



Board of Education Members:

Mr. Eddie Vincent, Superintendent

Joanne McConnell, President

David Everson, Vice President

Martin Durst

Ron Phillips

Dr. Adam Starks

Central Office Employees:

Julie Bibey: Director of Community in Schools, Student Services, Testing

Chris Derico: Director of Child Nutrition, Personnel, Technology, Wellness

Tonya Ferguson: Director of CTE, Dual Credit

Shelly Fleming: Director of Sec. Instruction, Step 7, Title II/IV/V, WVEIS

Mary Beth Hovatter: Director of Facilities, Safety, Title IX, Transportation

Annette Hughart: Chief Financial Officer

Gabby Rhodes: Director of Attendance, Elementary Education, Pre-K, Title I

SCHOOL CALENDAR 2024-2025 SCHOOL YEAR For Barbour County Schools																	Using Equivalent Time Option: YES				WVEIS: 0002																		
Month	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Instructional Days	Compensated Days Not Taught	Total Employment Days																
first	08/12 08/13 08/14 08/15 08/16 08/19 08/20 08/21 08/22 08/23 08/26 08/27 08/28 08/29 08/30 09/01 09/02 09/03 09/04 09/05 09/06																																						
second	09/09 09/10 09/11 09/12 09/13 09/16 09/17 09/18 09/19 09/20 09/23 09/24 09/25 09/26 09/27 09/30 10/01 10/02 10/03 10/04																																						
third	10/07 10/08 10/09 10/10 10/11 10/14 10/15 10/16 10/17 10/18 10/21 10/22 10/23 10/24 10/25 10/28 10/29 10/30 10/31 11/01																																						
fourth	11/04 11/05 11/06 11/07 11/08 11/11 11/12 11/13 11/14 11/15 11/18 11/19 11/20 11/21 11/22 11/23 11/24 11/25 11/26 11/27 11/28 11/29 11/30																																						
fifth	12/06 12/09 12/10 12/11 12/12 12/13 12/16 12/17 12/18 12/19 12/20 12/23 12/24 12/25 12/26 12/27 12/30 12/31 01/01 01/02 01/03 01/06 01/07 01/08 01/09																																						
sixth	01/10 01/13 01/14 01/15 01/16 01/17 01/20 01/21 01/22 01/23 01/24 01/27 01/28 01/29 01/30 01/31 02/03 02/04 02/05 02/06																																						
seventh	02/07 02/10 02/11 02/12 02/13 02/14 02/17 02/18 02/19 02/20 02/21 02/24 02/25 02/26 02/27 02/28 03/03 03/04 03/05 03/06																																						
eight	03/07 03/10 03/11 03/12 03/13 03/14 03/17 03/18 03/19 03/20 03/21 03/24 03/25 03/26 03/27 03/28 03/31 04/01 04/02 04/03 04/04 04/07 04/08 04/09 04/10																																						
ninth	04/11 04/14 04/15 04/16 04/17 04/18 04/21 04/22 04/23 04/24 04/25 04/28 04/29 04/30 05/01 05/02 05/05 05/06 05/07 05/08																																						
tenth	05/09 05/12 05/13 05/14 05/15 05/16 05/19 05/20 05/21 05/22 05/23 05/26 05/27 05/28 05/29 05/30 06/02 06/03 06/04 06/05																																						
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2024-2025 School Event Calendar

July 2024

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July

4	Independence day
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August 2024

Su	M	Tu	W	Th	F	Sa
	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August

9	Registration for new students at schools, 9:00-2:00
12	Opening Session - Mr. Vincent
13	Professional Development
14	Prep for Opening of Schools; Faculty Senate Mtgs
15	First Day of School for K-12
22	First Day of School for Pre-K Students
30	OS; Barbour County Fair Day - No School

September 2024

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

September

2	Labor Day - No School, Holiday
18	Progress Reports Distributed

October 2024

Su	M	Tu	W	Th	F	Sa
	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

October

14	Columbus Day, No School for Students; PD/FS
18	End of 1st Nine Week Grading Period
25	Report Cards Distributed
28	Elementary School Parent/Teacher Conferences
29	Middle School Parent/Teacher Conferences
31	High School Parent/Teacher Conferences

November 2024

Su	M	Tu	W	Th	F	Sa
	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

November

4	No School for Students; Prof Development/FS
5	No School - Election Day
11	Veterans Day - No School - Holiday
22	Progress Reports Distributed
25-29	Thanksgiving Break

December 2024

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

December

19	End of the 2nd Nine Week Grading Period
20	Early Dismissal; Faculty Senate
23	Professional Meetings, Staff Report
23-31	Winter Break, No School for Students

January 2025

Su	M	Tu	W	Th	F	Sa
	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January

1-3	Winter Break, No School for Students
3	Professional Development - Staff Report
7	Report Cards Distributed
14	Elementary School Parent/Teacher Conferences
15	Middle School Parent/Teacher Conferences
16	High School Parent/Teacher Conferences
20	Martin Luther King Jr. Day, Holiday - No School

February 2025

Su	M	Tu	W	Th	F	Sa
	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

February

2	Groundhog Day
3	Progress Reports Distributed
12	Lincoln's Birthday
14	Valentines Day
17	President's Day, No School for Students; PD/FS
28	End of 3rd Nine Week Grading Period

March 2025

Su	M	Tu	W	Th	F	Sa
	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

March

7	Report Card Distribution
9	Daylight Saving
17	St. Patrick's Day
31	No School - Spring Break

April 2025

Su	M	Tu	W	Th	F	Sa
	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

April

1-4	No School - Spring Break
11	Progress Reports Distributed
18	No School - OS Day
21	No School for Students - PD/FS
22	Earth Day

May 2025

Su	M	Tu	W	Th	F	Sa
	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

May

11	Mother's Day
24	Graduation Day for Senior Class of '25
26	Memorial Day, Holiday - No School
29	Last Day of School; Report Cards Distributed
30	Closing Classrooms/Faculty Senate Meetings

June 2025

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June

2	P/T Conference (Makeup Day), Last Day for Staff
19	Juneteenth Day
20	West Virginia Day
	No School for Students and Staff
	No School for Students Only

BARBOUR COUNTY SCHOOLS
 10 and 12-MONTH EMPLOYEES PAY SCHEDULE
 2024 - 2025

<u>Number</u>	<u>Period</u>		<u>Days in Period</u>	<u>Payroll Report Due</u>	<u>Check Dates/Release Dates</u>
	<u>Beginning</u>	<u>Ending</u>			
1	Monday, July 1, 2024	Sunday, July 7, 2024	5	Monday, July 8, 2024	Monday, July 15, 2024
2	Monday, July 8, 2024	Sunday, July 14, 2024	5	Monday, July 15, 2024	Friday, July 26, 2024
3	Monday, July 15, 2024	Sunday, July 21, 2024	5	Monday, July 22, 2024	Thursday, August 15, 2024
	Monday, July 22, 2024	Sunday, July 28, 2024	5	Monday, July 29, 2024	
4	Monday, July 29, 2024	Sunday, August 4, 2024	5	Monday, August 5, 2024	Wednesday, August 28, 2024
	Monday, August 5, 2024	Sunday, August 11, 2024	5	Monday, August 12, 2024	
5	Monday, August 12, 2024	Sunday, August 18, 2024	5	Monday, August 19, 2024	Friday, September 13, 2024
	Monday, August 19, 2024	Sunday, August 25, 2024	5	Monday, August 26, 2024	
6	Monday, August 26, 2024	Sunday, September 1, 2024	5	Tuesday, September 3, 2024	Friday, September 27, 2024
	Monday, September 2, 2024	Sunday, September 8, 2024	5	Monday, September 9, 2024	
7	Monday, September 9, 2024	Sunday, September 15, 2024	5	Monday, September 16, 2024	Tuesday, October 15, 2024
	Monday, September 16, 2024	Sunday, September 22, 2024	5	Monday, September 23, 2024	
	Monday, September 23, 2024	Sunday, September 29, 2024	5	Monday, September 30, 2024	
8	Monday, September 30, 2024	Sunday, October 6, 2024	5	Monday, October 7, 2024	Monday, October 28, 2024
	Monday, October 7, 2024	Sunday, October 13, 2024	5	Monday, October 14, 2024	
9	Monday, October 14, 2024	Sunday, October 20, 2024	5	Monday, October 21, 2024	Friday, November 15, 2024
	Monday, October 21, 2024	Sunday, October 27, 2024	5	Monday, October 28, 2024	
10	Monday, October 28, 2024	Sunday, November 3, 2024	5	Monday, November 4, 2024	Wednesday, November 27, 2024
	Monday, November 4, 2024	Sunday, November 10, 2024	5	Tuesday, November 12, 2024	
11	Monday, November 11, 2024	Sunday, November 17, 2024	5	Monday, November 18, 2024	Friday, December 13, 2024
	Monday, November 18, 2024	Sunday, November 24, 2024	5	Monday, November 25, 2024	
	Monday, November 25, 2024	Sunday, December 1, 2024	5	Monday, December 2, 2024	

BARBOUR COUNTY SCHOOLS
 10 and 12-MONTH EMPLOYEES PAY SCHEDULE
 2024 - 2025

<u>Number</u>	<u>Period</u>		<u>Ending</u>	<u>Days in Period</u>	<u>Payroll Report Due</u>	<u>Check Dates/Release Dates</u>
	<u>Beginning</u>	<u>Period</u>				
12	Monday, December 2, 2024 Monday, December 9, 2024	Sunday, December 8, 2024 Sunday, December 15, 2024	5 5	Monday, December 9, 2024 Monday, December 16, 2024	Friday, December 27, 2024	
13	Monday, December 16, 2024 Monday, December 23, 2024 Monday, December 30, 2024	Sunday, December 22, 2024 Sunday, December 29, 2024 Sunday, January 5, 2025	5 5 5	Monday, December 23, 2024 Monday, December 30, 2024 Monday, January 6, 2025	Wednesday, January 15, 2025	
14	Monday, January 6, 2025 Monday, January 13, 2025	Sunday, January 12, 2025 Sunday, January 19, 2025	5 5	Monday, January 13, 2025 Tuesday, January 21, 2025	Tuesday, January 28, 2025	
15	Monday, January 20, 2025 Monday, January 27, 2025	Sunday, January 26, 2025 Sunday, February 2, 2025	5 5	Monday, January 27, 2025 Monday, February 3, 2025	Friday, February 14, 2025	
16	Monday, February 3, 2025 Monday, February 10, 2025	Sunday, February 9, 2025 Sunday, February 16, 2025	5 5	Monday, February 10, 2025 Monday, February 17, 2025	Friday, February 28, 2025	
17	Monday, February 17, 2025 Monday, February 24, 2025	Sunday, February 23, 2025 Sunday, March 2, 2025	5 5	Monday, February 24, 2025 Monday, March 3, 2025	Friday, March 14, 2025	
18	Monday, March 3, 2025 Monday, March 10, 2025	Sunday, March 9, 2025 Sunday, March 16, 2025	5 5	Monday, March 10, 2025 Monday, March 17, 2025	Friday, March 28, 2025	
19	Monday, March 17, 2025 Monday, March 24, 2025 Monday, March 31, 2025	Sunday, March 23, 2025 Sunday, March 30, 2025 Sunday, April 6, 2025	5 5 5	Monday, March 24, 2025 Monday, March 31, 2025 Monday, April 7, 2025	Tuesday, April 15, 2025	
20	Monday, April 7, 2025 Monday, April 14, 2025	Sunday, April 13, 2025 Sunday, April 20, 2025	5 5	Monday, April 14, 2025 Monday, April 21, 2025	Monday, April 28, 2025	
21	Monday, April 21, 2025 Monday, April 28, 2025	Sunday, April 27, 2025 Sunday, May 4, 2025	5 5	Monday, April 28, 2025 Monday, May 5, 2025	Thursday, May 15, 2025	
22	Monday, May 5, 2025 Monday, May 12, 2025	Sunday, May 11, 2025 Sunday, May 18, 2025	5 5	Monday, May 12, 2025 Monday, May 19, 2025	Wednesday, May 28, 2025	

BARBOUR COUNTY SCHOOLS
 10 and 12-MONTH EMPLOYEES PAY SCHEDULE
 2024 - 2025

Number	Period		Days in Period	Payroll Report Due	Check Dates/Release Dates
	Beginning	Ending			
23	Monday, May 19, 2025	Sunday, May 25, 2025	5	Tuesday, May 27, 2025	Friday, June 13, 2025
	Monday, May 26, 2025	Sunday, June 1, 2025	5	Monday, June 2, 2025	
24	Monday, June 2, 2025	Sunday, June 8, 2025	5	Monday, June 9, 2025	Friday, June 27, 2025
	Monday, June 9, 2025	Sunday, June 15, 2025	5	Monday, June 16, 2025	
	Monday, June 16, 2025	Sunday, June 22, 2025	5	Monday, June 23, 2025	Tuesday, July 15, 2025
	Monday, June 23, 2025	Sunday, June 29, 2025	5	Monday, June 30, 2025	
	Monday, June 30, 2025	Monday, June 30, 2025	1	Tuesday, July 1, 2025	

All checks that aren't direct deposited will be mailed to employees 2 days before pay day and will NOT be available for pick-up at the central office.

