct their administrative and instructional duties and receive mileage reimbursement.

Drivers of Buses/Commercial Vehicles:

Training for operators of buses and other commercial vehicles will be much more rigorous than for non-commercial vehicles and it will take place in well-organized sessions conducted by the Transportation Supervisor and or the Safety Coordinator or his/her designee who has been certified as a trainer or by outside consultants. These sessions may be a part of the opening of school staff development days.

The CDL training includes, but not limited to, safe driving, which involves learning about inspections, vehicle control, seeing, communicating, controlling speed, driving in all types of weather conditions and terrains, railroad crossings, recognizing hazards, emergency and accident procedures, fires, skid control and recovery. It shall also HAZMAT for all commercial drivers. Complete information about the West Virginia CDL Training Manual may be found at the following website:
http://www.wvdot.com/6_motorists/dmv/downloads/CDL-Manual.pdf

Special Note: BRIM regulations require that the Driver Training Completion Forms must be attached to the annual Loss Control questionnaire which must be completed in October to qualify for the insurance discount. BRIM also requires the same check of MVR for all employees who drive their personal vehicles and receive mileage reimbursements for trips related to their administrative and instructional duties.

Accident Investigation:

The Safety Coordinator shall:

- ❖ Thoroughly investigate all accidents, no matter how minor, and determine the Root Cause(s). (See Appendix 5 for a model Root Cause Accident Investigation form and Root Cause Accident investigation information);
- ❖ Review accident reports periodically and ensure all corrective actions noted (i.e., changes in policy, training, driver discipline, etc.) are completed;
- ❖ Review all accidents to determine trends. Take appropriate steps to address repeat accident types; and
- ❖ Set annual accident reduction goals (or some other appropriate time frame) and track all accidents to determine progress in meeting the entity's reduction goals.
(See also Appendixes 6,7,8,9,10)

Vehicle Maintenance:

The Transportation Supervisor and/or Superintendent shall:

- ❖ Develop and implement a preventive fleet maintenance and repair program based on vehicle manufacturer's recommendations and in compliance with all state and federal laws and regulations;
- ❖ Perform vehicle safety checks (lights, wiper blades, tires, other obvious defects) before each use; and
- ❖ Maintain written records of all inspections, maintenance and repairs performed on each vehicle.
(See Appendixes 11 & 12)

Driver Incentive Program:

The Transportation Supervisor and/or the Safety Coordinator shall develop and implement a safe Driver Incentive Program that recognizes and rewards all drivers who have had no accidents in the past year. This can be items such as a "ball cap", a small financial reward, or simply a "Safe Driver" certificate. The purpose of this program is to demonstrate that safe, accident-free driving performance is a high priority of the Pendleton County Board of Education.

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NOTE: All of the following Appendixes are additions to the Fleet Management Section.

BRIM - FLEET MANAGEMENT PROGRAM

Appendix 1

MVR CHECK and EVALUATION

The Pendleton County Board of Education will request a Motor Vehicle Report for driver applicants being considered for employment in which driving county vehicles or operating their own vehicle for county business will be required. An MVR will be requested from every state the applicant has lived in during the past three years. The Transportation Director will review all MVR information to determine if driver applicant meets the qualification standards regarding driving records.

A formal review of the driver's MVR will be conducted on a/an annual basis (or more frequently where warranted) to ensure that existing drivers are meeting the established qualification standards.

MVR CHECK and POINT STRUCTURE SYSTEM

MVR Check

If a potential employee will be required to operate a county vehicle as part of his/her job requirements, an MVR check must be completed by the Transportation Supervisor or the Superintendent or the Safety Coordinator before he/she may be offered employment.

A point system structure has been established to evaluate new hire and current employee motor vehicle records. If a potential new employee meets or exceeds seven (7) points total within the previous three (3) years or exceeds four (4) points within the previous 12 months, they are not eligible for a position that requires driving an entity vehicle.

The same point policy applies to existing employees as in the hiring process in terms of points assigned to traffic violations or motor vehicle offenses. Driver must not meet or exceed seven (7) points accumulated in a three (3) year period; Motor Vehicle Records will be obtained on all county vehicle drivers every twelve months. Each MVR received will be reviewed in a timely manner and evaluated for compliance. A copy of all records will be maintained in the employee's file along with any corrective action documentation.

Point Structure

Automatic Disqualification to operate a county vehicle

No potential new or current employee will be allowed to drive an entity vehicle (including personal vehicle) for county business if his/her MVR reveals:

- ❖ Murder or assault with a motor vehicle;
- ❖ Theft of a vehicle;
- ❖ Hit and run;
- ❖ Negligent homicide;
- ❖ An alcohol related offense in the last 3 years; and
- ❖ Illegal drug offense in the last 3 years.

7 point offenses:

- ❖ DWI, DUI, OWI (alcohol or drugs);
- ❖ Reckless driving resulting in bodily injury or property damage. Fleeing a police official;
- ❖ Leaving the scene of an accident;
- ❖ Driving with a suspended/cancelled/revoked license; and
- ❖ Racing on public road.

4 point offenses:

- ❖ Speed in excess of 15 mph over posted speed limit. Failing to stop for a school bus;
- ❖ Failing to stop at a railroad crossing; and
- ❖ Second preventable accident.

3 point offenses:

- ❖ Failure to obey a traffic control device. Failure to yield right of way;
- ❖ Speed too fast for conditions;
- ❖ Following too close;
- ❖ Careless/Reckless driving; and
- ❖ One preventable accident.

1 point offenses:

- ❖ Seat belt violations; or
- ❖ Failure to use turn signal. Improper stop/parking.

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Appendix 2

SUGGESTED DEFENSIVE DRIVING POLICY

The Pendleton County Board of Education is strongly committed to a sound and thorough defensive driving policy. While operating county vehicles, drivers should always drive in the safest manner possible. Specifically, our drivers must operate county vehicles in accordance with all provisions of The Commercial Vehicle Safety Program.

Full-time and designated part-time employees driving Pendleton County vehicles shall be required to attend a driver training session. Completion of the training may be accomplished by attending a local training session arranged by the Safety Coordinator..

- ❖ Assignments for classes shall be made by the Transportation Supervisor or the Safety Coordinator to insure class quotas are met and to maintain satisfactory work schedules.
- ❖ Frequency of employee attendance of Driving Courses shall be once per year.
- ❖ New employees required to drive Entity vehicles shall be required to complete the Driving Course satisfactorily before starting their driving assignment.

The core concepts of defensive driving are:

- ❖ Recognize the hazard;
- ❖ Understand the defense; and
- ❖ Act in time.

A detailed list of topics that may be covered in a driver training session may be found in the BRIM Loss/Control Manual which may be found at:

<http://www.state.wv.us/Brim/Loss/Loss%20Control%20Manual.pdf>

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Appendix 3

DEFENSIVE DRIVING COURSE COMPLETION FORM

_____ has successfully completed the Defensive Driving Course Training. Completion of this course is required before any employee is authorized to drive a county vehicle. The Board requires that this course be repeated on an annual basis for employees to remain eligible to drive county vehicles.

Driver Name (Print)

Driver Signature

Date

Supervisor Signature

Date

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Appendix 4

POLICY AND PROCEDURE ACKNOWLEDGEMENT FORM

I have received the proper training in the fleet safety policies and procedures. I understand that it is my responsibility to adhere to these policies. I also understand that it is my responsibility to observe all policies and procedures concerning the proper and safe operation of a county vehicle.

Driver Name (Print)

Driver Signature

Date

Supervisor Signature

Date

"ROOT CAUSE" ACCIDENT INVESTIGATION

Background:

Typically, the focus of an accident investigation has been to determine the *cause* of the accident, find out who is to blame, and discipline or punish those responsible. It is essentially a negative process. An "after-the-fact", reactive process.

Root Cause Accident Investigation is, by contrast: A Proactive Process

Its goal is to prevent this kind of accident from happening in the future. It is a positive process. One might say its purpose is to find the "cause of the cause" of the accident.

A Root Cause Accident Investigation goes beyond *WHAT* happened, and focuses on *WHY* the accident happened. And it focuses on prevention.

How It Works:

In general, accidents are caused by either:

- ❖ Unsafe acts (a failure to select the proper course of action, an error in following a plan, or a violation of a known rule or code); or
- ❖ Unsafe conditions; or
- ❖ A combination of the two.

For example, an unsafe act and unsafe condition combination could be a company attitude that encourages workers to work as quickly as possible. This may force workers to "take shortcuts" and commit unsafe acts.

General Principles in Performing a Root Cause Accident Investigation:

- ❖ Generally, an immediate supervisor should perform the investigation.
- ❖ Investigate the accident as soon as possible. Thus, events will be as close to the original circumstances as possible; memories will be fresh; the scene will be less likely to have been tampered with; witnesses will have less time to compare their versions of what happened.
- ❖ Go to the scene and document the information obtained. WHO - WHAT WHEN-WHERE-HOW.
 - Who was involved? Try to speak to everyone who saw the accident.
 - What happened? Take photos; make measurements, etc. "A picture is worth a thousand words".
 - What was the time-line of events?
 - Where exactly did the accident take place? What were the geographical/physical factors?
 - Establish a chain-of-events. How did it happen?
- ❖ Approach the investigation with an open mind. Make certain to get rid of any preconceptions you might have about the circumstances or people involved - get someone else to do the investigation if you feel you cannot.
 - The purpose of the investigation is to gather information; not to assign blame.
 - Ask as many questions as necessary.
 - Ask open-ended questions (i. e., avoid questions that allow a "yes" or "no" answer). Do not ask *leading* questions ("This happened because. . . , right?").
 - Put people at ease when interviewing.
- ❖ Do not make assumptions or speculate - let the facts speak for themselves. Avoid the tendency to stop the investigation when the "careless person" has been identified.

Once All the Necessary Information Has Been Gathered:

Complete a **ROOT CAUSE ACCIDENT INVESTIGATION FORM**. If this is completed *before* the facts are in, you will be "putting the cart before the horse".

Use all the facts gathered in the course of the investigation as your resource: Interviews, photos, company policies, etc.

So Now What?

Once the root cause(s) have been determined, and the Accident Investigation Form completed, you must suggest and take CORRECTIVE ACTION.

- ❖ Write up your conclusions: ("cause" and "root cause"), and formulate a REPORT. This should be a Corrective Action Plan.
- ❖ Look for similar circumstances in the workplace, and make any necessary change: to prevent a recurrence. Refer to the Corrective Action Plan.
- ❖ Make certain all employees and supervisors are aware of the change by:
 - Holding tool box talks; and
 - Developing a departmental training on the new policy/procedure.

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Appendix 6

GUIDELINES for DETERMINING NON-PREVENTABLE/PREVENTABLE ACCIDENT

The following guidelines will be used by The Safety/Loss Control Committee for the purpose of determining accident preventability.

General guidelines - barring extenuating circumstances and maintaining the reasonable action standards, accidents are generally preventable if:

- ❖ Driver was inattentive or failed to accurately observe and assess existing conditions that contributed to an accident;
- ❖ Driver's speed was not consistent with posted (prescribed) limits or existing road, weather, or traffic conditions;
- ❖ Driver's speed precluded stopping within available clearances or assured clear distance;
- ❖ Driver misjudged or did not confirm available clearances (above, below, or on the sides) resulting in the striking of a fixed object;
- ❖ Driver failed to control the vehicle;
- ❖ Driver failed to yield the right of way resulting in an accident (or to avoid an accident);
- ❖ Driver failed to communicate the vehicle's presence or intended actions through the use of directional lights (signal flashers), horn, or other means; or
- ❖ Driver was in violation of company operating rules or special instructions, the regulations of a federal or state regulatory agency, or any applicable traffic law or ordinance.

Struck in rear by other vehicle - Non-preventable if:

- ❖ Driver's vehicle was legally and properly parked unless there were extenuating circumstances recognizable to the alert driver whose judgment should suggest "park elsewhere";
- ❖ Driver was proceeding in his/her own lane of traffic at a safe and lawful speed;
- ❖ Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal, or the directions of a police officer or other person legitimately controlling traffic;
- ❖ Driver was in proper lane, waiting to make turn, and was flashing a signal indicating his/her intention to turn; or
- ❖ Driver's vehicle was disabled and was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting out or retrieving signals - except, see "Mechanical Defects Accidents" - except, if opportunity was available for driver to remove vehicle off road.

Preventable if:

- ❖ Driver was passing slower traffic near an intersection and had to make a sudden stop;
- ❖ Driver made a sudden stop to park, load or unload;
- ❖ Driver was improperly or illegally parked;
- ❖ Driver made any other type of unnecessary sudden stop; or
- ❖ Driver's vehicle rolled back into vehicle immediately behind while starting on a grade.

Struck while parked - Non-preventable if:

- ❖ The driver was properly parked in an area where permitted. - Unless there was extenuating circumstances recognizable to the alert driver, whose judgment should suggest "park elsewhere";
- ❖ Unless there was off-the-road parking available; or
- ❖ The vehicle was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting or retrieving signals. The use of 4-way flashers as emergency warning lights under DOT regulations meets this provision for only the first 10 minutes.

Mechanical defect or breakdown accidents - Preventable if:

- ❖ Defect was of a type which driver should have detected during a proper pre-trip inspection of Vehicle;
- ❖ Defect was of a type that the driver should have detected during the normal operation of the Vehicle;
- ❖ Defect was caused by the driver's abusive operation of the vehicle; or
- ❖ Defect was known to the driver but was operated regardless of his knowledge.

Side-swiped or head-on collisions - Preventable if:

- ❖ Driver was not entirely in the proper lane of travel;
- ❖ Driver did not pull to the right or left, slow down and/or stop for the encroaching vehicle lane when such action could have been taken without additional danger and to prevent a collision;
- ❖ Driver changed lanes without ascertaining that sufficient space was available or failed to signal intent, or give sufficient warning of intent, to change lane; or
- ❖ Driver was weaving to the right or left, thus crowding the passing vehicle.

Striking other vehicle in rear collisions - Non-preventable if:

- ❖ Other vehicle rolled backward while starting on grade; or
- ❖ Driver's vehicle was stopped but was hit from behind and pushed into another vehicle.

Preventable if:

- ❖ Driver failed to maintain safe following distance and have the vehicle under control;
- ❖ Driver failed to stay alert and ascertain that traffic was slowing down or that vehicle ahead was moving slowly, stopped or slowing down;
- ❖ Driver misjudged rate of overtaking vehicle;
- ❖ Driver came too close before pulling out to pass;
- ❖ Driver started up too soon or too fast for vehicle ahead;
- ❖ Driver failed to leave sufficient room for passing vehicle to get safely back in line; or
- ❖ Driver was passing and misjudged approaching traffic, and returned to right lane too fast.

Accidents at intersection - Non-preventable if:

- ❖ Driver was stopped in compliance with traffic sign or signal or at the direction of a police officer or other person legitimately controlling traffic.

Preventable if:

- ❖ Driver failed to control speed so that the vehicle could stop within available sight distance. Driver failed to check cross traffic and wait for it to clear before entering intersection;
- ❖ Driver pulled out in the face of oncoming traffic;
- ❖ Driver collided with person, vehicle, or object while making a right or left turn; or
- ❖ Driver collided with vehicle making turn in front of him. Driver had collision with vehicle coming from either side, regardless of location of traffic signs or signals or whether light was green.

Backing accidents - Preventable if:

- ❖ Driver backed up when backing could have been avoided by better route planning;
- ❖ Driver backed into traffic stream when such backing could have been avoided;
- ❖ Driver failed to get out of cab and check the immediate situation and proposed path of backward travel;
- ❖ Driver depended solely on mirrors when it was practicable for he/she to look back;
- ❖ Driver failed to get out of cab periodically and recheck conditions when backing a long distance;
- ❖ Driver failed to sound horn while backing;

- ❖ Driver failed to check behind vehicle parked at curb before attempting to leave parking space. Driver backed from blind side when a sight-side approach could have been made;
- ❖ Driver failed to use a guide (spotter) to help back, or depended solely on a guide; or
- ❖ Driver relinquished all responsibility to guide.

Accidents while passing or being passed. - Preventable if:

- ❖ Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.;
- ❖ Driver attempted to pass in the face of closely approaching traffic;
- ❖ Driver failed to warn driver of vehicle being passed;
- ❖ Driver failed to signal change of lanes;
- ❖ Driver pulled out in front of other traffic overtaking from rear;
- ❖ Driver cut-in short returning to right lane;
- ❖ Driver failed to stay in own lane of traffic; or
- ❖ Driver failed to hold speed or reduce speed to permit other vehicle to pass safely.

Accidents while entering traffic (merging) - Preventable if:

- ❖ Driver failed to signal when pulling out from curb;
- ❖ Driver failed to check traffic before pulling out from curb;
- ❖ Driver failed to look back to check traffic if he was in position where mirrors did not show traffic conditions;
- ❖ Driver attempted to pull out in a manner that forced other vehicle(s) to change speed or direction; or
- ❖ Driver failed to make full stop before entering from side street, alley, or driveway. Driver failed to make full stop before crossing sidewalk. Driver failed to yield right-of-way to approaching traffic.

Accidents involving pedestrians and bicycles - Non-preventable if:

- ❖ Pedestrian or bicycle driver collided with driver's vehicle while it was legally parked or stopped.

Preventable if:

- ❖ Driver did not reduce speed in area of heavy pedestrian traffic. Driver was not prepared to stop;
- ❖ Driver failed to yield right of way to pedestrian; or
- ❖ Driver failed to stop when passing a streetcar or bus on the right.

Accidents involving rail operated vehicles (railroad crossings) - Preventable if:

- ❖ Driver attempted to cross tracks directly ahead of train or streetcar. Driver ran into side of train or streetcar;
- ❖ Driver stopped or parked on or too close to tracks;
- ❖ Driver failed to yield right-of-way to trolley; or
- ❖ Driver failed to stop at the railroad crossing.

Miscellaneous accidents - Preventable if:

- ❖ Driver was making a "U" turn;
- ❖ Driver was pulling away from the curb or other parking space;
- ❖ Driver was entering traffic from a driveway, or private alley;
- ❖ Driver was giving a push or was being pushed;
- ❖ Vehicle moved due to faulty brakes;
- ❖ Driver left vehicle unattended (with or without motor running) and failed to set parking brake and wheel chock;
- ❖ Collision with fixed objects – poles, gates, light stanchions, etc.; or
- ❖ Non-collision accidents, such as an overturn, or running off road.

STRATEGIES FOR REDUCING / ELIMINATING BACKING ACCIDENTS

Backing is one of the most common causes of vehicle accidents. A major reason for this is that most vehicles are not designed to be driven backwards; if they were, the steering wheel would be at the rear! Therefore, eliminating backing accidents begins with the recognition that in backing you are performing one of the most dangerous (and accident-prone) maneuvers you can.

Basic Strategies

❖ AVOID BACKING WHENEVER POSSIBLE.

- Pull forward into head-on spaces in large parking lots so that you both pull straight in *and* are able to simply pull forward (not back out) when departing.
- Pull around and park at busy parking areas (i. e., convenience stores, etc.) heading out and giving yourself a short walk to the entrance instead of just pulling into the slot nearest the entrance. This has the added benefit of giving you a bit of exercise!
- Back into (instead of pulling into) parking spaces when possible and safe. This way, you can "check out" the place you are going to back into easily (right from the driver's seat) and can be certain there is no one behind you. And you will never back into a car coming down the open aisle when leaving, since you will just be pulling forward and out.
- Plan your route to avoid backing whenever possible. School buses and delivery vehicles that make predictable stops should arrange their routes to eliminate as many places where they back as possible.

❖ IF YOU ABSOLUTELY MUST BACK UP:

- Get out of your vehicle and check out the rear of the vehicle before getting in to back up. This way you can make certain there is adequate space behind you to safely back up, that no one has pulled in behind you, and that there are no objects or obstacles that may present a danger when you back up. You can also plan your backing route.
- Have a spotter positioned behind the vehicle, if possible, to supply input and a real-time progress report. But always remember, you are still responsible for whatever happens, since *only you have the ability to actually stop or steer the vehicle*.
- Always back UP the absolute minimum amount needed to clear the space in front to resume driving forward. For example, if you have to back out of a parking space, only back enough to give you the room to clear the rear of the vehicle parked next to you- don't back way down the aisle until you're headed straight out the lot. Make a 2 or 3-point turn, if necessary, to avoid unnecessary backing.
- Beep your horn (or better yet, have a backup alarm installed on the vehicle) before commencing backing maneuvers.
- Frequent backers (viz., school buses, etc.) should have a back UP
- Camera installed to aid in seeing objects behind your vehicle.