Checks dated December 27, 2023 will be mailed on December 23, 2024.

New employees starting on August 10, 2024, or there about, will receive their first regular payroll check on Friday, September 13, 2024. If you would like your checks to start on August 28, 2024, please contact the Payroll Department at the Central Office to obtain a Payroll Election Form.

BARBOUR COUNTY BOARD OF EDUCATION

BENEFITS PROVIDED AND/OR AVAILABLE

The Barbour County Board of Education believes it is important to provide benefit opportunities for its employees:

- Paid 100% by the Board;
- Shared Cost – whereby the Employee and the Board contribute to the cost of the benefit;
- Paid 100% by the Employee

Benefits Paid Entirely by the Barbour County Board of Education:

Dental and Vision Insurance is provided at no cost to all regular employees qualified dependents as appropriately and time enrolled (defined by the State of West Virginia) for the 2020 – 2021 school year. The insurance is subject to the availability of local tax revenue from year to year and may be terminated at the beginning of a school year.

Benefits Where Cost is Shared by Employee and Board:

Health and limited life insurance is provided, on a shared cost basis, to all regular employees (as defined by the State of West Virginia) through the Public Employees Insurance Agency (PEIA). Open enrollment typically occurs in April of each year.

Regular employees may be eligible to participate in the Teachers Retirement System or the Teachers Defined Contribution Retirement System based upon when the employee was hired and/or special elections. (Eligibility is defined by the State of West Virginia).

Benefits Paid Entirely by the Employee:

Section 125 Plan: Barbour County Board of Education has a cafeteria plan, otherwise known as a Section 125 plan, administered by American Fidelity. This plan enables the “regular” employees to obtain health related coverage, etc. pre-tax in accordance with the Internal Revenue Service §125. All these benefits are paid entirely by the employee. Consult a representative from one of the approved vendors for available coverage.

ALFAC	Mountaineer Flexible Benefits	Washington National
American Fidelity	United Teachers	

403(B) Tax Sheltered Annuities: (Available to All Employees including Substitutes).

Barbour County’s 403(B) Plan is administered by TSA. The Board will currently withhold tax sheltered annuity payments for the following vendors. This approved vendor list is subject to change based upon IRS regulations, which places new restrictions and requirements on vendors, and their ability to comply with such.

AIG Retirement Services (VALIC)	Horace Mann Insurance Company
American Fidelity Assurance Co.	Metropolitan Life Insurance Company
Ameriprise Financial	Midland National Life
Cetera-MG Trust Company-PenSelect	Modern Woodmen of America
Global Atlantic (issued by Commonwealth)	North American Company for Life



45 School Street
Philippi, WV 26416

COMMITTED TO LEARNING FOR ALL

Eddie Vincent
Superintendent
Phone: (304) 457-3030
Fax: (304) 457-3559

NOTICE TO PARENTS/GUARDIANS OF STUDENTS IN SELF-CONTAINED SPECIAL EDUCATION CLASSROOMS

Senate Bill 261, effective March 12, 2022, provides for audio and video recording in self-contained special education settings for the purpose of promoting and ensuring the health, well-being and safety of students with significant disabilities. Prior to the placement of students, parent(s) or legal guardian(s) of a student who is provided special education and related services in the self-contained classroom must be provided written notice. This letter is to notify you that one or more of your child's classrooms may be monitored by audio and video surveillance.

Cameras must be always operational when students are present. Video cameras placed in a self-contained classroom must be capable of both audio and video monitoring of all areas of the self-contained classroom, including, without limitation, a room attached to the classroom and used for other purposes. A video camera placed in a self-contained classroom shall not monitor a restroom or any other area where a student changes his or her clothes.

Video and/or audio surveillance will be routinely monitored. Video can be retrieved for the purpose of investigating a raised suspicion of bullying, abuse, or neglect of a child, or of harm to an employee. All audio and video recordings are subject to the protections and confidentiality requirements of the Family Education Rights and Privacy Act (FERPA).

A person alleging that an incident or suspicion of bullying, abuse or neglect of a child has occurred in a special education classroom in which video surveillance is being conducted shall complete the Special Education Video and Audio Monitoring Incident Report. The report must be filed with the school principal within 48 hours or two calendar days of the facts giving rise to the allegation. The principal or designee shall notify the reporter whether the alleged incident was recorded in the district's video surveillance footage within seven (7) business days of the filing date of the incident report. A parent or guardian may request to view a recording and must make himself/herself available for viewing the record within 30 days after being notified by the district that the request has been granted.

Julie Bibey
Director of Student Support Services
jbibey@k12.wv.us



COMMITTED TO LEARNING FOR ALL

TO: Parents, Faculty, and Students of Barbour County Schools
FROM: Eddie Vincent, Superintendent
DATE: July 23, 2024
RE: Asbestos Management

On October 22, 1986, former President Reagan signed into law the Asbestos Hazard Emergency Response Act (AHERA). It required the Environmental Protection Agency (EPA) to issue regulations requiring all private and public elementary and secondary schools to be inspected for asbestos. The act also required the school system to take action in the event that any asbestos containing material was determined to be a possible health hazard, and to develop a management plan for each school (which would be publicly available) and to contain detailed results of an asbestos inspection and any record of actions taken by the school with respect to asbestos.

On October 30, 1987, the EPA issued the final regulations and rules as required by law. These are known as 40CFR Part 763, Asbestos-Containing Materials in Schools: Final Rule and Notice, or the AHERA Rules.

This notice is to inform you that in compliance with regulation 40 CFR Part 763.84 © a copy of the Asbestos Management Plan for Barbour County Schools is available for inspection. To inspect this document you should contact the principal of your school or myself. Copies will be available at each school or the board of education office in Philippi.

In addition to the foregoing, where asbestos is present, six month periodic surveillance's of the asbestos containing materials will be conducted in the months of January and July. Further, if any asbestos response actions (i.e. Removal, repair, enclosure, encapsulation, or operations and maintenance) take place, as well as re-inspections, in any of our schools, notices will be posted of these activities.

If you have any questions regarding this notice, please call me at my office at 457-3030 extension 127. Thank you for your time and consideration.

There are NO asbestos containing materials existing in any Barbour County School. Surveillance is conducted on a regular basis to guarantee that this status is maintained.

Phone: (304) 457-3030
Fax: (304) 457-3559

Transportation, Maintenance, Safe Schools

Email: mhovatter@k12.wv.us

Mary Beth Hovatter, Director/Manager

Extension 1027



Self-Reflection Exercise

The West Virginia Standards for Effective Schools describe the seven common standards expected of schools to ensure high quality education in engaging learning environments. The research-based standards represent a coherent and aligned framework for continuous improvement which schools can use as a guide for self-assessment, decision-making, professional development, and strategic planning.

The following tool may be useful in collecting perceptual data surrounding the implementation of the standards within a school. This self-reflection exercise is intended to deepen user understanding of the standards while stimulating conversation to support a collective understanding.

The self-reflection can be completed individually, or by groups of stakeholders. Perceptual data gleaned through this exercise may be used to inform decision making and planning for continuous improvement.

Instructions:

1. For each standard, read the definition and three key concepts.
2. Assign a rating of 1-5 for each key concept, indicating your perception of that concept's current implementation in your school. A rating of 1 indicates little to no implementation of that descriptor in the school setting, while a rating of 5 indicates effective implementation. Use the notes column to record supporting evidence for your rating.
3. The possible indicators beneath each standard show ways in which that standard may be apparent in a school environment.

Implementation Ideas:

1. The School Leadership Team may consider completing the self-assessment, one standard at a time, to guide discussion and decision-making regarding the standards.
2. The self-reflection may be a valuable tool in assessing family and community perceptions.
3. This tool could be helpful in creating baseline data and progress monitoring of improvement efforts.



1. Clear and Focused Mission

Definition: *The school's purpose and approach to support learning for all.*

Rating	Notes
<p>Key Concepts A culture of ownership for student success is pervasive.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Shared beliefs and values are evident.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Commitment to a shared vision is present.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- Our school's mission makes all students and families feel like they are a part of our school.
- The staff shares beliefs and values that positively impact student success.
- The school mission statement guides our instructional program and drives decision making.
- There is frequent and meaningful discussion about school goals and means of achieving them.
- The staff is committed to the school's mission.
- The staff believes in learning for all, whatever it takes.



2. Instructional Leadership

Definition: Ensuring the effectiveness of instruction leads to student achievement.

Rating	Notes
<p>Key Concepts The principal ensures implementation of high-yield instructional strategies.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Staff lead and assume responsibility for overall academic success.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Students are engaged in age-appropriate leadership opportunities.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- Many decisions are made collaboratively through communication between the school administration, staff, students, families, and community.
- The school administration has established a strong instructional focus in the school by conducting consistent walk-throughs, providing constructive feedback, and protecting instructional time.
- The school administration supports teachers during each step of the educator evaluation process.
- All students are empowered and engaged in age-appropriate opportunities that develop leadership skills.
- Student leadership opportunities develop self-direction and foster a sense of responsibility for improving self, school, and community.
- The principal provides constructive feedback on instructional plans on a regular basis.



Self-Assessment

3. High Expectations for Success

Definition: Purposefully providing a climate in which all students can learn and succeed.

Rating	Notes
<p>Key Concepts Staff believe in and demonstrate their ability to successfully teach all students.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Staff believe all students can and will obtain mastery.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Responses and adjustments occur to assure mastery when some students do not learn, or have already mastered the concept.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- Staff members believe ALL students will obtain mastery of State Standards.
- Staff members believe they have the professional capacity to enable ALL students to achieve mastery.
- I believe my colleagues and I can successfully do what is being asked of us at this school.
- Teachers typically believe the instructional program results in most students mastering most skills, regardless of home background factors.
- Staff members ensure that students believe in their own abilities to succeed at school.
- Staff members feel their mindset strongly impacts their actions in the classroom and expectations for students.



4. Positive and Safe Environment

Definition: *Orderly, purposeful, and accommodating of all students' needs.*

Rating	Notes
<p>Key Concepts Collaboration and cooperation are pervasive among staff and students.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Appropriate behavior is expected and supported.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Student diversity is embraced and respected.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- Research-based interventions for students' social, emotional, and academic well-being are provided by all staff.
- All teachers make learning fun and engaging at our school.
- Our school has an orderly, purposeful, and business-like atmosphere free from the threat of physical and emotional harm.
- The staff is committed to consistently following the agreed-upon rules and regulations of our school.
- Our school has a cooperative, nurturing environment with a strong, academic focus.
- All teachers maintain positive teacher-student relationships.



Self-Assessment

5. Equitable Opportunities to Learn and Effective Instruction

Definition: Sufficient time for meaningful learning is provided to all students.

Rating	Notes
<p>Key Concepts Instructional time is utilized efficiently and effectively.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Instructional activities are rigorous and aligned to student interest and State Standards.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Feedback is timely, ongoing, and supports individual student growth.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- All teachers create inviting, student-centered classrooms that foster learning for all.
- Instructional time is utilized efficiently to successfully teach curriculum to grade-level mastery.
- All teachers differentiate content, processes, and products for students on a regular basis.
- Teachers consistently use various research-based strategies to deliver instruction.
- Adopted curriculum is analyzed to ensure alignment to grade-level state standards.
- All teachers routinely review student work and give timely corrective feedback.



6. Frequent Monitoring of Student Progress

Definition: A variety of data are used as the basis for adjusting the instructional approach.

Rating	Notes
<p>Key Concepts Formative assessments are utilized to measure student performance.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Student performance is used to guide instructional decisions.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Teachers monitor student progress toward established instructional goals.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- The staff evaluates the results of student learning, implements adjustments to instructional practices, and monitors for results on a regular basis.
- Our school has empowered leadership teams and professional learning communities.
- All teachers consistently use student performance data to give feedback and plan instruction.
- All teachers design common assessments, analyze student performance, and engage in instructional conversations.
- Formative assessment results are used frequently by all teachers to inform adjustments in instruction.
- All teachers help monitor and guide progress toward strategic plan goals and continuous improvement.



Self-Assessment

7. Family and Community Partnerships

Definition: *Purposeful relationships exist between families, community, and the school.*

Rating	Notes
<p>Key Concepts The school community fosters shared responsibility for student success.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Community understands and supports the school's mission.</p> <p>1 2 3 4 5</p>	
<p>Key Concepts Partnerships exist between school and community to support academic, social-emotional, and physical needs.</p> <p>1 2 3 4 5</p>	

Possible Indicators:

- The staff effectively communicates with families on a regular basis.
- The staff forms meaningful partnerships with families and community organizations to meet the needs of all students.
- Our school provides families with sufficient information regarding grade-level state standards, school rules, parent-teacher conferences, etc.
- Families and teachers work together to encourage students to engage in learning opportunities at home.
- The staff provides opportunities for families to celebrate student accomplishments.
- Most families understand and promote our school's mission and expectations for all students' achievement and performance.

Mandated Reporting Requirements of Suspected Child Abuse for ALL Barbour County Employees

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.

Any medical, dental, or mental health professional, Christian Science practitioner, religious healer, ***school teacher or other school personnel***, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor ***who has 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 to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility, or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility, or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made: Provided, That notifying a person in charge, supervisor, or superior does not exempt a person from his or her mandate to report suspected abuse or neglect. (emphasis added).***

County boards of education and private school administrators shall provide all employees 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 article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect

The provisions of this section are not applicable to persons under the age of 18.

Phone Numbers: DHHR Child Abuse Hotline: 1-800-352-6513
Local Child Protective Services: 304-457-9030
Barbour County State Police: 304-457-1101
Barbour County Sheriff's Office: 304-457-2532
Philippi City Police: 304-457-3700
Beilington City Police: 304-823-1611
Barbour County Prosecuting Attorney: 304-457-1811

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 149
PROFESSIONAL LEARNING FOR WEST VIRGINIA EDUCATORS (5500)

§126-149-1. General.

1.1. Scope. -- This legislative rule provides guidelines for the coordination and delivery of high quality professional learning experiences for West Virginia educators. This rule defines the roles and responsibilities among the various state and local professional learning providers.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §§18-2-5, 18-21-1 et seq., 18-9A-10, 18A-3C-3, and 18A-3-8.

1.3. Filing Date. -- June 9, 2022.

1.4. Effective Date. -- July 11, 2022.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR149, Policy 5500, Professional Learning for West Virginia Educators, filed October 11, 2018, and effective November 13, 2018.

§126-149-2. Purpose.

2.1. This policy directs the coordination, development, and evaluation of high-quality professional learning programs for West Virginia educators. In addition, this policy also outlines the allocation methodology for state aid funding appropriated to support county-level implementation of comprehensive systems for educator induction and professional growth.

2.2. Professional learning includes sustained experiences that lead to the development of knowledge, skills, practices, and dispositions educators need to help students perform at higher levels and achieve college- and career-readiness.

§126-149-3. General Responsibilities.

3.1. The West Virginia Board of Education (WVBE) will:

3.1.a. establish professional learning goals (see Appendix A);

3.1.b. provide a comprehensive definition of professional learning (see section 2.2); and

3.1.c. articulate professional learning standards (see Appendix B).

3.2. The West Virginia Department of Education (WVDE) will:

3.2.a. provide leadership in communicating the goals and standards for professional learning to all WVDE staff, county board of education members (CBEM), county board of education staff (CBES), school leaders, and the state's public institutions of higher education educator preparation programs;

3.2.b. institute a system for the coordination and delivery of high-quality professional learning that is either individualized, provided in school-based settings, or provided in regional settings (rather than large-scale groups) to the fullest extent possible;

3.2.c. develop a guidance resource to support the design and delivery of a comprehensive professional learning system as outlined in Appendix C;

3.2.d. assist CBES and school leaders with the selection, design, implementation, and evaluation of high-quality, professional and personalized learning experiences that maximize available funding and resources and adhere to the WVBE Professional Learning Standards in Appendix B;

3.2.e. develop a systemic approach to provide ongoing assistance to CBES and schools in the provision of high-quality professional learning experiences that includes:

3.2.e.1. a focus on capacity building at the local level;

3.2.e.2. content and programmatic area expertise and guidance to support program implementation with CBES, school leaders, and educators; and

3.2.e.3. online professional learning courses and resources aligned to the current WVBE-approved content standards, the West Virginia Standards for Effective Schools, and the requirements that lead to educator certification and licensure, endorsement, or professional growth.

3.2.f. assist CBES with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their professional learning plans. This framework will strive to achieve the following goals:

3.2.f.1. increased student achievement and growth through the development of a shared leadership structure at the school level;

3.2.f.2. broader dissemination and use of effective teacher strategies through an increase in teacher collaboration;

3.2.f.3. stronger and more positive school and district culture through the development and retention of highly effective teachers; and

3.2.f.4. creation of networks among schools or school systems, or both, of comparable size and interests for the design and implementation of teacher leader frameworks

3.2.g. provide a report of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth and may make any recommendations it considers necessary to the Legislative Oversight Committee on Education Accountability.

3.3. County board of education members (CBEM) will:

3.3.a. oversee the county-level implementation of a system for the coordination and delivery of high-quality professional learning;

3.3.b. approve the county strategic plan, inclusive of all components outlined in section 3.4.d prior to CBES' submission of the county strategic plan to the WVBE annually.

3.3.c. adopt a teacher leader framework that must include:

3.3.c.1. identification of specific roles and responsibilities, eligibility requirements, and compensation plans for each teacher leader position, and clearly communicate these to teacher leaders, administrators, and other stakeholders;

3.3.c.2. provide regular, targeted professional learning opportunities for teacher leaders, and encourage redelivery within their respective schools;

3.3.c.3. provide time and opportunities for teacher leaders to collaborate with administrators, curriculum staff, other teacher leaders, and teachers;

3.3.c.4. mechanisms to monitor and evaluate the effectiveness of the teacher leader program through surveys of school administrators and school faculty; and

3.3.c.5. opportunities to include teacher leaders in the school improvement planning process.

3.4. County board of education staff (CBES) will:

3.4.a. use recommendations from the Local Staff Development Council, as defined in W. Va. Code §18A-3-8 ,to develop a county professional learning plan that is incorporated into the county strategic plan using data from:

3.4.a.1. each county's strategic plan needs assessment;

3.4.a.2. each county's existing professional learning plan as documented in the West Virginia Support for Improving Professional Practice (WVSIPP) section of the county strategic plan;

3.4.a.3. W. Va. 126CSR142, Policy 5310, Performance Evaluation of School Personnel;

3.4.a.4. aggregated student data from W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress; and

3.4.b. institute a system for the coordination and delivery of high-quality professional learning that is either individualized or provided in school-based settings if possible;

3.4.c. support, monitor, and ensure the fidelity of the implementation of professional learning experiences that are aligned to the WVBE Professional Learning Standards outlined in Appendix B; and

3.4.d. as part of the county strategic plan, annually submit to the WVBE as directed by the WVDE, the county professional learning plan as part of the WV SIPP, and also include components related to the West Virginia Teacher Leadership Framework as identified in Appendix D.

3.5. West Virginia public schools will:

3.5.a. implement a professional learning plan that includes high-quality learning experiences to support all educators and personnel in the delivery of high-quality educational programming as part of the school's strategic plan. The school strategic plan should align with, be incorporated into, and complement the county's strategic plan by providing the following:

3.5.a.1. educator access to high-quality professional and personalized learning experiences that focus on individual professional growth of educators, student needs based on acquired data, and school-wide goals for professional and personalized learning;

3.5.a.2. educator engagement opportunities to learn alongside colleagues through collaborative models such as professional learning communities to improve individual teaching practices, support student learning and well-being, and foster school-wide growth;

3.5.a.3. educator participation in school- and classroom-based examination of student data to increase student achievement and well-being;

3.5.a.4. school budget allocations to support professional and personalized learning;

3.5.a.5. flexible and creative schedules to ensure consistent opportunities for educators to participate in professional learning communities during the work-day;

3.5.a.6. focused professional learning offerings available in both individualized and school-based settings rather than in large-scale settings to the extent possible; and

3.5.a.7. a process for monitoring the implementation and measuring the effectiveness of professional learning sessions where classroom implementation is expected or required.

§126-149-4. Step 7d of the Public School Support Plan.

4.1. Step 7d, the Public School Support Plan (PSSP) is designed to financially support county-level implementation of comprehensive systems for teacher and leader induction and professional growth.

4.2. In accordance with W. Va. Code §18-9A-10(a)(4), the statewide total amount of Step 7d funding will be calculated as the amount appropriated for the purpose in the immediately preceding school year, plus 20 percent of the growth in the local share amount under the PSSP.

4.2.a. After the county strategic plan is approved, the statewide Step 7d amount will be allocated annually to the county based on the following percentages:

4.2.a.1. 60 percent of the total statewide allocation will be distributed based on the number of full-time equivalent teachers employed by the county with zero years of experience;

4.2.a.2. 25 percent of the total statewide allocation will be distributed based on the total number of full-time equivalent teachers employed by the county with one, two, or three years of experience;

4.2.a.3. ten percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and career and technical education administrators employed by the county who are in their first or second year of employment as a principal, assistant principal, or career and technical education administrator;

4.2.a.4. two percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and career and technical education administrators employed by the county who are in their first year in an assignment at a school with programmatic level in which they have not previously served as a principal, assistant principal, or career and technical education administrator; and

4.2.a.5. three percent of the total statewide allocation will be distributed based on needs identified in the county's strategic plan for continuous improvement of schools and school systems, including those identified through the performance evaluations of professional personnel. In the event that the full amount of the funds allocated on this basis are not needed to fulfill the needs identified in the county's strategic plan, any remaining funds shall be added to the funding allocated under section 4.2.a.1.

4.3. Effective for five years beginning with the 2020-2021 school year and ending after the 2024-2025 school year, funds to be allocated under this section in the amount of \$100,000 shall be retained by the WVDE and used to assist CBES with the design and implementation of a teacher leader framework to accomplish the teacher induction and professional growth aspects of their comprehensive systems of support for teacher and leader induction and professional growth pursuant to W. Va. Code §18A-3C-3.

4.4. Once the total allocation is determined for each county, it shall be compared to the county's total allocation of teacher and principal mentor funds from the 2016-17 school year. In accordance with statute, no county's allocation can be less than the level of funding received in the 2016-17 year. If the standard calculation results in a lower allocation than received in 2016-17 for a particular county, that county's total allocation will be increased to the 2016-17 level, with the allocation for all other counties decreased proportionately.