HUMAN FACTORS IN FAILURES

Personal Factors:

Deficiencies in knowledge or skills

- ❖ Lack of awareness of failure modes ("what could go wrong"). Lack of job knowledge;
- ❖ Lack of job skills; or
- ❖ Lack of adequate training or instruction.

Conflicting motivations

- ❖ Trying to save time or effort;
- ❖ Avoiding discomfort;
- ❖ Showing off - trying to get attention;
- ❖ Asserting independence ("I don't have to do it that way"). Seeking approval from a group; or
- ❖ As a way of expressing your resentment or anger towards someone or something.

Physical or mental incapacity

- ❖ The worker has too much information to think about ("information overload");
- ❖ The task is beyond the person's physical capabilities; or
- ❖ The person is too tired to perform the work correctly.

External Factors:

Management Factors

- ❖ Failure of management to properly instruct, inform or train;
- ❖ Failure of management to properly supervise;
- ❖ Inadequate/careless maintenance of equipment;
- ❖ Poor purchasing practices (failure to consider loss prevention requirements into specifications); or
- ❖ Poor work practices or procedures (written or informal policies).

Peer Pressure.

DRIVER INSTRUCTIONS for REPORTING VEHICLE ACCIDENT

- Step 1: Stop, stay calm.
- Step 2: Turn on your emergency flashers as an immediate warning signal. Then do a quick evaluation of accident victims, if any, and provide assistance. Next, set out emergency warning devices on the roadway.
- Step 3: Either contact local law enforcement personnel and your supervisor yourself or arrange to have someone do it for you. Be courteous and cooperative when providing information to authorities. Never admit guilt or liability at the scene of an accident. Never leave the scene of an accident.
- Step 4: Write down names, license numbers and other information regarding the accident and those people involved in it. Draw a simple diagram of the accident scene. The more detail you can provide, the better it will be for insurance and/or legal purposes later. If you have a camera for use at the accident scene, document the situation with photographs from various angles.
- Step 5: After the vehicle has been secured, warning devices put in place, assistance rendered to injured person(s) (if any), and law enforcement personnel contacted, you (the driver) should communicate the accident, to your supervisor.
- Step 6: Complete accident reports as required by the Safety Coordinator.

SAFETY COORDINATOR'S ACCIDENT INVESTIGATION REPORT

EMPLOYEE INFORMATION

Name_____

Job Title_____

Date of Injury_____

Time of Injury_____ Employee's normal work hours_____

DESCRIPTION OF ACCIDENT

1. How did the accident happen? Include the time-line of events._____

2. Where did the accident occur?_____

3. List names & contact information for any witnesses._____

INJURIES

Was anyone injured?_____ Who?_____

Was medical treatment sought or administered?_____

Nature and extent of injuries_____

Is this a Worker's Compensation claim? Is there any reason to doubt its validity?_____

CAUSE

Identify the root cause(s) of the accident by checking the appropriate box(es) below.
All causes must be identified.

ORGANIZATIONAL

☐ No/inadequate job training	☐ Inadequate maintenance
☐ Failure to enforce safety policies	☐ Inherently unsafe equipment
☐ Lack of safe job procedure	☐ Lack of appropriate guards, etc
☐ Lack of appropriate safety equipment	☐ Lack of supervisory oversight
☐ Lack of incentive to work safely	☐ Safety staff inadequate
☐ Management disinterest in job safety	☐ Other (specify)

If any above box is checked, why did this condition exist? _____

UNSAFE CONDITION

- ☐ Inclement weather/conditions
- ☐ Use of unsafe equipment
- ☐ Acts of non-employee
- ☐ Defective tools or equipment
- ☐ Poor/inadequate lighting
- ☐ Other (specify)

UNSAFE ACT

- ☐ Unauthorized use of equipment
- ☐ Using equipment unsafely
- ☐ Failure to use safety equipment
- ☐ Operating at unsafe speed
- ☐ Driver/operator inattention
- ☐ Distraction, teasing, horseplay
- ☐ Other (specify)

If any above box is checked, why did this condition exist? _____

PERSONAL CONDITION

☐ Employee's medical condition	☐ Employee's off-job activities
☐ Employee personal problems	☐ Other (specify)

PREVENTIVE ACTIONS TAKEN

Corrective action proposed _____

Person Responsible _____ Target Date _____

Action Taken _____

Date Complete _____

Safety Coordinator

Date

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Appendix 11

SUGGESTED MONTHLY VEHICLE MAINTENANCE and INSPECTION SCHEDULE

Routine Service Schedule:

- ✓ Lube-Oil-Filer) Every 3,000 miles
- ✓ Rotate tires and balance) Every 3,000 miles

- ✓ Air Filter)
- ✓ PCV Valve)
- ✓ Brake Service)
- ✓ Front-end alignment) Every 12,000 miles
- ✓ Engine tune-up)
- ✓ Transmission Service)

- ✓ Shock absorbers) Every 20,000 miles
- ✓ Automatic Transmission)
drain /refill

- ✓ Differential drain/refill) Every 36,000 miles
- ✓ Wheel bearing package)

Every 3months inspect the following: (make required repairs)

- ✓ All fan, A/C, power belts
- ✓ Radiator, heater, A/C hoses
- ✓ A/C, heater system
- ✓ Power steering
- ✓ Windshield wiper blades and arms
- ✓ Doors and Windows

Every 6 months inspect the following: (make required repairs). Alternator/generator

- ✓ Battery
- ✓ Exhaust system, muft1er, converter, tail pipe
- ✓ Emission control system
- ✓ ignition system
- ✓ Door locks and window mechanisms
- ✓ Fuel tank and suspension system

Annually inspect and/or conduct the following: (make required repairs)

- ✓ Comprehensive engine tune-up and analysis
- ✓ Comprehensive steering/brake system evaluation
- ✓ Comprehensive body/paint check
- ✓ Comprehensive evaluation of emission control system
- ✓ Drain, flush, and clean cooling system refill
- ✓ Electrical wiring
- ✓ Suspension system
- ✓ Mechanical linkages
- ✓ Interior condition

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Appendix 12

VEHICLE PRE-TRIP INSPECTION REPORT

Driver:
Today's Date

Vehicle ID No:
License Plate No:

Expiration Date:
Odometer Reading

X – Satisfactory
O – Requires Attention

Dates

Vehicle Inspection

Comments

Check tires for
proper condition
and inflation

Check wheels for
loose hub bolts and
lube leaks

Check for proper steering functions

Check lighting systems, wipers, and horn

Check brakes and warning lights

Check doors, windows, and operating mechanisms

Check first aid kit, fire extinguishers, and emergency devices

Check back up alarm and stop arm

Check exhaust for leaks and fumes

Regularly check the oil, coolant, washer fluid, steering fluid and fuel

Driver's Initials

[Home](#)

CAFETERIA and FOOD PREPARATION AREA

The proper preparation and handling of food is an essential element to prevent illnesses and ensure a safe school environment. The following precautions, procedures, and requirements must be adhered to very closely.

Burn Prevention:

- ❖ Use thick, dry potholders;
- ❖ Use long-handled stirring devices;
- ❖ Wear insulated gloves or mitts when removing hot pans;
- ❖ Wear insulated gloves in rinse water 170° or greater;
- ❖ Lift lids away from yourself to avoid steam contact;
- ❖ Do not fill kettles too full;
- ❖ Avoid spattering and splashing; and
- ❖ Point pan handles away from traffic.

Housekeeping:

- ❖ Storage areas, bathrooms, equipment, and kitchen must be kept clean and sanitary;
- ❖ Damage or spoilage must be reported and disposed of immediately;
- ❖ Personnel must adhere to procedures for pest control. Pests carry diseases and viruses and must be controlled;
- ❖ Clean up spills immediately;
- ❖ Lighting and ventilation are adequate;
- ❖ Exhaust hoods, filters, and ducts must be cleaned regularly;
- ❖ Aisles and passage ways must be clear and unobstructed;
- ❖ Waste receptacles must be emptied before overflowing;
- ❖ Broken glass and china must be discarded in a separate receptacle;
- ❖ Floors must be free of cracks, holes, broken tiles, and other defects;
- ❖ Greasy rags must be collected in closed metal containers; and
- ❖ Mop bucket water must be properly disposed of.

Storage and Material Handling:

- ❖ Ladders used to reach material on shelves must be of proper length;
- ❖ Heavy objects should be stored on bottom shelves;
- ❖ All disinfectants and toxic materials must be stored away from foodstuffs;
- ❖ Hand trucks, dollies and carts should be properly loaded;
- ❖ Materials must be stored in a manner to prevent falling or collapse;
- ❖ Point of operation guards must be provided on cutting, slicing, chopping and grinding equipment;
- ❖ Belts, pulleys, shafts and other moving parts of power driven machinery must be enclosed;
- ❖ Electrical equipment must be grounded and wiring in good condition and free of grease;
- ❖ Dry chemical, halon or carbon dioxide fire extinguishers provided in the kitchen area;
- ❖ Equipment stands must be sturdy and secure; and
- ❖ Food storage and serving racks must be sturdy and secure.

Knife Safety:

The most commonly used tool and the greatest source for an accident is a knife. The following safeguards should be used during cutting activities:

- ❖ Mesh safety gloves are available in the kitchen and are used when cutting activities are prolonged and repetitive;

- ❖ Use a plastic or glass cutting board;
- ❖ Firmly hold food against cutting board with fingers curved;
- ❖ Keep point of knife on cutting board;
- ❖ Do **not** cut toward your body;
- ❖ Wash knives directly after use. Do **not** put knives in soapy water where they cannot be seen;
- ❖ Keep sharp edge of knife away from body while washing;
- ❖ Knife racks must be provided and knives must be returned to racks after use;
- ❖ Keep knife sharp. Dull knives are harder to work with and cause more accidents;
- ❖ Do not try to catch knife that is falling or has been dropped;
- ❖ Choose the right knife for the job, use only for the intended purposes;
- ❖ Do not use damaged knives; and
- ❖ Clean the knife handle if it becomes slippery during use.

Dishwasher Safety:

Proper dishwashing will protect against the spread of bacteria causing food borne illness. Kitchen personnel should adhere to the following procedures:

- ❖ Keep equipment clean;
- ❖ Inspect equipment prior to use;
- ❖ Inspect detergent and chemical dispensing equipment;
- ❖ Water temperature must be the following;
 - Wash water 150° - 165° Fahrenheit
 - Rinse water 180° Fahrenheit
- ❖ Rack dishes properly;
- ❖ Dishwasher must run full cycle and allow dishes to dry;
- ❖ Sanitize hands going from dirty to clean end of machine; and
- ❖ Be careful of steam and hot parts to avoid burns.