§126-149-5. Severability.

5.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

RACIAL, SEXUAL, DISABILITY, RELIGIOUS/ETHNIC
HARASSMENT AND VIOLENCE POLICY

1.0 Scope.

Barbour County Board of Education has set the firm expectation that all schools shall be harassment and violence free.

1.1 Authority. W.Va. Constitution, Article XII, §2, and W.Va. Code §§18-2-5, 18-2-5a, and 18-2-7b, WVDE Policy 2421.

2.0 Purpose.

2.1. The purpose of these regulations is to prevent racial, sexual, disability or religious/ethnic harassment or violence, toward students and staff, to protect the academic environment, and to assure that our educational community responds to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals. Attached are the procedures that ensure Barbour County Board of Education shall implement appropriate prevention and response programs, outlines investigatory and reporting procedures and delineates penalties for violations of this policy. To the extent possible, Barbour County Schools will collaborate with other state and local agencies in carrying out the purpose of this rule. It is the intent of the Barbour County Board of Education to ensure that the learning and working environments are free from any type of harassment or violence.

3.0 Application.

3.1. These regulations apply to any student, staff member or member of the public during any school related activity or during any education sponsored event whether in a building or other property used or operated by a county board of education, RESA or state department of education or in another facility being used by any of those agencies. The term "staff members", as used in these regulations, shall encompass all employees of the county board of education or other applicable local agency or facility.

3.2. No student, staff member or member of the public, during any school related activity or during any education sponsored event, whether in a building or other property used or operated by Barbour County Board of Education, or in another facility being used by any of this agency, shall engage in sexual, racial, disability or ethnic/religious harassment or violence. Persons found to have violated this prohibition shall be subject to the penalties in Section 8.1.

3.3. Amorous relationships between staff members and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties outlined in Section 8.1.

4.0 Definitions.

4.1. Sexual Harassment - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

4.1.1. submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

4.1.2. 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

4.1.3. 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.

4.1.4. sexual harassment may include but is not limited to:

a. unwelcome verbal harassment of a sexual nature or abuse;

b. unwelcome pressure for sexual activity;

c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact;

d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or

f. unwelcome behavior, verbal or written words or symbols directed at an individual because of gender.

g. 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.

4.2. Racial Harassment - Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:

4.2.1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

4.2.2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

4.2.3. otherwise adversely affects an individual's employment or academic opportunities.

4.3. Disability Harassment - Disability harassment consists of physical, verbal or written conduct which is related to an individual's disability when the conduct:

4.3.1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

4.3.2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

4.3.3. otherwise adversely affects an individual's employment or academic opportunities.

4.4. Religious/Ethnic Harassment - Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:

4.4.1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

4.4.2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

4.4.3. otherwise adversely affects an individual's employment or academic opportunities.

4.5. 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:

4.5.1. sexual violence may include, but is not limited to:

a. touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

b. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;

c. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or

d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or

e. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

4.6. Racial Violence - Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

4.7. Religious/Ethnic Violence - Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

4.8. Assault - Assault is:

4.8.1. an act done with intent to cause fear in another of immediate bodily harm or death;

4.8.2. the threat to do bodily harm to another with present ability to carry out the threat.

5.0 Complaint Procedures.

5.1. Any person who believes he or she has been the victim of disability, religious/ethnic, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the Barbour County Board of Education, or any person with knowledge or belief of conduct which may constitute disability, religious/ethnic, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel is encouraged to report the alleged acts immediately to an appropriate school official. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the county superintendent or the state superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

5.2. The Barbour County Board of Education has adopted appropriate procedures for investigating, reporting, and responding to violations of this policy in a manner that promotes understanding and respect. Copies of these procedures are located and are readily accessible at the Barbour County Board of Education building, and at each school building. A synopsis of this policy will be publicly published annually.

5.3. All alleged incidents of harassment or violence observed by faculty or staff must be reported to the designated investigator immediately and appropriate action should be taken as specified in part 6 and 7 of this policy.

5.4. Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the Barbour County Board of Education shall comply with the provisions of law for reporting such abuse.

6.0 Investigation.

6.1. The individual(s) designated by the policy to investigate, shall upon receipt of a report or complaint alleging disability, religious/ethnic, racial or sexual harassment or violence, immediately undertake or authorize an investigation. The investigation may be conducted by Barbour County School officials or by a third party designated by the superintendent, in accordance with this policy.

6.2. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

6.3. The investigation will be completed within 15 working days from the receipt of the complaint regardless of whether it is investigated by a member of Barbour County Schools or a third party investigator.

6.4. The Superintendent or her designee (ex: Principal, Title IX Director) shall determine whether the alleged conduct constitutes a violation of this policy.

6.5. In determining the appropriate response and/or punishment, the Superintendent or her designee will, if appropriate, consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

6.6. The superintendent or her designee may take immediate steps, at her discretion, to protect the complainant, pupils, teachers, administrators or other personnel pending completion of an investigation of alleged disability, religious/ethnic, racial or sexual harassment or violence.

6.7. The investigation will be completed as noted in the procedures. The investigator shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the Barbour County Board of Education. 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.

6.8. 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 superintendent or her designee within 5 days of receipt; or, if the superintendent is the subject of the complaint, by the Barbour County Board of Education president.

6.9. Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

7.0 Agency Action and Reporting.

7.1. Upon receipt of a report substantiated by the investigation, the superintendent and/or the Barbour County Board of Education will take appropriate action against those found to have violated this policy as soon as is practical by law. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, termination and revocation of licensure.

7.2. The superintendent and/or the Barbour County Board of Education shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the agency's plan developed pursuant to part 4 of this policy.

7.3. The superintendent or her designee 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.

8.0 Reprisal.

8.1. The Barbour County Board of Education has developed discipline procedures to take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged disability, religious/ethnic, racial or sexual harassment or violence 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 harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Barbour County Schools has also developed a discipline process to take appropriate action against any pupil, teacher, or administrator or other school personnel who falsely reports disability, religious/ethnic, racial, or sexual harassment.

9.0 Right To Alternative Complaint Procedures.

9.1. These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or federal law.

10.0 Prevention Programs.

10.1. The Barbour County Board of Education implements an education program for each programmatic level, K-4, 5-8, and 9-12, as well as a program for all faculty and staff. These programs 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 must 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 or people with a disability.

11.0 Dissemination of Policy and Training.

11.1. This policy or a summary shall be conspicuously posted throughout each Barbour County School's facilities in areas accessible to pupils and staff members.

11.2. This policy shall appear in the student and staff handbooks and if no handbook is available, a copy will be distributed to all students, faculty, and staff.

11.3. Barbour County Schools provides training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

11.4. This policy shall be reviewed at least bi-annually for compliance with state and federal law and state board of education policy.

Source: Title VII Guidelines; Title IX; WV Code 5-11-1; 18-2-5a; 18-2-7b; WVDE Policy 2421

Adopted: 1/5/94

Revised: 03/09/20, 08/12/19; 07/23/07; 10/13/97; 4/4/95; 1/5/94

BULLYING, HARASSMENT, AND INTIMIDATION POLICY

- 1.0 SCOPE:** This rule sets the expectation that all schools in the Barbour County School District will be free from bullying, harassment, and intimidation of any kind.
- 2.0 PURPOSE:**
- 2.1 The purpose of this policy is to:
- 2.1.1 Prevent all forms of bullying, harassment and intimidation toward students in order to protect the academic environment.
 - 2.1.2 Assure that Barbour County Schools responds to incidents of bullying, harassment and intimidation in a manner that effectively deters similar future incidents and affirms respect for individuals.
 - 2.1.3 Barbour County Schools finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, harassment or intimidation, 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, non-threatening environment.
- 2.2 Barbour County Schools shall collaborate with other state and local agencies in carrying out the purpose of this rule.
- 3.0 DEFINITIONS:**
- 3.1 Bullying, harassment and/or intimidation. Bullying, harassment and/or intimidation as an intentional electronic (cyberbullying), gesture, or any written, verbal or physical act, or threat that is sufficiently inappropriate, severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment or that a reasonable person under the circumstances should know will have the effect of any one or more of the following:
- 3.1.1 Physically harming a student;
 - 3.1.2 Placing a student in reasonable fear of harm to his/her person;
 - 3.1.3 Damaging a student's property;
 - 3.1.4 Placing a student in reasonable fear of damage to his/her property;
 - 3.1.5 Continual kidding, harassing or demeaning a student;
 - 3.1.6 Any other act of violence. Violence occurs when anyone harms or threatens a person's body, feelings or possessions;
 - 3.1.7 Is sufficiently severe, persistent or pervasive that is creates an intimidating, threatening or emotionally abusive educational environment for a student;
 - 3.1.8 Disrupts or interferes with the orderly operation of the school;

- 3.2 As used in this article, an electronic act, communication, transmission or threat (cyberbullying) 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.
- 3.3 Persons. The term "persons" as used herein shall include all students, staff members and members of the public.
- 3.4 Staff Members. The term "staff members," as used herein shall encompass all employees of the Barbour County Board of Education, including volunteers.

4.0 GENERAL STATEMENT OF POLICY:

- 4.1 This policy applies to all persons on any school property, a school bus, at a school bus stop, and all persons attending school, school-related activities, or any education-sponsored events, whether held in a building or within or upon other property used or operated by the Barbour County Board of Education, or in any other facility being used by the Barbour County Board of Education.
- 4.2 No person on any school property or attending any school-related activity or any education sponsored event, whether in a building or upon other property used or operated by the Barbour County Board of Education, or in any other facility being used by the Barbour County Board of Education, shall engage in bullying, harassment or intimidation. Persons found to have violated this prohibition shall be subject to the penalties in Section 7, Discipline, and any other penalties prescribed by law.
- 4.3 Any staff member who has or receives notice that a student has or likely has been the victim of bullying, harassment or intimidation is required to immediately report the alleged acts to the designated investigator. Failure to do so shall result in disciplinary action.

5.0 COMPLAINT PROCEDURES:

- 5.1 Any student who believes he or she has been the victim of any form of bullying, harassment, or intimidation and any person with knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment or intimidation toward another student shall report the alleged acts immediately to the designated person as set forth in section 5.2, below. Assistance shall be provided to individuals who need help in filing such complaints. Nothing in this policy shall prevent any person from also reporting bullying, harassment or intimidation directly to the building principal, the county superintendent, or to the West Virginia Human Rights Commission, a law enforcement agency or any other appropriate institution or official.
- 5.2 Any student assigned to a school who believes he or she has been the victim of any form of bullying, harassment or intimidation, or any staff member who has knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment, or intimidation toward a student shall report the alleged acts

immediately to the building principal, who shall become the designated investigator. In the event that the principal is the alleged harasser, the report may be made to any teacher, who shall forward the complaint directly to the Title IX Coordinator, who shall become the designated investigator.

- 5.3 All designated investigators shall be given training by Barbour County Schools on an annual basis regarding proper investigation and reporting procedures.
- 5.4 All reports received alleging any form of bullying, harassment and/or intimidation shall be reported through the West Virginia Education Information System (WVEIS) to be aggregated and presented by the West Virginia Department of Education to the West Virginia Board of Education annually.
- 5.5 Under certain circumstances, some forms of bullying, harassment or intimidation may rise to the level of child and/or sexual abuse as defined in Chapter 49 of the West Virginia Code. In such situations, all staff members shall comply with the provisions of law for reporting such abuse.

6.0 INVESTIGATION:

- 6.1 Upon receipt of a report or complaint alleging any form of bullying, harassment and/or intimidation, the designated investigator shall immediately undertake or authorize a thorough investigation. Immediate steps shall be taken to protect the complainant pending completion of an investigation of alleged bullying, harassment or intimidation.
- 6.2 After the investigator has determined that there are reasonable grounds to believe that an incident of bullying, harassment and/or intimidation has occurred, the person accused of bullying, harassment and/or intimidation, or his or her parent(s), custodian(s) or guardian(s), should be notified promptly of the resulting investigation. Likewise, the parent(s), custodian(s) or guardian(s) of any student involved in an incident prohibited pursuant to this policy shall be notified promptly.
- 6.3 The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other lawful methods and review of circumstances deemed pertinent by the investigator.
- 6.4 The investigation shall be completed forthwith. The designated investigator shall cause the findings of the investigation to be set forth in a written report. The report shall include a determination of whether the allegations have been substantiated and whether the actions are violations of this policy.
- 6.5 The result of the investigation of each complaint filed under these procedures shall be reported in writing by the designated investigator to the subject of the complaint or his/her legal guardian as well as the complainant or his/her legal guardian.

7.0 DISCIPLINE:

- 7.1 In determining both the appropriate school or county response and/or the appropriate discipline for the perpetrator, the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred shall be considered. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- 7.2 If the results of the investigation support disciplinary action, appropriate disciplinary action may include, but is not limited to, warning, written reprimand, suspension, exclusion, expulsion, to be determined at the discretion of the designated investigator and/or the superintendent and is consistent with BCS Policy 8400 Student Code of Conduct.
- 7.3 In matters where the perpetrator is an employee of Barbour County Schools, the immediate supervisor shall forward his or her investigation findings to the superintendent, who shall have final authority in determining the appropriate response and/or discipline.
- 7.4 Any staff member found to be in violation of this policy shall have the investigation report placed in his/her personnel file along with any and all records concerning action taken as a result of such violation of policy. Those same records shall be immediately transmitted to the State Superintendent of Schools.
- 7.5 Restitution: When a student damages another's property, the offending student and parents will be required to replace the property that has been damaged.

8.0 CONFIDENTIALITY:

- 8.1 Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint, and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses and investigators shall be vigorously protected and violations of such confidentiality may themselves be grounds for disciplinary action.
- 8.2 Any information related to a reported incident of bullying, harassment or intimidation is exempt from disclosure under West Virginia Code §29B-1-1, et seq.

9.0 REPORTING TO THE WEST VIRGINIA DEPARTMENT OF EDUCATION:

- 9.1 The superintendent of Barbour County Schools, or his or her designee, shall immediately file a report with the West Virginia Department of Education of any allegations of bullying, harassment and/or intimidation via WVEIS.
- 9.2 Upon conclusion of the investigation, the superintendent of Barbour County Schools, or his or her designee, shall file a report, or update his or her initial report, with the West Virginia Department of Education indicating whether or not the allegations were substantiated and outlining every action taken in response to any report, via WVEIS.

9.3 The superintendent of Barbour County Schools, or the Barbour County Board of Education shall also initiate such other action as is appropriate to prevent recurrences of bullying, harassment or intimidation and adequately protect students in accordance with this policy.

10.0 REPRISAL: Barbour County Schools shall develop discipline procedures with which to take appropriate action against any person who retaliates against another person for reporting alleged bullying, harassment or intimidation or for testifying, assisting or participating in an investigation, or for testifying, assisting or participating in a proceeding or hearing relating to such bullying, harassment or intimidation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

11.0 RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES: This policy does not deny the right of any person to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or federal law.

12.0 DISSEMINATION OF POLICY AND TRAINING:

12.1 This policy, or a summary hereof, shall be conspicuously posted throughout all Barbour County schools and facilities in areas accessible to all persons. Further, a copy of the policy shall appear in any student handbook and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for schools.

12.2 A legible copy of this policy, or a summary thereof, must be disseminated to students and parents, custodians or guardians of students along with an explanation of how to report violations of the policy by October 1 of each year.

12.3 Barbour County Schools shall develop and implement training for students and staff members concerning this policy, its implications and means for effectively promoting the goals of this policy.

12.4 A copy of this policy shall be forwarded to the West Virginia Department of Education by June 30, 2002. All subsequent revisions shall likewise be remitted to the West Virginia Department of Education, Office of Student Services and Assessment, on or before the effective date of the revised policy.

AUTHORITY:

WV Code §18-C2-1, §49-6A-2. §29B-1-1, Barbour County Schools Policy 8400 Student Code of Conduct

Source: Board of Education Minutes

Adopted: 04/16/02

Revised: 06/27/11; 08/10/09

ENERGY MANAGEMENT CONSERVATION

1. Purpose -

The Barbour County Board of Education believes it to be its responsibility to ensure that every effort is made to conserve energy and natural resources while exercising sound financial management.

2. Implementation -

- 2.1 The implementation of this policy is the joint responsibility of the board members, county and school administrators, teachers, students and support personnel, and its success is based on cooperation at all levels.
- 2.2 The district will maintain accurate records of energy consumption and cost of energy and will provide information to the local media on the goals and progress of the energy conservation program.
- 2.3 The principal will be accountable for energy management on his/her campus with energy audits being conducted and conservation program outlines being updated. Judicious use of the various energy systems of each campus will be the joint responsibility of the principal and custodian(s) to ensure that an efficient posture is maintained on a daily basis.
- 2.4 To ensure the overall success of the energy management program, the following specific areas of emphasis will be adopted:
 - 2.4.1 All district personnel will be expected to contribute to energy efficiency in our district. Every person will be expected to be an "energy saver" as well as an "energy consumer".
 - 2.4.2 Energy management on his/her campus will be made a part of the principal's annual evaluation.
 - 2.4.3 Administrative guidelines will be adopted that will be the "rules of the game" in implementing this energy program.
- 2.5 Further, to maintain a safer and healthier learning environment and to compliment the energy management position, the district shall develop and implement a preventative maintenance and monitoring plan for its facilities and systems, include HVAC, building envelope and moisture management.

3. Resolution -

- 3.1 **Whereas**, the School Board bears the responsibility for the use of tax dollars.
- 3.2 **Whereas**, Public education can provide leadership in developing a realistic energy ethic and awareness of energy needs and costs.

ENERGY MANAGEMENT CONSERVATION

- 3.3 **Therefore**, the School Board of Barbour County directs the superintendent and/or his/her agents to develop short and long-range strategies in the areas of facilities management and preventative maintenance.

Source: Board of Education Minutes

Adopted: 06/11/07

TRANSPORTATION TRAVEL ALLOWANCE

Travel expenses incurred for official business travel on behalf of the County shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

Any travel expenses submitted to the County level for reimbursement requires the signature of the principal to verify the reimbursement was not already made at the school level. Any travel by the principal must be approved at the County level even if the travel expenses will be paid by the school.

Payment and reimbursement rates for per diem, meals, lodging, and mileage shall be established by the County and approved by the Board. The County shall establish mileage rates in accordance with the Federal standard mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

An employee may use and/or accrue bonus points acquired through participation in frequent traveler programs, hotel "bonus points," credit card "rewards," or any other reward under similar affinity programs while traveling on official School business, only if his/her participation would result in no additional cost to the County.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

All travel shall comply with the travel procedures and rates established in the administrative guidelines.

Source:	Board of Education Minutes
Adopted:	12/4/79
Revised:	01/26/16; 2/22/10; 7/07/08; 6/26/06; 10/3/95; 10/6/92; 1985; 1983
Legal Reference:	West Virginia State Board of Education Policy 1224.1 WV Code §6B-2-5(b)(2)

TRANSPORTATION TRAVEL ALLOWANCE

Administrative Guidelines

Reimbursement for approved professional travel will be based on expenses incurred solely by the employee upon submission of a properly completed and approved county travel reimbursement form.

The Treasurer shall be responsible for approving or disapproving all professional or local travel reimbursement forms.

The following are reimbursable upon submission of receipts and documentation:

- A. conference registration fees
- B. transportation - plane, train or automobile, including buses, and taxis
- C. mileage at the current IRS mileage rate effective during the travel period
- D. toll charges and parking
- E. lodging at actual reasonable cost
- F. meals and incidental (if staying overnight on approved professional trip) at the maximum per-day allowance/stipend for meal reimbursement shall equal the amount set forth by the Federal government as found on: www.gsa.gov .
- G. phone calls for District business
- H. internet access for District business

Emergency and/or unanticipated trips involving Board expense(s) may be approved by the Superintendent and/or the Treasurer.

The Board will not pay personal expenses beyond the costs related to attending the convention.

The expenses will be reimbursed within the budgetary appropriation.

Advance payments may be paid only for plane fees. Cancellation fees will be covered if beyond the employee's control.

Actual expenses are approved by the appropriate Central Office Director for professional and service personnel staff.

TRANSPORTATION TRAVEL ALLOWANCE

Business-related mileage for the District is reimbursable under the following conditions:

- A. Requests for reimbursement are to be submitted monthly. The report must be approved by the Principal, immediate supervisor, and/or appropriate Central Office Director. Parking receipts are required for reimbursement. Incomplete reports will be returned.
- B. Mileage will be reimbursed at the published Federal standard mileage rate.
- C. Mileage will be reimbursed during the fiscal year it was incurred. Forms must be submitted to the Finance Office within thirty (30) days of travel.
- D. Monthly travel reimbursement forms submitted after the deadlines stated above will not be reimbursed.

FOOD SERVICE COLLECTION POLICY

1.0 Purpose

- 1.1 The Barbour County Board of Education establishes the following policy for administering the collection of food service accounts.

2.0 Definition

- 2.1 All students must take a "reimbursable meal" to be eligible for the food service billing procedure.

Staff members are not eligible for the food service billing procedure, they must pay full price for the meal at the time of the meal service.

If a student fails to take a "reimbursable meal", they must pay full price for that meal at the time of the meal service.

A "reimbursable meal" is the selection of a minimum of three of the five food items offered.

3.0 Procedures

- 3.1 The school food service department will be responsible for calculating and issuing the monthly invoices to students and staff.
- 3.2 Invoices will be calculated and mailed monthly.
- 3.3 Payment in full is due upon receipt, but no later than ten (10) days after the invoice is received.
 - 3.3.1 Invoices shall be paid, in full, by check or money order.
 - 3.3.2 Invoices may be adjusted for balances under \$10.00 upon approval of county food service director.
 - 3.3.3 If cash is remitted for payment on lunch accounts, a pre-numbered receipt shall be issued to the individual submitting the cash.
 - 3.3.4 All checks shall be made payable to Barbour County Schools.
 - 3.3.5 Checks returned to the school for non-sufficient funds will prompt notification of the individual by phone.
 - 3.3.6 If the individual does not honor the payment request within ten (10) days, a certified request will be mailed to the individual requesting a cashier's check for the amount of the check and an appropriate service charge.
 - 3.3.7 If no response is made after the individual receives the certified letter, the check may be forwarded to magistrate court or a collection agency for collection.
- 3.4 All bills shall be considered delinquent if not paid in full by the twenty-fifth (25th) of the following month.
- 3.5 Delinquent accounts.
 - 3.5.1 All delinquent accounts could lose the privilege of charging.
 - 3.5.2 Parents will be notified by mail that charge privileges could be suspended.
 - 3.5.3 While account is delinquent, Parents should send cash daily, pay the bill in full or send a bag lunch. Sending a child to school without money for a meal or a bag lunch may be interpreted as child neglect by the authorities.

FOOD SERVICE COLLECTION POLICY (continued)

3.6 Debt Collection

- 3.6.1 The collection of delinquent accounts over forty-five (45) days may be pursued through a collection agency or magistrate court.
- 3.6.2 All costs associated with the collection of an account will become the liability of the debtor.
- 3.6.3 A debt is determined non-collectible when the food service program cannot recover the debt through enforced collection and there is no realistic expectation for a future collection.
- 3.6.4 When the debt is non-collectible, it will terminate active collection and a write-off will occur when one or more of the following criteria apply:
 - 3.6.4.1 The debt cannot be substantiated through evidence or witness;
 - 3.6.4.2 The cost of pursuing collection exceeds the amount of the debt, unless the principle of program fraud is at stake;
 - 3.6.4.3 The debtor cannot be located;
 - 3.6.4.4 The statute of limitations has expired.