Convection Oven Safety:

- ❖ Use long oven mittens loading and unloading;
- ❖ Load with oven fan off;
- ❖ Arrange pans for maximum air movement;
- ❖ Do not overload oven. Partial loads should be placed in the middle of the rack;
- ❖ Remember cooking time is reduced and requires lower temperatures;
- ❖ Stand well behind the oven door when opening; and
- ❖ Crack oven door one inch or so when opening oven door. This is to allow the burst of hot air to escape in the hood system.

Food Slicer or Chopper Safety:

- ❖ Make sure that assembly and use is per manufacturer's recommendations and specifications;
- ❖ Do not use without safety guards or safety devices;
- ❖ Do not put hands inside bowl while equipment is on;
- ❖ Pusher sticks should be used to feed chopping, cutting or grinding machinery;
- ❖ Remove food only when equipment is completely stopped;
- ❖ Unplug when cleaning or repairing;
- ❖ Inspect prior to use making sure all parts are in the correct position; and
- ❖ Use sharp blades only.

Mixer Safety:

- ❖ Fasten bowl attachment and safety devices before use;
- ❖ Stop machine before scraping down sides of the bowl;
- ❖ Do not put hands or spoons in bowl while in operation;
- ❖ Use protective screens if available;
- ❖ Turn mixer off when changing speeds to protect the gears; and
- ❖ Turn mixer to lowest speed after use.

Food Service Safe Practices:

- ❖ Proper lifting techniques must be used;
- ❖ Employees should be discouraged from wearing loose clothing or jewelry around machinery;
- ❖ Promptly report all maintenance problems to the Maintenance Department:
 - Gas leaks or odors;
 - Refrigerator or freezer;
 - ✓ Improper temperatures. Document temperatures daily;
 - ✓ Any needed repairs.
 - Hood system problems;
 - Lighting repairs; and
 - Equipment malfunctions.

Proper Attire:

Proper attire includes clean clothes/uniform and a hair restraint. Shoes that are comfortable, low-heeled, and non-slip soles are recommended. Clogs or slip-on shoes are not acceptable. Also, no jewelry should be worn.

FIRE SAFETY

The protection of employees and students, not the preservation of facilities, is the primary concern of the Pendleton County Board of Education.

Maintaining Avenues of Egress:

An avenue of egress is a continuous and unobstructed way of travel from any point in a building to an outside exit. Inadequate exits have caused massive disasters and loss of life, prompting public attention and new facility fire codes.

All facilities shall have posted emergency action plans that include evacuation routes to be used in the case of an emergency. The plan must be posted in each room in each facility. The fundamental requirements of an emergency exit plan are:

- ❖ Prompt and convenient escape;
- ❖ **No locks or devices to prevent egress;**
- ❖ The means of egress is clearly visible and understandable. Doorways that could be mistaken for an exit must be marked, **"Not an Exit"**;
- ❖ Exits shall be illuminated;
- ❖ Adequate fire alarm equipment to alert occupants; and
- ❖ Maintain and inspect sprinkler systems or equipment where provided.

Protective enclosures of exits three stories or less must be one hour fire resistance with self-closing devices. Multiple exits should be available and separated as far apart as possible. Exits must be readily available at all times. Doors must swing with exit travel. Mirrors may not be placed on exit doors. Minimum width of an exit is 28 inches.

Floors must be a smooth surface

Absolutely no smoking in or on school property.

Guardrails are required for open sides above ground level. Exterior routes must be roof covered with no obstructions.

Discharge routes must lead directly to open space, yard, or street. The discharge area must be adequate to accommodate all who leave the facility from such an exit.

The avenue of egress must have a minimum height of 7 feet, 6 inches headroom, and lights must be at least 6 feet 8 inches from the floor.

NO FURNISHING OR DECORATIONS ARE PERMITTED WHICH OBSCURE OR OBSTRUCT THE AVENUE OF EGRESS. STAIRWELLS MAY NOT BE USED FOR STORAGE.

Training:

Training is required when an emergency plan is developed or whenever the plan is changed. Each school shall have at least one employee who is trained in First Aid and CPR.

Proper housekeeping and storage precautions shall control the accumulation of flammable or combustible waste materials. Precautions storing such materials near heat producing equipment shall be taken to prevent accidental ignition. Appropriate storage cabinets and containers are to be used.

Approved fire extinguishers will be used in Pendleton County Schools. Extinguishers will be hydrostatically tested every 6 years. Extinguishers shall be inspected and tagged annually by a certified technician.

School labs are equipped with emergency blankets, fire extinguishers, and emergency gas shut off valves.

Sprinkler Systems:

Sprinkler systems must be inspected monthly (initial and date on monthly inspection form). Valves must be visibly tagged in the open position, without obstruction by materials or storage. Sprinkler systems shall be inspected quarterly by a certified technician. A main drain flow test must be performed annually. The inspector's test valve shall be opened every two years.

Vertical clearance must be 18 inches between sprinklers and materials below. Fire pumps should be started and inspected monthly and storage tank inspected for fuel level.

Supervised Fire Alarms:

If a fire system is inoperable, notification of occupants and temporary precautions must be taken to assure safety until the system is restored. A fire alarm system must be maintained in all school buildings and inspection of the system must occur monthly.

Fire Drills:

Ten Fire Drills are to be performed throughout the school year. Hallways must provide a six foot wide clearance to exits. Handrails may not project more than five inches. Speed, proper order, and discipline are essential in safe evacuation. Drills are designed to train children to the action to be taken during an emergency. No notification or fixed time should be set for the drills. Staff must be assigned to search bathrooms or other rooms and take roll and verify students' evacuation. The date and evacuation time shall be recorded on the State Fire Marshall Report Form which is provided for each school.

Elevators may not be used for the purposes of an evacuation during the fire drill.

Daily Safety Inspections:

It is the responsibility of the principal or designee to inspect daily to ensure the following prior to occupancy:

- ❖ Exit doors are unlocked and unobstructed during occupancy;
- ❖ Stairways and exits are clear and unobstructed.

Verify exit lights are in working order. Exits must be unobstructed. Remove accumulation of snow or ice that would interfere with exiting during an emergency.

Emergency lights must be tested monthly.

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The greatest hazard posed by hand tools results from misuse and improper maintenance.

Hand Tools

Examples of misuse include the following:

- ❖ Do not use a screwdriver for a chisel, the tip may become a projectile;
- ❖ Do not use a hammer or ax with loose handles;
- ❖ Do not use a wrench if jaws are sprung;
- ❖ Do not use an impact tool with mushroomed or dull edges;
- ❖ Do not use dull knives, blades, scissors, etc.;
- ❖ Be aware of others in the proximity of work activities;
- ❖ Be aware and take precautions with flammable substances; and
- ❖ Use proper protective equipment.

Power Tools:

Potential hazards and safety precautions include, but are not limited to, the following:

- ❖ Do not carry a tool by the cord or hose;
- ❖ Do not yank or pull cord to disconnect from receptacle;
- ❖ Do not use damaged tools;
- ❖ Do not remove equipment guards or safety switches;
- ❖ Do not use electric tools in wet locations;
- ❖ Keep cords from heat, oil, and sharp edges;
- ❖ Keep cutting tools sharp and lubricated;
- ❖ Keep good footing and maintain balance;
- ❖ Use tools with three-wire cords, grounded, and insulated;
- ❖ Use hearing protection when needed;
- ❖ Disconnect tools before servicing;
- ❖ Secure work with clamps or vise, freeing both hands when possible;
- ❖ Wear proper apparel, no jewelry;
- ❖ Gloves and safety footwear are recommended;
- ❖ Compressed air guns must never be pointed toward anyone; and
- ❖ Store tools in a dry place.

Jacks must be permanently marked with the manufacturer's load limit. Load limit should never be exceeded. Jacks must have a device to stop them from over extending. A jack must not be used to support a lifted load. Once load is lifted, it must be blocked and secured.

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HAZARDOUS CHEMICALS COMMUNICATION PROGRAM

The (OSHA) Hazard Communication and Right to Know Legislation require employees and building occupants are informed of hazards in the work environment. Chemical exposure may cause or contribute to serious health effects. Some chemicals have the potential to cause fires or explosions. Communication of hazards in the workplace will enable employees to contribute to the protective measures needed and minimize exposure.

To convey hazard information, Material Safety Data Sheets (MSDS) will be provided in all facilities. MSDS's are required for each chemical used in all facilities of the Pendleton County Board of Education.

Each MSDS identifies the chemical identities, physical characteristics, acute and chronic health effects exposure limits, precautionary measures, storage requirements, and emergency and first aid procedures.

Labels on containers provide hazard information and directions; therefore, they must not be removed. Materials shall not be stored in unmarked containers.

An inventory of all hazardous chemicals must be on file with the copies of the corresponding MSDS's in the facility. The Director of Maintenance or the Director of Safety and Health will supply a list of hazardous materials ordered by individual schools or other central office staff. To obtain a MSDS, simply contact the vendor supplying the product. If you cannot obtain the MSDS as requested, you may need to contact the area OSHA Office.

When possible, substitute a less hazardous material to reduce exposure and provide safe work practices.

Chemical labs in the high school are required to inventory, properly handle and properly dispose of chemicals. Emergency eye wash stations and emergency showers are provided.

Gasoline and diesel tanks shall meet or exceed state and federal guidelines.

HEAD PROTECTION POLICY

Most workers who suffer from head injuries were not wearing head protection and were injured while performing their normal jobs. When practical for the particular job, hard hats should be worn to resist penetration and absorb the shock of a blow.

Head injuries from falling objects, or bumping head on fixed objects could be avoided by wearing hard hats. Protective hats will also protect against electrical shock. Head protection should meet federal safety guidelines.

Head protection classes are as follows:

- ❖ Class A – Impact hazards;
- ❖ Class B – Electric shock and burn; and
- ❖ Class C – Comfort and impact – not electric shock.

Head protection should be water resistant, fire resistant, ventilated, adjustable in 1/8 inch size increments, and clean. Inspect head protection for dents, cracks and mutilations. Do not store in direct sunlight or extreme heat both of which will adversely affect the protection.

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HEARING PROTECTION

The level of 85 dBA for an eight hour period has been established as permissible exposure level. Levels of sounds beyond the permissible exposure limit or at levels which are uncomfortable must be reduced by wearing hearing protection or engineering controls.