3.7 Reclamation of Account

- 3.7.1 Any credit account balances that remain at the end of the school year may be claimed.
- 3.7.2 Money not claimed will revert to the food service program.

3.8 Dispute Resolution

Contact the food service secretary; then contact the Child Nutritionist; then file a citizen's appeal.

Source: Board of Education Minutes
Adopted: 10/09/2000
Revised: 05/26/2015; 11/26/2012; 11/17/2008; 01/28/2002
Legal: WVDE Policy 4320; WVDE Policy 7211

**Barbour County Schools
Transportation of Students by Personal Vehicle Policy**

1.0 Purpose: The Barbour County Board of Education supports the notion that, in order to ensure the running of a thorough and efficient school system, students may be transported in personal vehicles under certain conditions.

2.0 Conditions for Use of Personal Transportation

2.1 School Sponsored Field Trips (see Field Trip Policy for definition of types of field trips)

2.1.1 Students may be transported by personal vehicle for school-sponsored field trips when it has been determined that:

2.1.1.1 the number of participating students is too small to use a regular school bus or;

2.1.1.2 The duration/proximity of the trip does not warrant the use of a regular school bus.

2.1.2 The coach or teacher/sponsor of the trip, with the approval of the principal and superintendent, shall determine the need for transportation of students by personal vehicle.

3.0 School employees, parents or volunteers who shall be transporting students by personal vehicle shall be board approved. To qualify for approval, teacher/parent/volunteer must:

3.1 Hold a valid WV driver's license, and;

3.2 Submit proof of vehicle insurance.

Source: State Superintendent Interpretation
BCS Board minutes

Adopted: 09/16/1986

Revised: 6/28/10

WELLNESS POLICY

1.0 Purpose

The Barbour County Board of Education supports the notion that student health and physical well-being is an essential part of their overall development. Poor nutritional choices and lack of physical activity can lead to obesity and other diseases later in life. The Barbour County Board of Education is aware that proper choices by our children today will allow them to become productive adults leading healthy, physically active lives.

It is the objective of the Barbour County Board of Education to provide leadership, training and support for schools and their communities designed to improve collaboration and ensure the health and educational achievement of children in a safe, nurturing and disciplined environment by establishing goals in the following areas:

1. Nutrition Education
2. Physical Activity
3. Nutrition Standards for all Foods/Beverages
4. Celebrations/parties
5. Other School-Based Activities Designed to Promote Student Wellness
6. Measurements and Evaluation

2.0 Nutrition Education Goals

The primary goal of nutrition education is to influence students' eating behaviors. Building of nutrition knowledge and skills helps children make healthier eating and physical activity choices. To make a difference, Barbour County Schools will provide nutrition education that is appropriate for students' ages; that reflects students' cultures; that is integrated into subjects such as math, reading and other curriculum areas; and provide opportunities for students to practice the skills they learn. Barbour County Schools has also chosen a nutrition education curricula that is easy to teach and foster lifelong healthy eating.

- 2.1 In order for this goal to be obtained key components need to be involved in the process.
 - 2.1.1 All Barbour County Schools shall become Team Nutrition Schools by the end of the 2nd month of school in order to promote good nutrition knowledge. They shall conduct nutrition education activities that involve parents, students and the community. (Team Nutrition is an integrated, behavior-based, comprehensive plan for promoting the nutrition health of the Nation's school children. The US Department of Agriculture – Food and Nutrition Service -- developed Team Nutrition in response to the need to improve the nutritional quality of meals served in schools. Team Nutrition develops messages and materials that can be used consistently throughout the country. It promotes support and training at the State and local levels through infrastructure developed by the Nutrition Education and Training Program as well as new Team Nutrition partnerships.)
 - 2.1.2 Students will receive nutritional messages consistent with this policy that shall be provided in schools, classrooms, cafeterias, homes, communities and media by Barbour County Schools Child Nutritionist. Messages shall be gathered from WVDE, USDA and other resources.

WELLNESS POLICY – Continued

- 2.1.3 Students in grades PreK-12 shall receive the nutrition education needed for them to adopt healthy eating behaviors as deemed appropriate by the WVDE policy 2510, Barbour County Schools Nutritionist, Principal, or other health related professional.
- 2.1.4 Students in grades 6-12 shall be taught health education that includes the importance of healthy eating and physical activity per WVDE policy 2520.
- 2.1.5 Nutrition education shall be integrated into health education and other core curriculum as determined by the school health committee.
- 2.1.6 Faculty who provide nutrition education shall have the appropriate and up-to-date training.
- 2.1.7 Tips to increase awareness of healthy lifestyles shall be sent home to parents in school newsletters.

3.0 Physical Activity Goals

The primary goals for physical activity components in schools are: to provide opportunities for every student to develop the knowledge and skills for specific physical activities; to maintain students' physical fitness; to ensure students' regular participation in physical activity, and; to teach students short-and long-term benefits of a physical active and healthful lifestyle.

3.1 Definition

- 3.1.1 Physical activity is defined as any bodily movement produced by skeletal muscles that result in energy expenditure.

3.2 In order for this goal to be obtained, key components need to be involved in the process:

- 3.2.1 Physical education requirements shall include those outlined in WVDE Policy 2510.
- 3.2.2 Students shall be given opportunities for physical activity during the school day through physical education classes, daily recess periods for elementary students, and before/after school activities.
- 3.2.3 Students shall be given opportunities for physical activity through a combination of before and/or after school programs including, but not limited to intramurals, interscholastic athletics and physical activity clubs.
- 3.2.4 Schools shall encourage parents and guardians to support their children's participation in physical activity, to be physically active role models and include physical activities in family events.
- 3.2.5 Students shall annually undergo a nationally accepted fitness testing program in grades 4th through 12th grades.
- 3.2.6 Barbour County Schools Child Nutritionist will provide schools with updated ideas and resources for integrating physical activities into the instructional day.

4.0 Nutrition Standards for all Food/Beverages

WELLNESS POLICY – Continued

Students' lifelong eating habits are greatly influenced by the types of foods and beverages available in their daily environment. To ensure that reimbursable school meals meet program requirements nutrition standards and guidelines shall be established to address all foods and beverages sold or served to students, including those available outside of the school meal programs. To encourage students to develop good eating habits and to provide for the nutritional needs of all students in attendance, only *healthy beverages* shall be made available to students during the *school day*.

4.1 Definition

- 4.1.1 *healthy beverage* is defined as water, one hundred percent fruit and vegetable juice and low fat fluid milk.
- 4.1.2 *school day* is defined as the period of time between the arrival of the first student at the school building and the end of the last instructional period.

4.2 In accordance to West Virginia State Board of Education Policy 4320, Section 2.2.2, non-nutritious foods, namely candy, soft drinks, chewing gum and flavored ice bars, shall not be sold during the school day (i.e., that period of time between the arrival of the first child at school and the end of the last scheduled instructional period) except that, county boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods.

- 4.2.1 The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the State Board and the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA).
- 4.2.2 Seventy-five percent of the profits from the sale of soft drinks shall be allocated by a 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 schools within Barbour County Schools.
- 4.2.3 Section 121.1 states 'Food or beverage items sold or served during the school day must meet the requirements of *Standards for School Nutrition*':
 - 4.2.3.1 Schools shall refrain from using foods of minimal nutritional value as rewards for student achievement;
 - 4.2.3.2 Barbour County Schools will encourage school organizations, including boosters groups, to use creative means of fundraising that does not include selling foods and/or drinks of minimal nutritional value;
 - 4.2.3.3 Schools shall educate parents, guardians and staff annually on the standards and procedures for serving outside nutritional items at celebrations/parties and other school based-activities;
 - 4.2.3.4 All employees involved in nutrition and food service programs shall be properly trained.

5.0 Celebrations/parties

WELLNESS POLICY – Continued

- 5.1 Snacks provided to students during the school day will meet standards set by the county in accordance with local wellness policies.
- 5.2 Outside foods and beverages that are determined to be acceptable will be permitted for the general student population as long as they meet nutrition and safety standards for classroom snacks and celebrations/parties.
 - 5.2.1 Each school may schedule up to four (4) celebrations/parties during the school year that include outside foods and caffeine free beverages brought in for consumption by the general student population.
 - 5.2.1.1 The school principal will oversee the scheduling and content of the celebrations/parties.
 - 5.2.1.2 The four (4) celebration windows may include: Fall (e.g. Halloween); Winter (e.g. Christmas); Spring (e.g. Easter) and a fourth of the school's choosing (e.g. Valentine's Day).
 - 5.2.2 These outside foods and caffeine free beverages must be commercially prepared and sealed prior to their use during the school event. (For example, store-bought packaged cupcakes would be acceptable while parent-baked cupcakes would not; sealed store-bought jugs of flavored drinks would be acceptable while drink powders mixed with water at school would not.)
 - 5.2.3 The acceptable foods and caffeine free beverages shall be approved by the school principal for classroom snacks and celebrations and shall be communicated to parents and guardians.
 - 5.2.4 Questions or comments regarding this section of policy shall be directed to the school principal.
- 5.3 **Students with Special Dietary Needs and Food Allergies**
 - 5.3.1 Students with special dietary needs and food allergies must be considered at all times when outside foods and beverages are provided in a general setting. Schools will operate with utmost care and caution when allowing outside foods and beverages to be provided to students.
 - 5.3.1.1 Because Barbour County Schools allows outside foods and caffeine free beverages to be brought in for consumption by the general student population for celebrations or other special events, county schools will accommodate students with special dietary needs or food allergies. Such accommodations will be made based upon the individual

WELLNESS POLICY – Continued

needs and restrictions of such students as identified by a physician's Special Dietary Needs Medical Statement, according to the Barbour County Wellness Policy and USDA Regulation 7, CFR Part 15b. These carefully considered procedures will help to ensure the health, safety and well-being of all

5.3.1.2 The school principal, with input from the school health team, shall oversee all such accommodations.

5.4 Definition

5.4.1 *snacks* in this section refers to outside foods and caffeine free beverages to be brought in for consumption by the general student population.

5.4.2 *celebrations/parties* in this section refers to school wide or classroom wide celebrations/parties or special events that include outside foods and caffeine free beverages brought in for consumption by the general student population. **This statement is not meant to override the standards set forth by Smart Snacks guidelines or the West Virginia policy for foods and beverages sold to students**

6.0 Other School-Based Activities Designed to Promote Student Wellness

6.1 The goal in promoting student wellness is to create a total school environment that is conducive to healthy eating and being physically active.

6.2 In order for this goal to be obtained key components need to be involved in the process:

6.2.1 Barbour County Schools will provide clean, safe meal environments with enough space per WVDE policy 6200 to ensure all students have access to school meals with minimum wait time per WVDE policy 4321;

6.2.2 Drinking water will be made available in all schools through water coolers and/or fountains;

6.2.3 Barbour County Board of Education shall establish a school health committee which shall meet annually that will help coordinate physical activities, nutrition information, student health topics and staff wellness. The committee may be composed of a nurse, physical education/health teacher, cook, LSIC member, child nutrition director, a board of education member, a school principal, a student, and a parent.

7.0 Measurement and Evaluation Goals

7.1 The WVDE shall annually administer the evaluation/assessment component. It shall be conducted in sixth, eighth and all high school wellness/health classes.

7.2 The health committee and other county school officials shall determine the effectiveness of this policy by reviewing the results of the evaluation /assessment component.

WELLNESS POLICY – Continued

- 7.3 If deemed necessary by this committee, following the review of their assessment, the committee can forward recommended revisions to this policy to the Superintendent for review and the approval of the Barbour County Board of Education.

Source: Board of Education Minutes

Adopted: 06/26/06

Revised: 08/14/23; 10/09/17; 05/12/14; 12/08/08

Legal Reference: Section 204 of the Public Law 108-265; WVDE Policy 2510



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education TITLE-SERIES: 126-142

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Performance Evaluation of Professional Personnel
and Athletic Coaches (5310)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

October 16, 2023

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Stephanie Abraham -- By my signature, I certify that I am the person authorized to file
legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

126CSR142

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 142
PERFORMANCE EVALUATION OF PROFESSIONAL PERSONNEL
AND ATHLETIC COACHES (5310)

§126-142-1. General.