If employee's exposure levels are 85 dBA for an eight-hour time weighted average, a hearing conservation program should be implemented to include the following:

- ❖ Exposure monitoring;
- ❖ Audiometric testing;
- ❖ Hearing Protection;
- ❖ Employee training; and
- ❖ Record keeping.

Note: Contact the Safety Coordinator if there is exposure above the permissible limit. 304-256-4500

Employees should be mindful that hearing loss may occur owing to short or long term exposure to high levels of sound and they should take precautions if situations occur that could expose them to unsafe levels. Earmuffs provide better protection at high levels of sound.

LADDER and SCAFFOLD SAFETY

Portable Ladders:

Poorly designed, maintained, or improperly used ladders may cause an employee to fall.

The three types of ladders include:

- ❖ Stepladders - self-supporting;
- ❖ Single-step ladders - non self-supporting; and
- ❖ Extension ladders - non self-supporting, adjustable length.

Requirements for Ladders Include:

- ❖ Stepladders may not be longer than 20 feet;
- ❖ Stepladders must be equipped with a metal locking spreading device;
- ❖ Single-step ladders may not be longer than 30 feet;
- ❖ Extension ladders may not be longer than 60 feet;
- ❖ Ladders must be maintained in good condition and unsafe ladders should be disposed of;
- ❖ Inspect ladders prior to use;
- ❖ Ladders must be placed with a secure footing or must be held in position;
- ❖ Extension ladders must be extended three feet above the point of support, roof, or platform;
- ❖ The pitch of extension ladders should not exceed one fourth the distance from the base of the ladder to where it touches the point of support;
- ❖ Always face the ladder when climbing up or down;
- ❖ Never use the top step of a stepladder;
- ❖ Use fiberglass or wood ladders instead of metal ladders when working near electrical equipment; and
- ❖ Use both hands when climbing or descending a ladder.

Fixed ladders permanently attached to a structure must not exceed 30 feet. Fixed ladders exceeding 20 feet extend 42 inches above landing and 8 feet above the base.

Scaffolding General Requirements:

- ❖ Sound footing that will carry maximum intended load without displacement. Do not use unstable objects such as blocks to support scaffolds;
- ❖ Scaffolds must be maintained in a safe condition;
- ❖ Inspect scaffolds prior to use;
- ❖ Use a ladder to gain access to working platform;
- ❖ Guardrails, middle rails, and toe boards should be used on all open sides and ends of platforms above 10 feet; and
- ❖ Do not use scaffolds during rain, high winds, or when covered with ice or snow.

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LIFTING and BACK INJURIES

Back injuries account for one-fifth to one-fourth of all workplace injuries, are a leading cause of injuries under the age of 45. The best way to avoid lifting injuries is by reducing lifting where possible. Mechanical lifts should be utilized as often as possible.

A summary of lifting techniques and generally accepted recommendations to reduce back injuries include the following:

- ❖ Lift with the legs, bending at the knees, not with the back;
- ❖ Keep the load close to the body;
- ❖ Avoid twisting and turning while lifting;
- ❖ Determine what constitutes a safe load for you to lift;
- ❖ Set the load down the same way it was lifted;
- ❖ Pushing a load has less strain than pulling a load;
- ❖ Long hours of sitting or standing can cause back problems;
- ❖ Do not lift alone if assistance is available;
- ❖ Make sure you have secure footing;
- ❖ Get a good grip on the object to be lifted; and
- ❖ Keep your back straight.

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MACHINE and EQUIPMENT SAFETY

DO NOT USE EQUIPMENT and machinery that may be deemed unsafe. Wear proper protective equipment during use of machinery.

Where a moving part or machine could come into accidental contact causing injury to the operator, (employees or students) the hazard must be safeguarded, controlled or eliminated. Tragic injuries such as crushed hands, arms, severed fingers, blindness or other serious injury must be avoided.

The point of operation where the work is performed, such as cutting or shaping, must be safeguarded.

All the components that power the apparatus or machine, such as pulleys, belts, gears, chains, flywheels, etc. must be safeguarded.

Rotation motion of moving parts that could grip clothing or force a body into a dangerous condition must be safeguarded. Nip points and reciprocating motions that can crush or entangle must be safeguarded.

Cutting actions at the point of operation must be safeguarded as well as protection from flying parts which may cause eye injuries. Shields providing protection from flying particles must be used when possible.

Safeguards must prevent contact of body parts near hazardous moving parts. The safeguard must be secured, durable, and not easily removed. Safeguards must not have pinch points, jagged edges, sharp edges or points, or surfaces that may create a hazard.

Training must involve instruction and hands on training. Employees (and students) must be familiar with the use of the equipment before use. Only in rare circumstances may a safeguard be removed (only for maintenance). The guard shall be immediately secured to the equipment after the maintenance is performed.

Devices or sensors that may stop the machine if hazards occur must be used and not disconnected.

Restraint or holdout devices that can be attached to the operator to prevent entering a pre-determined unsafe area must be used when necessary. Two handed controls or trips are devices used to deactivate some machines.

Safety trip controls that deactivate machines in emergency situations must be used when necessary. Emergency cutoff switches must be available when necessary. Gates may be used in some instances to protect point of operation or pedestrians.

Safeguarding by "locating distance" must be used when possible to reduce hazardous conditions.

Holding tools to place and remove items should be used in some instances to prevent reaching into danger areas. Push sticks and blocks are also to be used providing additional safety.

Measures to prevent prolonged or extreme noise may need to be taken and protection from exposure to chemical or substances may need to be taken.

Electrical hazards need to be considered. Equipment must be properly grounded, with no loose connections and the power supply shall have proper protection. Cords shall be double insulated (no visible cuts) and the ground prong shall be intact.

Machines and equipment must be free from visible vibration. Employees are reminded that sound judgment, awareness, and the alertness of the operator are also crucial elements in avoiding hazardous situations.

PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment should be used to create a barrier against workplace hazards. Personal protection equipment should not substitute for engineering controls or safe work practices. Examples of personal protective equipment include the following: respirators, gloves, steel-toed shoes, eye protection, ear protection, hard hat, aprons, clothing, and work accessories.

Equipment must be maintained in a sanitary and reliable condition. Inspect personal protective equipment prior to use. Employees shall be trained to know what equipment is needed and when to use it. The limitations of personal protective equipment will also be emphasized.

Eye Protection:

Suitable eye protection must be worn where there is a potential for injury from flying debris. Equipment should be adjusted for comfort and fit. Equipment should be durable, kept clean, and disinfected. The majority of eye injuries are caused by eye protection not being used. Always wear eye protection during weed-eating, drilling, welding, hammering, soldering, grinding, or in any situation that may cause an injury to the eyes.

Use water to flush away contaminants from the eyes. Do not rub your eyes; rubbing can scratch the eye or embed the object. Eyewashes have been installed in high school chemical labs. Students must be instructed on the proper use of this equipment. Eye protection equipment must meet federal guidelines.

Foot Protection:

Ten percent of all accidents reported are foot injuries. Steel insoles, insulated with ankle protection and steel-toed shoes are recommended. Neoprene soles provide better traction. Safety boots shall be provided for sewer plant operations.

Hand Protection:

The most used tool in industry or any workplace is the human hand. Hands are exposed to many hazards during work activity. One in four of all injuries are related to hands or fingers.

Injuries to hands to avoid are: cuts, punctures, crushing, electrical, extreme heat and cold, and chemicals. Keep hands clean with germicidal soap and use gloves for the specific hazard. Do not use inappropriate equipment or equipment without proper safety guards or devices. For more information see the section of the policy concerning Machine and Equipment Safety.

PLAYGROUND SAFETY

The majority of serious injuries on playground equipment results from falls to the surface below equipment. Examples of hazards associated with playground are:

- ❖ Impact from moving swings;
- ❖ Inadequate or improper supervision;
- ❖ Contact with protrusions and projections;
- ❖ Pinch points;
- ❖ Sharp edges;
- ❖ Hot surfaces;
- ❖ Playground debris;
- ❖ Structural failure; and
- ❖ Head entrapment.

It is recommended that playgrounds have separate areas for different age groups with appropriately sized equipment. Proper assembly and installation according to the manufacturer's recommendations are crucial for long-term structural integrity and stability.

The principal or designee should inspect equipment frequently for potential hazards and dangerous debris. The preventive maintenance form and check list provided at the end of this section should be used to inspect and report hazards. Maintenance of equipment is critical to avoid injuries.

The purchasers of equipment must ensure that it is durable and appropriate for an outdoor school setting. Materials used must be durable and long lasting. Paints and finishes to equipment must not contain lead. All wood must be treated, but minimize the levels of arsenic.

Hardware used should include fasteners with some locking means so that they will not loosen, experience minimal corrosion, and is easy to lubricate. Rubber matting is expensive, but the best fall protection available. Other materials acceptable are:

❖ Wood mulch	5 inches for a height of 6 feet
❖ Wood chips	6 inches for a height of 6 feet
❖ Sand	10 inches for a height of 6 feet
❖ Gravel	6 inches for a height of 6 feet

PLAYGROUND SAFETY REPORT CARD

ITEM	Yes	No
Supervision		
Adults are present when children are on equipment.		
Children can be easily viewed on equipment.		
Children can be viewed in crawl spaces.		
Rules regarding expected behavior are posted.		
Equipment is not overcrowded.		
Age-Appropriate Design		
Playgrounds have separate areas for different age groups (i.e., K-3, 4-6).		
Platforms have appropriate and repaired guardrails and steps.		
Platforms allow change of direction to get on and off structure.		
Signs indicate for which age group the equipment is appropriate.		
Equipment design prevents climbing outside the structure.		
Supporting structure prevents climbing on it.		
Equipment is properly anchored.		
Ample space exists between pieces of equipment.		
Fall Surfacing		
Are jumping pits and sandboxes checked daily and maintained free of foreign objects?		
Is surfacing material even, free of cracks and foreign objects?		
Suitable surfacing materials are provided (rubber, wood chips, sand, gravel, mulch).		
Appropriate depth of surfacing material is provided.		
Does material below all play apparatus provide adequate cushion and checked daily to be free of foreign objects?		
Are apparatus footings and foundations firm, below grade and in safe condition?		
All play surfaces are free of foreign objects (cans, glass, sharp objects, etc.).		
Equipment Maintenance		
Equipment is free of missing or broken parts (i.e., protective caps and devices).		
Equipment is free of head entrapment or clothing catching defects.		
Are racing and assembly joints tight, free from sharp edges and protruding bolts?		
Is all metal equipment free of rust, sharp or protruding surfaces?		
Are metal slides protected from direct sunlight?		
Are all moving parts free of signs of excessive wear and well lubricated?		
Are bearings and fulcrums (teeters) enclosed to prevent hand injuries?		
Is defective and worn equipment removed from use immediately upon discovery?		
Are wood surfaces free of rough, sharp or splintered surfaces?		
Are safety lines around play apparatus clearly marked?		
Is use of apparatus prohibited when wet?		
Equipment is free of cracks and holes.		
Is leather, canvas and rubber material free of rot and excessive wear?		
Is the play area and apparatus inspected daily?		
Total Points		

Scoring System: Total of "Yes" answers in the "Total Points" box at the end of the table.