1.1. Scope. -- This legislative rule establishes the process for evaluation of the employment performance of professional personnel and athletic coaches that shall be applied uniformly statewide.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §§18-2-5, 18A-2-12, and 18A-3C et seq.

1.3. Filing Date. -- September 13, 2023.

1.4. Effective Date. -- October 16, 2023.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR142, Policy 5310, Performance Evaluation of Professional Personnel and Athletic Coaches, filed December 16, 2020, and effective January 15, 2021.

§126-142-2. Purpose.

2.1. This policy promotes professional growth and development that advances student learning in West Virginia schools; defines and promotes high standards for professional personnel and their performance; provides data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions; provides data for educator preparation programs to identify areas of need and to guide program improvement; and establishes county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.

§126-142-3. Authorities.

3.1. West Virginia Board of Education (WVBE). The WVBE shall: a) develop standardized evaluation components to be used by each county board of education in implementing the evaluation policy and related administrative procedures; b) review county boards of education employee evaluation administrative procedures if necessary; c) annually review a statewide report regarding county-level implementation and an analysis of the goals and outcomes of student learning as evidenced in the evaluation; and d) continually monitor and make recommendations to strengthen the framework of the evaluation system.

3.2. County Board of Education. Each county board of education shall establish written administrative procedures related to the requirements of this policy subject to the approval of the WVBE, upon request.

3.3. County Central Office Staff (CCOS). Each county central office shall implement the written administrative procedures established by the county board of education.

§126-142-4. Definitions.

4.1. **Athletic Coach.** A member of a school faculty, substitute teacher, student teacher within a public school, or an authorized certified individual under contract with a county board of education who provides instruction, direction, or supervision to athletic teams for the purpose of developing ability or skill to perform in athletic contests.

4.2. **Classroom Teacher.** A professional educator who has a direct instructional relationship with pupils.

4.3. **Conference.** A scheduled meeting between the evaluator and educator focusing on the educator's performance.

4.4. **Corrective Action Plan (CAP).** Initiated when a Focused Support Plan (FSP) results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards or when certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate action and/or a CAP. The CAP may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards.

4.5. **Educators.** Professionals who engage in the evaluation process.

4.6. **Evaluation Instruments.** The approved evaluation form(s) containing the performance criteria.

4.7. **Evidence for School Leaders.** Observable practices and/or artifacts selected by the educator and/or the evaluator to support the determination of performance level ratings based on the nine leadership standards. The evidence may be collected by either/both the school leader and the evaluator for discussion during conference(s).

4.8. **Evidence for Educators.** Observable practices and/or artifacts selected by the educator and/or the evaluator to support the determination of performance level ratings based on the professional standards. The evidence may be collected by either/both the educator and the evaluator for discussion during the observation or the evaluation conference(s).

4.9. **Focused Support Plan (FSP).** A proactive, preventative measure that supports individual improvement and professional growth. The FSP may commence only after an observation and a purposeful conversation have been conducted between the evaluator and the educator and when there is documented evidence indicating an area of concern based on one or more of the performance standards. The plan may address a documented area of concern involving the student growth standard when in conjunction with one or more of the performance standards.

4.10. **Goal Setting.** The process of developing rigorous, measurable goals to improve student learning. Goals span a school year, semester, or quarter.

4.11. **Immediate Supervisor.** A professional educator identified by the county superintendent to conduct observations, complete evaluations, and write and monitor an FSP and CAP.

4.12. **Observation.** The opportunity to view educator practice and collect data to evaluate performance. Evidence collected during observation helps evaluators clarify strengths and identify areas

for growth.

4.13. Orientation. An annual meeting to assure that all employees have a full understanding of the purposes, instruments, and procedures used in evaluating the performance of employees.

4.14. Performance Levels for Educators. A Distinguished, Accomplished, Emerging, or Unsatisfactory rating assigned to the performance of an educator.

4.15. Professional Support Personnel. An individual who provides educational services within the school including athletic trainer, education audiologist, school nurse, school psychologist, an individual who provides direct social and emotional support services to students including Communities In Schools (CIS) contact/facilitator, social worker, or an employee who works to address chronic absenteeism.

4.16. Progression. A designation earned by teachers based on the number of years of experience and used in the evaluation process to determine the number/frequency of observations. The progressions are as follows:

4.16.a. Initial Progression. Teachers in their first, second, or third year of experience.

4.16.b. Intermediate Progression. Teachers in their fourth or fifth year of experience.

4.16.c. Advanced Progression. Teachers in their sixth year of experience and beyond.

4.16.d. Teachers returning to the classroom.

4.16.d.1. Teachers who began their teaching careers in West Virginia, and are returning to the classroom after a hiatus of three or more years, are to be evaluated as a teacher in the Initial Progression for one school year. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of Accomplished or higher.

4.16.d.2. Teachers who began their teaching careers in states other than West Virginia shall be evaluated as a teacher in the Initial Progression. After the initial year and an evaluation, the teacher may be moved to the appropriate progression based on years of experience and an evaluation of Accomplished or higher.

4.17. School Counselor. An individual with appropriate certification who serves as a counselor within a school(s).

4.18. School Leader. Principals and assistant principals responsible for the collective success of their school including the learning, growth, and achievement of students, staff, and self.

4.19. Standards and Elements. Indicators of professional practice used to evaluate the performance of an employee.

4.19.a. Performance Standards. Standards of professional practice that are used to demonstrate what educators know and are able to do.

4.19.b. Student Growth Standard. Standard that requires educators to demonstrate their students' success through increased student achievement.

4.19.c. Professional Conduct Standard. Standard that sets clear criteria for those competencies and habits of mind without which professional teaching simply cannot occur.

4.20. Self-Reflection. A tool for educators to assess their professional practice as it relates to standards contained in the West Virginia Evaluation System and to assist in the development of personal professional learning goals.

4.21. Student Impact Goal. A goal that requires school counselors to document student changes as an outcome of the school counseling program. The school counselor, in collaboration with the school leader, sets a student impact goal in an identified area of need.

4.22. Summative Evaluation. The final annual assessment that measures levels of educator professional growth based on performance standard ratings and goals as documented in the online educator evaluation system.

4.23. Summative Rating. The summative rating for performance established by the educator evaluation process which will determine the overall performance level of the educator based upon performance and student growth. If the evaluation indicates any performance level is less than accomplished, an explanation and data to support the evaluation are required.

4.24. Teacher of Record. The educator responsible for a significant portion of a student's instructional time.

4.25. Two Points in Time. Timeline established by the teacher in consultation with the principal when developing student learning goals.

4.26. West Virginia Educator Evaluation System. A statewide system for assessing educator performance using the Teacher Evaluation Standards and Elements, student growth, and the professional conduct standard.

4.27. West Virginia Professional Teaching Standards (WVPTS). Five professional standards for educator performance that define what teachers must know and be able to do. The WVPTS serve as the foundation for educator preparation, teacher assessment, and professional development throughout the state.

4.28. West Virginia Professional Leader Standards. Nine professional standards for educator performance that define what school leaders must know and be able to do.

4.29. West Virginia Professional School Counselor Standards. Five professional standards for educator performance that define what school counselors must know and be able to do.

4.30. Central Office Personnel. Professional personnel whose titles include, but are not limited to, the following: central office administrator, supervisor, director, coordinator, and program specialist.

4.31. Performance Levels for Professional Support Personnel, Central Office Personnel, and Athletic Coaches. Exemplary, Exceeds Standards, Meets Standards, or Unsatisfactory rating assigned to the performance of professional support personnel, central office personnel, and athletic coaches.

§126-142-5. Training.

5.1. All evaluators shall be trained in management and evaluation skills in the current system.

5.2. The West Virginia Department of Education (WVDE) shall provide education and training in evaluation skills to administrative personnel who conduct evaluations. Professional evaluations may only be conducted by personnel who hold valid administrative certification and Evaluation Leadership Institute (ELI) certification.

§126-142-6. Principles of Operation.

6.1. County administrative procedures for conducting employee evaluations shall include: a) the identity of the immediate supervisor who conducts the observations and evaluations; b) the process to be used in improving an employee's performance based on the evaluation results; c) monitoring to assure evaluations are completed; and d) utilization of data from self-reflection results to determine county professional learning needs.

6.2. All monitoring and/or observations of the employee shall be conducted openly.

6.3. An employee whose performance evaluation is rated Unsatisfactory shall be given an opportunity to correct the deficiencies.

6.4. Each county's administrative procedures shall be implemented in conformity with grievance and other due process requirements.

6.5. To assure that all employees have a full understanding of the evaluation policy and procedures, an orientation meeting shall be conducted annually for all employees at the beginning of the employment period or within two weeks of an employee's reporting date. The evaluation process shall be initiated annually, regardless of the date of hire.

6.6. To assure that all employees have a meaningful opportunity to implement the evaluation policy, employees shall be provided access to the instruments and procedures and appropriate time for collaboration during the school day.

§126-142-7. Rating Structure.

7.1. Rating Structure for Educators. The four performance rating categories in the educator evaluation system for the performance and student growth standards are: a) Distinguished, b) Accomplished, c) Emerging, and d) Unsatisfactory. The scale for assessing the performance criteria is as follows:

7.1.a. Distinguished. Performance which is consistently exceptional.

7.1.b. Accomplished. Performance which demonstrates mastery of the standard.

7.1.c. Emerging. Performance which meets the basic standard and has an opportunity for professional growth.

7.1.d. Unsatisfactory. Performance which does not meet the basic standard.

7.2. The three performance rating categories on the personnel evaluation form for employees for the professional conduct standard are: a) Meets Standard, b) Below Standard, and c) Unsatisfactory. The scale for assessing the criteria is articulated in the professional conduct rubric.

7.3. Rating Structure for Professional Student Support Personnel, Central Office Personnel, and Athletic Coaches. The four performance rating categories on the personnel evaluation form for employees are: a) Exemplary, b) Exceeds Standards, c) Meets Standards, and d) Unsatisfactory. The scale for assessing the performance criteria is as follows:

7.3.a. Exemplary. Performance is consistently exceptional in meeting performance criteria demonstrated by providing extraordinary opportunities for student success through instructional practices that confirm the employee's expertise and the ability to reach all students.

7.3.b. Exceeds Standards. Performance is consistently above average in meeting performance criteria demonstrated by going beyond the established standards and instructional practices in reaching all students.

7.3.c. Meets Standards. Performance is consistently adequate in meeting performance criteria.

7.3.d. Unsatisfactory. Performance is not consistently acceptable in meeting performance criteria.

§126-142-8. Educator Evaluation.

8.1. As specified in W. Va. Code §18A-3C-2, educators shall complete a minimum of one summative evaluation annually.

8.1.a. Eighty percent of the educator evaluation shall be based on an appraisal of the educator's ability to perform the established professional performance standards.

8.1.b. Twenty percent of the evaluation shall be based upon student growth.

8.1.b.1. Twenty percent of the evaluation of all educators shall be based upon student growth as measured by two student learning goals. Progress toward meeting the two student learning goals shall be measured using multiple measures of student growth.

8.2. Self-reflection. Educators shall complete an annual Self-reflection based upon the performance standards on or before October 1. Evaluators review the educator Self-reflection, provide feedback, and collaborate with the educator to determine personal professional learning needs.

8.3. Educator Evidence. Evidence is utilized to support performance level determination.

8.3.a. Evidence must be noted in the system in order to support a Distinguished rating. This evidence can be located either in the Self-reflection or the summative evaluation, or both.

8.3.b. Evaluators record data using the online observation form.

8.3.c. If an evaluator disagrees with a rating in the Self-reflection, the individual being evaluated

has the opportunity to provide evidence to support the Self-reflection rating.