20 – 25 = A (Excellent) Only moderate work required in "No" areas.

14 – 19 = B (Serious work on "No" areas).

10 – 13 = C (Potentially hazardous conditions; take corrective actions).

6 – 9 = D (Children at high risk. Make immediate improvements).

5 or less = F (Do not allow children on the playground. Make immediate changes)

School and Location _____

Employee Conducting the Inspection _____ **Date** _____

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WALKING and WORKING SURFACES

Slips, trips, and falls constitute the majority of general industry accidents and cause 15% of all accidental deaths.

Housekeeping:

Every space in a facility must be kept clean and orderly. Spaces must be kept in a dry condition as much as possible.

Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, ditches, landings, floor openings, platforms, etc. Platforms 4 feet or higher from adjacent floor will have proper railings; 42 inches for top rail, mid-rail is 21 inches and the bottom rail at 14 inches high on exposed sides. Toe boards are to be 4 inches high and also on all open sides.

Stairways and Railings:

Stairways with four or more risers or more than 30 inches shall have railings 42 inches high. Stairways less than 44 inches wide with both sides enclosed must have one handrail. With open sides, the stairways must have a handrail on each side. Stairways more than 44 inches wide must have one handrail provided on both sides. If a stairway is 88 inches wide, a third handrail is required in the middle of the stairs.

Stairway railings should be 30-34 inches high. The rail is to be three inches from the wall. Winding and spiral stairways shall be equipped with a handrail offset sufficiently to prevent walking on those portions of the stairways where the tread width is less than six inches.

Stairs shall be constructed to be strong enough to carry a minimum of 1000 lbs. and five times the normal anticipated load. Minimum width shall be 22 inches. No overhead obstructions within seven feet are allowed. Long flights of steps should be avoided. The National Safety Council recommends landings every twelfth tread. The minimum length for a landing is 30 inches.

Potential safety hazards include:

- ❖ Weak handrails;
- ❖ Worn or damaged treads;
- ❖ Wet grasping surfaces;
- ❖ Poor housekeeping; and
- ❖ Poor illumination.

Floors:

Floors are to be maintained and kept free of tripping hazards such as: protruding nails, splinters, holes, or loose parts (tiles, boards or carpet). Aisles and passageways are to be kept clear of hazards.

Non-slip wax is purchased for the tile floors. Floor entrance mats must be placed where needed. Wet floor signs shall be put up in cases of wet floors from spills, tracking from wet outside conditions, and when mopping. Gym floors are refinished on an annual basis.

SECTION FIVE
Safety Inspection Checklists

Food Service Department Safety Inspection Checklist

Principals' Semi-Annual Safety Inspection Checklist

Maintenance and Transportation Departments Safety Inspection Checklist

Pendleton County Schools Monthly School Safety Checklist

Food Service Department Safety Inspection Checklist

- ❖ This checklist is to be completed November 1 and March 1 of each year.
- ❖ Please forward the original to the Safety Coordinator.
- ❖ Keep a copy in location files for one year.
- ❖ Follow up on the status of corrective actions and work orders monthly.
- ❖ List each item requiring corrections in the comments section.

Inspector _____ Date _____

School/Location _____

	Circle One	Comments
Is there documentation of required employee safety and health training?	Y / N N/A	
Are emergency telephone numbers posted?	Y / N N/A	
Are employees trained in first aid/CPR?	Y / N N/A	
Is there a first aid assistance chart posted?	Y / N N/A	
Is a telephone available with outside direct dial capability?	Y / N N/A	
Are food service areas kept clean, orderly and sanitary?	Y / N N/A	
Are ovens and fryers cleaned regularly to prevent grease build up?	Y / N N/A	
Are empty cartons and packing materials disposed of promptly?	Y / N N/A	
Is the area around the trash receptacles kept clean?	Y / N N/A	
Are waste receptacles in good condition and lined with plastic bags?	Y / N N/A	
Are spills and slippery substances immediately cleaned up?	Y / N N/A	
Are signs posted to warn of common slippery areas?	Y / N N/A	
Are electrical outlets wired properly?	Y / N N/A	
Are electrical receptacles and cover plates free of cracks and securely mounted?	Y / N N/A	
Are e-stop buttons colored in red and operable?	Y / N N/A	
Are electrical appliances in good condition and checked for ground?	Y / N N/A	
Are cleaning chemicals stored properly?	Y / N N/A	
Are MSDS's current and available?	Y / N N/A	
Does a readily visible sign with letters at least six inches high and three-fourths inches wide mark exits?	Y / N N/A	
Are exit lights illuminated when room is occupied?	Y / N N/A	
Are exit paths clear?	Y / N N/A	
Is adequate lighting provided in all work areas?	Y / N N/A	
Are the drain covers flush with the floor level so as not to create a tripping hazard?	Y / N N/A	
Do the walk-in freezer and refrigerator doors have an operable handle release to prevent the employee from being trapped inside?	Y / N N/A	
Are hands washed regularly throughout the shift?	Y / N N/A	

	Circle One	Comments
Are knives kept sharp to reduce force needed to use them?	Y / N N/A	
Do employees use proper lifting techniques?	Y / N N/A	
Is a buddy system in place to ensure "help" when performing heavy lifting?	Y / N N/A	
Is kitchen cooking equipment properly stored?	Y / N N/A	
Are all kitchen tools stored properly?	Y / N N/A	
Are heavy items stored on the lower shelves, and lighter items above?	Y / N N/A	
Material stored on elevated surfaces is stored in a manner to prevent it from falling or collapsing.	Y / N N/A	
Aisles and work areas are free of trip/fall hazards and clutter.	Y / N N/A	
Doorways and fire exits are unobstructed.	Y / N N/A	
Are all cleaning solution containers labeled?	Y / N N/A	
Before cleaning or performing maintenance, are machines made inoperable.	Y / N N/A	
Are motor "Start" switches protected against inadvertent operation?	Y / N N/A	
Are adapters used to permit the use of three pronged plugs into two pronged receptacles? It is prohibited!!	Y / N N/A	
Do any cords show signs of fraying, cracking, wear or damage?	Y / N N/A	
Are defective cords immediately removed from service?	Y / N N/A	
Are all plugs equipped with the ground prong?	Y / N N/A	
Are extension cords used in lieu of permanent wiring?	Y / N N/A	
Are circuit breakers and fuse boxes legibly marked showing what they control?	Y / N N/A	
Are circuit breakers and fuse boxes legibly marked showing what they control?	Y / N N/A	
Are circuit breakers and fuse boxes unobstructed?	Y / N N/A	
Are there openings in circuit breakers and fuse boxes?	Y / N N/A	
Is each electrical outlet, switch and circuit breaker, and fuse box equipped with a cover plate?	Y / N N/A	
Is eye/face protection used where there is a possibility of injury from caustic cleaning materials, flying particles, splatters or chips?	Y / N N/A	
Are non-skid shoes worn in areas where floors may become wet or greasy?	Y / N N/A	
Are thermal gloves available for handling hot trays?	Y / N N/A	

Is a safety ladder available for reaching high storage items?	Y / N N/A	
Metal ladder has sign; "Caution-Do Not Use Around Electrical Equipment"	Y / N N/A	
	Circle One	Comments
Are portable fans guarded?	Y / N N/A	
Are safety guards used when and where needed?	Y / N N/A	
Are mobile carts in good condition?	Y / N N/A	
Are hand trucks/dollies in good condition?	Y / N N/A	
Is there a 36 inch clearance around sprinkler heads?	Y / N N/A	
Are rubber mats or other approved matting in use and in good condition?	Y / N N/A	
Are exhaust hoods/vents working adequately?	Y / N N/A	
Is there an automatic fire suppression system in vent hood?	Y / N N/A	
Is the light over cooking area under the vent hood explosion proof?	Y / N N/A	
Are all filters well maintained?	Y / N N/A	
Are grease traps clean?	Y / N N/A	
Are storage racks in good condition and stable?	Y / N N/A	
Are knives and other cutting attachments stored in safe enclosures?	Y / N N/A	
Are ventilation and ducting free of grease accumulation?	Y / N N/A	
Is a first aid kit available and properly stocked?	Y / N N/A	
Portable fire extinguishers are checked monthly, properly mounted, charged, pins secured, accessible and tags are current.	Y / N N/A	
Are employees trained to extinguish fires?	Y / N N/A	
Do all service personnel receive training in proper lifting techniques?	Y / N N/A	
Is the room capacity posted?	Y / N N/A	
Are tables and benches in good repair?	Y / N N/A	
Are bathrooms well maintained?	Y / N N/A	
Are good housekeeping practices maintained?	Y / N N/A	
Is the disaster preparedness plan posted?	Y / N N/A	
Does the disaster plan include duties and assignments for all employees?	Y / N N/A	
Are employees trained in disaster preparedness?	Y / N N/A	
All safety related work orders from the last safety inspection have been corrected.	Y / N N/A	

Principals' Safety Inspection Checklist

- ❖ This checklist is to be completed November 1 and April 1 of each year.
- ❖ Please forward the original to the Safety Coordinator.
- ❖ Keep a copy in location files for one year.
- ❖ Follow up on the status of corrective actions and work orders monthly.
- ❖ List each item requiring corrections in the comments section.

Principal: _____ Date: _____

School: _____

	Circle One	Comments
Facilities and Grounds in General		
Are all guards in place and in proper working order?	Y / N N/A	
Are electrical boxes properly labeled and there are no open slots?	Y / N N/A	
Is there at least a 36 inch clearance in front of electrical boxes?	Y / N N/A	
Are lights free of loose wires, jagged glass and other defects that could cause an injury?	Y / N N/A	
Are fire alarm switches in good repair and operable?	Y / N N/A	
Are extension cords in good repair without defects such as ground prong missing, cuts, etc.?	Y / N N/A	
Are extension cords being used as permanent wiring?	Y / N N/A	
Are blacktop and sidewalks free of holes or cracks large enough to cause a tripping hazard?	Y / N N/A	
Does dirt and water collect on walkways?	Y / N N/A	
Are shrubs and trees trimmed so no branches are hanging over walkways?	Y / N N/A	
Are all areas free of debris, broken glass and other hazardous material?	Y / N N/A	
Are all downspouts in proper position and not protruding into walkways?	Y / N N/A	
Is mulch maintained around the playground as appropriate?	Y / N N/A	
Is playground equipment mechanically sound?	Y / N N/A	
Is fencing free of sharp corners, holes and other defects?	Y / N N/A	
Are faucets and drinking fountains in good repair and clean?	Y / N N/A	
Is housekeeping on school grounds up to acceptable standards?	Y / N N/A	
Are you performing recommended inspections and documenting them? (i.e., fire exits, daily walkthroughs	Y / N N/A	

	Circle One	Comments
Are windows and doors free of sharp edges, splinters, and broken window panes?	Y / N N/A	
Are all exit routes and stairways unobstructed?	Y / N N/A	
Are floors free of loose or broken tiles or other defective finishes that could cause a tripping hazard?	Y / N N/A	
Are all door locks functioning properly?	Y / N N/A	
Food Service (Housekeeping)		
Are grease and wet spill on floors cleaned immediately?	Y / N N/A	
Is lighting and ventilation adequate in all areas?	Y / N N/A	
Are exhaust hoods, filters and ducts cleaned regularly?	Y / N N/A	
Are aisles and passageways clear and unobstructed?	Y / N N/A	
Are waste receptacles emptied before overflowing?	Y / N N/A	
Are floors free of cracks, holes, broken tiles and other defects?	Y / N N/A	
Are greasy rags collected in closed metal containers?	Y / N N/A	
Food Service (Storage and Material Handling)		
Are suitable ladders used to reach material on higher shelves?	Y / N N/A	
Are heavy objects stored on bottom shelves?	Y / N N/A	
Are all disinfectants and toxic materials stored away from food?	Y / N N/A	
Are materials stored in a manner to prevent falling or collapse?	Y / N N/A	
Are belts, pulleys, shafts and other moving parts enclosed?	Y / N N/A	
Are ABC fire extinguishers charged, inspected monthly, unblocked, and readily available?	Y / N N/A	
Are food storage and serving racks sturdy and secure?	Y / N N/A	
Food Service (Safe Practices)		
Are adequate potholders and gloves provided and used to handle hot cookware?	Y / N N/A	
Are adequate potholders and gloves provided and used to handle hot cookware?	Y / N N/A	
Are proper lifting techniques used?	Y / N N/A	
Are employees rotating positions?	Y / N N/A	
Are employees getting assistance for lifting heavier objects?	Y / N N/A	
Playground Equipment		
Is surfacing material of adequate depth, even and free of foreign material?	Y / N N/A	
Are jumping pits and sandboxes checked daily and maintained free of foreign objects?	Y / N N/A	
Are children being properly supervised?	Y / N N/A	

	Circle One	Comments
Is defective and worn equipment removed from use immediately upon discovery?	Y / N N/A	
Are bracing assembly joints tight, free from sharp edges and protruding bolts?	Y / N N/A	
Are wood boards free of rough, sharp or splintered surfaces?	Y / N N/A	
Is all metal equipment free of rust, sharp, or protruding surfaces?	Y / N N/A	
Are all moving parts free of signs of excessive wear and well lubricated?	Y / N N/A	
Is the play area and equipment inspected daily?	Y / N N/A	

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Maintenance and Transportation Departments Safety Inspection Checklist

- ❖ This checklist is to be completed November 1 and March 1 of each year.
- ❖ Please forward the original to the Safety Coordinator.
- ❖ Keep a copy in location files for one year.
- ❖ Follow up on the status of corrective actions and work orders monthly.
- ❖ List each item requiring corrections in the comments section.

Inspector: _____ Date: _____

Location: _____

	Circle One	Comments
A first aid kit is available and properly stocked.	Y / N N/A	
Lighting is adequate in all shops and work areas.	Y / N N/A	
All employees are trained annually in how to operate a fire extinguisher.	Y / N N/A	
Flammable liquids are stored in a separate detached building, outside containers, or in approved safety cans or cabinets.	Y / N N/A	
Gasoline is stored in an approved metal safety can with flame arrestors.	Y / N N/A	
All work areas are free of combustible scrap, debris, and waste.	Y / N N/A	
Oil, paint, solvent-soaked rags are stored in self-closing metal waste cans and emptied daily.	Y / N N/A	
All containers are labeled with the name of the contents inside.	Y / N N/A	
Portable fire extinguishers are checked monthly, properly mounted, charged, pins secured, accessible and all tags are current.	Y / N N/A	
Doorways and fire exits are unobstructed.	Y / N N/A	
Aisles and work areas are free of tripping hazards.	Y / N N/A	
Oil and grease spills are covered with oil absorbing compound and cleaned up immediately.	Y / N N/A	
Material stored on elevated surfaces is stored in a manner to prevent it from falling or collapsing.	Y / N N/A	
There is a 36 inch clearance in front of all electrical panels.	Y / N N/A	
Circuit breakers and switches are marked to indicate their use.	Y / N N/A	
All electrical cords are in good condition and contain a ground prong.	Y / N N/A	
Electrical cords are kept out of walkways and work areas where they could present a tripping hazard.	Y / N N/A	
Portable lights are equipped with proper guards.	Y / N N/A	
Location of electrical power lines and cables are determined before digging, drilling or similar work is done.	Y / N N/A	
Only fiberglass reinforced ladders are used.	Y / N N/A	
All portable electrical tools are grounded or of the double insulated type and cords are in good condition.	Y / N N/A	

	<u>Circle One</u>	<u>Comments</u>
Rotating or moving parts of saws, grinders, sanders, or other power tools are guarded against personal contact.	Y / N N/A	
Effective guards are in place over belts, pulleys, chains, and sprockets on equipment.	Y / N N/A	
Pneumatic and hydraulic hoses on power operated tools are free of defects and damage.	Y / N N/A	
All hand tools are in good condition and well organized.	Y / N N/A	
Personal protective equipment is available and used (i.e., safety glasses, face shields, dust masks, rubber gloves, hearing protection, rubber boots, welding helmet and leather gloves)	Y / N N/A	
Tool cutting edges are kept sharp so the tools will move smoothly without binding or skipping.	Y / N N/A	
The work rest is adjusted to within 1/8 inch of the grinding wheel.	Y / N N/A	
Guards cover the spindle, nut and flange and 75% of the grinding wheel diameter.	Y / N N/A	
All portable grinders are equipped with guards.	Y / N N/A	
Bench and pedestal grinders are permanently mounted.	Y / N N/A	
The maximum RPM rating of each abrasive wheel is compatible with the RPM rating of the grinder motor.	Y / N N/A	
All emergency stop buttons are colored red.	Y / N N/A	
Fan blades are protected with a guard having protected openings no larger than ½ inch when operating within seven feet of the floor.	Y / N N/A	
Saws used for ripping are equipped with anti-kick devices and spreaders.	Y / N N/A	
Radial arm saws are arranged so the cutting head will gently return to the back of the table when released.	Y / N N/A	
All machinery or equipment is disconnected or disengaged and blocked or locked out during cleaning, servicing, adjusting, or setting up operations.	Y / N N/A	
Compressed air pressure for cleaning is regulated at 15 psi.	Y / N N/A	
Under no circumstances is compressed air used to clean dirt and dust from clothing or off a person's skin.	Y / N N/A	
Air compressors and elevators have current inspection certificates that are posted adjacent to the equipment.	Y / N N/A	
Hoisting equipment is in good condition and is marked with the rated load in an area visible to the operator.	Y / N N/A	

	<u>Circle One</u>	<u>Comments</u>
Compressed gas cylinders are free of obvious signs of defects, deep rusting, or leakage.	Y / N N/A	
Compressed gas cylinders are properly secured to prevent tip over.	Y / N N/A	
Gas lines are properly colored-red for acetylene and other fuel gas, green for oxygen, and black for inert.	Y / N N/A	
Flash back arrestors are installed on compressed gas cylinders.	Y / N N/A	
Unless stored on special trucks, regulators are removed and valve protection caps are installed before moving cylinders.	Y / N N/A	
Cylinders, valves, couplings, regulators, hoses, and apparatus are free of oily or greasy substances.	Y / N N/A	
Fire extinguisher equipment is available for immediate use when using welding and cutting equipment.	Y / N N/A	
Signs reading: Danger-no smoking, or the equivalent are posted in the entrance to the shop area.	Y / N N/A	
Welding is done outdoors or in areas with adequate ventilation.	Y / N N/A	
Potential fire hazards are removed from the area before welding or cutting starts.	Y / N N/A	
Slag and spark screens are available and used when the object to be welded or cut cannot be moved and potential fire hazards cannot be removed.	Y / N N/A	
Curtains are available and used to protect other workers from welding activities.	Y / N N/A	
Material Safety Data Sheets are available for each hazardous substance and are arranged in alphabetical order.	Y / N N/A	
Each container of hazardous substance is properly labeled with the product identity and warning.	Y / N N/A	
Bulk drums of flammable liquids are grounded and bonded to containers while dispensing.	Y / N N/A	
Fuel gas cylinders and oxygen cylinders are separated by 25 feet or by a one hour fire restrictive barrier when being stored.	Y / N N/A	
Eye wash facilities are available to employees exposed to injurious hazardous materials.	Y / N N/A	
All safety work orders from the last safety inspection have been corrected.	Y / N N/A	

Special Note: The Maintenance Department and Transportation Department checklist have been combined because they are under the direction of the same supervisor, they are housed in the same buildings and they use the same equipment.

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**Pendleton County Schools
Monthly School Safety Checklist**

School Name _____ **Principal's Signature** _____

ITEMS	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Check fire extinguishers to make sure they are in place and properly charged.											
Check for unacceptable extension cords. Outlet strips with a breaker on them are acceptable.											
Check all exit lights to make sure they are in proper working order.											
Test all emergency lights to ensure they are working properly.											
Check all portable heaters and make sure those that are not U.L. approved (those which shut off when overturned) are removed.											
Check exist doors to ensure they are in proper working order and not blocked or chained.											
Check all interior fire doors to see that they close properly.											
Remove any decorations from exit doors if they obstruct vision.											
Check fire drill reports. These should be scheduled in order that two are held each month.											
Check storage areas for proper housekeeping.											
Check to make sure fire doors are not propped open.											
Check to see that no dead-bolt locks are installed anywhere.											
Check light sockets to make sure none are broken or without bulbs. Be sure all receptacles and switch plate covers are in place.											
Check the campus/playground areas for safety hazards. Report any safety hazards that you may have discovered during your inspection of the buildings and grounds on work orders. Please identify them as safety hazards.											

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SECTION SIX
Sign off Sheets

PRINCIPAL SIGN OFF SHEET VERIFYING RECEIPT of SAFETY MANUAL

SUPERVISOR SIGN OFF SHEET VERIFYING RECEIPT of SAFETY MANUAL

PRINCIPAL SIGN OFF SHEET VERIFYING RECEIPT of SAFETY MANUAL UPDATES

SUPERVISOR SIGN OFF SHEET VERIFYING RECEIPT of SAFETY MANUAL UPDATES

**PRINCIPAL SIGN OFF SHEET VERIFYING RECEIPT
Of
PENDLETON COUNTY SAFETY MANUAL**

This is to certify that I _____, principal of _____
School have received the Pendleton County Safety Manual on ____/____/____ and I will review the contents with
my staff. I will ensure that my staff as well as I will adhere to the regulations and guidelines provided in the manual
and take disciplinary action if they are not followed.

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**SUPERVISOR SIGN OFF SHEET VERIFYING RECEIPT
Of
PENDLETON COUNTY SAFETY MANUAL**

This is to certify that I _____, supervisor of _____

_____ Department have received the Pendleton County Safety Manual on ____/____/____ and I will review the contents with my staff. I will ensure that my staff as well as I will adhere to the regulations and guidelines provided in the manual and take disciplinary action if they are not followed.

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**PRINCIPAL SIGN OFF SHEET VERIFYING RECEIPT
Of
PENDLETON COUNTY SAFETY MANUAL UPDATES**

This is to certify that I _____, principal of _____
_____ School have received the updated sections of the Pendleton County Safety Manual on
_____/_____/_____ and will review the contents with my staff. I will ensure that my staff as well as I will
adhere to the regulations and guidelines provided in the manual and take disciplinary action if they are
not followed.

The updated sections are:

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**SUPERVISOR SIGN OFF SHEET VERIFYING RECEIPT
Of
PENDLETON COUNTY SAFETY MANUAL UPDATES**

This is to certify that I, _____, supervisor of _____
_____ Department have received the updated sections of the Pendleton County Safety Manual on
_____/_____/_____ and will review the contents with my staff. I will ensure that my staff as well as I will
adhere to the regulations and guidelines provided in the manual and take disciplinary action if they are
not followed.

The updated sections are:

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**Pendleton County Schools
Verbal Warning Form**

I _____, (Principal/Supervisor)
have given _____ (Employee) a verbal
warning for not following the _____

_____ safety rules as stated in the Safety Manual and have coached him/her in the correct way to perform the task.

Principal/Supervisor

Employee

Date

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**Pendleton County Schools
Written Warning Form**

I _____, (Principal/Supervisor)
have given

_____ (Employee) a verbal
warning for
not following the _____

_____ safety rules as stated in the Safety Manual and have coached him/her in the correct way to perform the task.

Principal/Supervisor

Employee

Date

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SECTION EIGHT

County Policies/Procedures Related to the Safety and Loss Control Policy

File: P.1. General Personnel Policies Related to Employment in Pendleton County

- (P) P.1.2. Equal Employment Opportunity
- (P) P.1.3. Employer-Employee Relations
- (P) P.1.4. Employee Involvement in Decision Making
- (P) P.1.6. Employee Protection

File: P.2. Employment of Professional Staff

- (P) P.2.1. Vacancy Posting and Recruitment
- (P) P.2.2. Priority Teacher Placement Following Consolidation or Merger of Two or More Grades or Buildings
- (P) P.2.3. Criteria for the Selection of Professional Personnel
- (P) P.2.6. FBI Background Check

File: P.3. Employment of Service Personnel

- (P) P.3.1. Vacancy Posting and Recruitment
- (P) P.3.2. Promotion and Filling Vacancies
- (P) P.3.3. FBI Background Check for Bus Drivers
- (P) P.3.4. Commercial Driver's License for School Personnel and Electrician License
- (P) P.3.7. Service Personnel Employment Policies and Regulations
- (P) P.3.8. Service Personnel Time Schedules
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File: P.5. Transportation Employees' Alcohol and Controlled Substance Testing

- (P) P.5.1. Employees Required to Undergo Alcohol and Controlled Substance Testing Procedures
- (P) P.5.2. Purpose
- (P) P.5.3. Definitions
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- (P) P.5.6. Testing Procedures
- (P) P.5.7. Handling of Test Results, Record Retention and Confidentiality
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- (P) P.5.9. Defeating Drug/Alcohol Screening Tests

File: P.7. Employee Fringe Benefits

- (P) P.7.1. Workmen's Compensation
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- (P) P.7.3. Unemployment Compensation
- (P) P.7.4. Health Insurance Program
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- (P) P.7.6. Section 125 Flexible Benefits (Cafeteria) Plan
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File: P.8. Employment Actions

- (P) P.8.1. Assignment, Transfer and Promotion
- (P) P.8.2. Reduction in Force Professional Personnel
- (P) P.8.2.1. Lateral Positions/Areas for Professional Personnel
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- (P) P.8.3. Reduction in Force for Service Personnel
- (P) P.8.3.1. Service Personnel Preferred Recall List
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- (P) P.8.5. Nonrenewal of Probationary Employees
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- (P) P.8.7. Suspension and Dismissal
- (P) P.8.8. Due Process Rights of School Personnel
- (P) P.8.9. Procedure for the Termination or Dismissal of Employees Holding Continuing Contracts
- (P) P.8.10. Grievance Procedure

File: P.19. Drug-Free Workplace

- (P) P.19.1. Drug Free Workplace Guidelines

File: T.3. School Bus Maintenance and Safety

- (P) T.3.1. Driver Responsibility for School Bus Maintenance and Safety
- (P) T.3.2. School Bus Safety Inspections
- (P) T.3.3. School Bus Emergency Evacuation Drills
- (P) T.3.4. School Bus Accidents
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- (P) T.3.6. Limits on the Idling of School buses

File: T.4. Safety – People and Property

- (P) T.4.1. General Safety Guidelines
- (P) T.4.2. Crisis Situations
- (P) T.4.3. Goals and Objectives of the Crisis Plan
- (P) T.4.4. Pre-Crisis Procedures
- (P) T.4.5. Post-Crisis Procedures
- (P) T.4.6. Crisis Prevention Recommendations
- (P) T.4.7. Disaster Plans
- (P) T.4.8. Playground Inspection
- (P) T.4.9. Fire Drills
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File: T.5. Building and Grounds Maintenance

- (P) T.5.1. Building and Grounds Security
- (P) T.5.2. Vandalism
- (P) T.5.3. Custodial Services

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Amended/Revised: December 21, 2005; September 25, 2007

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE	Last Review:
File: T.9. Use of County Vehicles Other Than School Buses	March 2018

The Board, at its discretion, may provide a fleet of vehicles necessary to meet the transportation needs of personnel as approved and designated by the Superintendent. The fleet may consist of passenger cars or vans which are suitable for transporting employees to out-of-county and in-county activities and events related to their assigned responsibilities. The fleet may be owned or leased by the Board.

SBP 4336 West Virginia School Bus Transportation Policy and Procedures Manual permits the use of county-owned fleet vehicles to be utilized to transport small groups of students (under 10) to school sponsored activities. In such instances, the vehicles which must have a valid inspection sticker, must be properly insured and must be operated by a professional employee

The size of the fleet will be limited; therefore, the Superintendent may establish a priority list for use of the vehicles available. Except in cases of unforeseen circumstances, personnel requests for out-of-county trips should be submitted to the Superintendent at least one week in advance of the date of the trip. A log-book shall be established for each vehicle in which the Superintendent's secretary will record the name of the person requesting the vehicle and the date and time of its use. All personnel utilizing county vehicles must participate in the annual driver training program presented by the Safety Coordinator and they must submit a certificate of participation to the Superintendent.

The Board recognizes that the Superintendent and/or other personnel may be required to attend meetings at which his/her spouse is appropriately invited to attend certain social portions of the meeting and in such instances it is appropriate for the spouse to be a passenger in the county vehicle. Non-employees may not be permitted to drive a county vehicle except in extreme emergency situations (i.e. sudden illness of the driver).

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Amended/Revised: August 21, 2012

PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.10. BRIM Sponsored Defensive Driver Training Initiative	Adopted: October 1, 2013 Last Review: March 2018

The West Virginia Board of Risk and Insurance Management (BRIM) has placed a high priority on driver safety and to that end it has fostered defensive driving programs which annually encourage and support counties to offer defensive driver training session for employees who drive a state-owned or county owned, leased or personal vehicle on state business.

Brim has formally requested that all Pendleton County Board of Education employees who drive a county owned vehicle or who frequently drive their personal vehicle on county business participate in this driver training initiative. Employees who anticipate that they will be driving county owned or privately owned vehicles on county business or curricular and extracurricular trips will be required to complete the defensive driver training.

The Board is required to provide an annual list of personnel who drive on county business. As an incentive to participate in this program, when a major portion of listed drivers have completed the training program, the Board will receive a 2% credit toward automobile premium. Conversely, if a large portion of listed drivers have not completed the training, a 5% surcharge will be applied to the county's premium.

Officials at BRIM have verified that the initial training for employees to qualify as drivers of county owned, rented, or leased vehicles shall be a comprehensive training in defensive driving skills and safety practices. In subsequent years, all such employees shall be required to receive an annual refresher training. The training can be an online program, it can be a guest presenter on a county in-service day or it could be as simple as a qualified person in your school system utilizing written materials conducting a session with the designated employees (i.e. Transportation Director).

Expenses related to travel in privately owned vehicles may be reimbursed only to those employees who have completed the training.

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Amended/Revised:

ALPHABETICAL INDEX

The topics contained in the Policy Manual have been organized in an alphabetical configuration to allow the reader to quickly identify the location of a particular topic of interest. Every topic which has a location number is linked to the corresponding policy within the manual. You may navigate to the topic of interest by utilizing the *control + click to follow the link* function on the keyboard.

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