8.3.d. Any evidence collected or provided will be considered by the evaluator when determining the summative rating.

8.4. Goal Setting. Educators shall complete the goal setting process on or before November 1.

§126-142-9. Plans to Support Improvement.

9.1. Plans to Support Improvement. A plan to support improvement shall be developed by the evaluator and the educator when an educator's performance indicates an area of concern and/or the educator is rated Unsatisfactory in any area of the educator's responsibilities. There are two types of plans:

9.1.a. Focused Support Plan (FSP). A proactive measure that supports individual improvement and professional growth. The FSP, and its implementation, is an improvement process between the educator and the evaluator. The FSP may commence only after a purposeful conversation between the educator and the evaluator, and when there is documented evidence indicating an area of concern based on one or more of the performance standards, and after at least one observation and conference is complete for the educator. The FSP, and its implementation, is an improvement process between the educator and the evaluator. The FSP spans at minimum nine weeks and may commence at any time during the school year and may be repeated once per plan.

9.1.a.1. The FSP must include the following essential components: a) identified area of concern with reference to the standards to be addressed, b) expectations for change, c) nine week timeline for implementation, and d) resources for support.

9.1.a.2. The following supports may be considered to meet individual needs: a) professional development, b) coaching/instructional support, c) mentoring, d) peer observation, e) programs of study, and f) other supports and resources.

9.1.a.3. The FSP enacted for an educator may address an area of concern involving student learning goals when in conjunction with one or more of the performance standards. School-wide student growth performance levels cannot be considered in a FSP.

9.1.a.4. At the conclusion of the nine week FSP, 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 FSP will continue for a second nine week period. In the event of inadequate progress on the standard related to the area of concern, an evaluation will be completed and a CAP will be initiated.

9.1.b. Corrective Action Plan (CAP). The CAP is initiated when a FSP results in inadequate progress and when an evaluation is completed that shows unsatisfactory performance based on one or more of the standards or when certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate action and/or a CAP. The CAP may address unsatisfactory performance involving student learning goals when in conjunction with one or more of the standards. A minimum of one observation must be complete for the educator prior to the beginning of a CAP. The CAP spans 18 weeks and may commence at any time during the school year.

9.1.b.1. The CAP must include the following essential components: a) identified area of unsatisfactory performance with reference to the standard(s) to be addressed; b) timeline for implementation; and c) resources for support, including referral to other educators.

9.1.b.2. The CAP is determinative and may not be repeated. Evidence of adequate progress must be demonstrated by the conclusion of the 18 week CAP. If evidence does not demonstrate that adequate progress has been made at the conclusion of the 18 week period, termination for unsatisfactory performance shall ensue. The area of unsatisfactory performance, with reference to the standards, guides the choice of evidence within a CAP. This evidence may include observation, if appropriate.

9.1.b.3. 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 CAP.

9.2. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a FSP, the existence of a FSP shall be noted in the online system. The new supervisor will conduct a conference and an observation of the educator to determine the need and parameters of a continued FSP.

9.3. If an educator transfers within the county, as determined by county policy, or to any other county within the state during the implementation of a CAP, the plan is noted in the online system and transferred to the new supervisor for continuation.

9.4. Unsatisfactory performance in any area of the Professional Conduct Standard results in an Unsatisfactory rating of the standard.

9.4.a. Certain instances of misconduct as specified in W. Va. Code §18A-2-8 may require immediate disciplinary action and/or a CAP.

9.4.b. Instances of unsatisfactory Professional Conduct not specified in W. Va. Code §18A-2-8 shall result in either a FSP or CAP determined at the discretion of the evaluator.

9.5. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-10. Evaluation Process for School Leaders.

10.1. All school leaders shall participate in an annual summative evaluation conference on or before July 1 that is recorded in the online evaluation system.

10.2. The school leader's evaluator is responsible for monitoring performance and for preparing the online evaluation.

10.3. The purpose of the evaluation is to set high standards of performance for school leaders, ensure high-quality leadership focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.

10.4. The school leader and the evaluator will mutually establish annual written goals for the administrator's performance evaluation on or before November 1. The goals shall be related to student learning and the school leaders' job responsibilities as described in the leadership standards. The school leader shall review school-wide data to establish a student learning goal and identify strategies and measures that will be provided to document progress on the student learning goal. The second goal shall be derived from the Self-reflection based on the West Virginia Professional Leader Standards.

10.5. The school leaders will annually administer a stakeholder survey on the overall effectiveness of the school during the second semester. The surveys will provide the school leader(s) with perceptual data to share with the evaluator at the year-end conference.

10.6. The evaluator will document the performance rating on each standard using the online evaluation form and schedule a year-end evaluation conference with the school leader to share results on or before July 1. The school leader's signature in the online system denotes that the evaluator has reviewed the evaluation with the school leader. The school leader's signature does not imply concurrence with the evaluation and/or its rating. The school leader has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the school leader must be submitted no later than five working days following the date of the conference.

§126-142-11. School Leader Evaluation Standards.

11.1. School leaders shall be evaluated based on their performance within the following nine standards which determine 80 percent of the summative evaluation rating:

11.1.a. Interpersonal and Collaborative Skills. The school leader demonstrates effective and professional interpersonal and collaborative skills.

11.1.b. Clear and Focused Learning Mission. The school leader facilitates the development of the strategic plan including a clear vision, mission, and goals.

11.1.c. Rigorous Curriculum, Engaging Instruction, and Balanced Assessments. The school leader provides instructional leadership to establish and support a student-centered learning environment.

11.1.d. Positive Learning Climate and Cohesive Culture. The school leader builds and sustains a safe and positive climate and cohesive culture.

11.1.e. Professional Growth and Retention of Quality Staff. The school leader identifies, supports, and participates in professional development.

11.1.f. Support Systems for Student Success. The school leader creates and supports practices that address students' physical, social-emotional, and academic needs.

11.1.g. Operations to Promote Learning. The school leader demonstrates a proactive approach in effectively managing the resources and operations of the school.

11.1.h. Family and Community Connections. The school leader communicates and creates partnerships to engage students, staff, families, and the community.

11.1.i. Continuous Improvement. The school leader ensures continuous improvement through the implementation and monitoring of the strategic plan.

11.2. Student Growth. School leaders shall be evaluated based on demonstration of their students' success through multiple measures which determines 20 percent of the summative evaluation rating as determined by the results of the school leader's two goals.

11.3. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-12. Evaluation Process for Teachers.

12.1. All teachers shall participate in an annual summative evaluation conference on or before the teacher's final day in the classroom for the school year, or on or before June 15 of the school year, whichever occurs first. The evaluation is recorded in the online evaluation system.

12.2. The teacher's evaluator is responsible for monitoring performance and for preparing the evaluation.

12.3. The purpose of the evaluation is to set high standards of performance for teachers, ensure high-quality instruction focused on increasing student achievement, encourage continuous growth and improvement through personal reflection and goal setting, and serve as a tool in developing coaching and mentoring programs for teachers.

12.4. Observations are to last the length of a lesson, but not less than 30 minutes. Evaluators record data using the Observation form. Teachers shall have access to the completed Observation form prior to the conference, which shall be scheduled and conducted within 10 days of the observation. Teachers and evaluators exchange reflection and feedback and identify strategies and resources. They likewise review any additional evidence presented at the conference. Evidence accumulated as part of the observation is considered in the determination of the summative performance rating.

12.4.a. Teachers in the Initial Progression will be observed a minimum of four times for the summative performance evaluation. Two observations shall be scheduled with the teacher and shall be conducted during an instructional activity.

12.4.a.1. The first instructional observation and conference shall be completed on or before November 1.

12.4.a.2. The second observation and conference shall be completed between November 1 and January 1.

12.4.a.3. The third observation and conference shall be completed between January 1 and March 1.

12.4.a.4. The final observation and conference shall be completed between March 1 and May 1.

12.4.b. Teachers in the Intermediate Progression will be observed a minimum of two times for the summative performance evaluation. The supervisor shall schedule one of the two observations with the teacher.

12.4.b.1. The first observation and conference shall be completed on or before November 1.

12.4.b.2. The second observation and conference shall be completed on or before May 1.

12.4.c. Teachers in the Advanced Progression may request an observation(s) be conducted by the evaluator. The evaluator shall conduct the requested observation(s) within a timeframe established through communication between the teacher and the evaluator.

12.5. Evaluators may observe teachers at any time.

12.6. Lesson plans may not be used as a substitute for observations.

12.7. Teachers annually develop two Student Learning Goals and submit them via the online system to their evaluator for review on or before November 1. The goals shall be related to improving student achievement. The determination of the goals shall be based on the identified needs of the students, which shall include a consideration of gaps in performance. All teachers in grades Kindergarten through Grade 3 shall include a goal to address increasing students' reading and math proficiency. Evaluators verify that the goals are rigorous, measurable, and comparable across classrooms. Evaluators may request goals be modified.

12.8. Teachers submit evidence for each goal to validate progress of student learning and briefly describe results on both Student Learning Goals. Evaluators review results and record a performance level for the Student Learning performance standard.

12.9. Itinerant teachers, not assigned a home school, shall be assigned an immediate supervisor by the county superintendent for purposes of evaluation.

12.10. The evaluator shall share the evaluation with the teacher during a scheduled conference and the educator will accept the evaluation rating on or before June 15 with the option to append.

12.11. The teacher's signature in the online system denotes that the evaluator has reviewed the evaluation with the teacher. The teacher's signature does not imply concurrence with the evaluation and/or its rating. The teacher has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the teacher must be submitted no later than five working days following the date of the conference.

§126-142-13. Teacher Evaluation Standards and Elements.

13.1. West Virginia Professional Teaching Standards. Teachers shall be evaluated based on their performance within the following five standards which determine 80 percent of the summative evaluation rating:

13.1.a. Curriculum and Planning.

13.1.a.1. Element 1.1. The teacher demonstrates a deep and extensive knowledge of the subject matter.

13.1.a.2. Element 1.2. The teacher designs standards-driven instruction using state-approved standards.

13.1.a.3. Element 1.3. The teacher uses a balanced assessment approach to guide student learning.

13.1.b. The Learner and the Learning Environment.

13.1.b.1. Element 2.1. The teacher understands and responds to the unique characteristics of learners.

13.1.b.2. Element 2.2. The teacher establishes and maintains a safe and appropriate learning environment.

13.1.b.3. Element 2.3. The teacher establishes and maintains a learner-centered culture.

13.1.c. Teaching.

13.1.c.1. Element 3.1. The teacher utilizes a variety of research-based instructional strategies.

13.1.c.2. Element 3.2. The teacher motivates and engages students in learning, problem solving and collaboration.

13.1.c.3. Element 3.3. The teacher adjusts instruction based on a variety of assessments and student responses.

13.1.d. Professional Responsibilities for Self-Renewal.

13.1.d.1. Element 4.1. The teacher engages in professional development for self-renewal that guides continuous examination and improvement of professional practice.

13.1.d.2. Element 4.2. The teacher actively engages in collaborative learning opportunities for self-renewal with colleagues.

13.1.e. Professional Responsibilities for School and Community.

13.1.e.1. Element 5.1. The teacher participates in school-wide collaborative efforts to support the success of all students.

13.1.e.2. Element 5.2. The teacher works with parents, guardians, families, and community entities to support student learning and well-being.

13.1.e.3. Element 5.3. The teacher promotes practices and policies that improve school

environment and student learning.

13.2. Student Growth. Teachers shall be evaluated based on demonstration of their students' success through multiple measures which determine 20 percent of the summative evaluation rating as determined by the results of the teacher's student learning goals.

13.3. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-14. Evaluation Process for School Counselors.

14.1. All school counselors shall participate in an annual evaluation conference on or before June 15 that is recorded in the online evaluation system.

14.2. The evaluator is responsible for monitoring performance and for preparing the online evaluation. When school counselors are in multiple schools, school counselors will consult with the county superintendent and the school leader at their home school to identify their evaluator(s).

14.3. The purpose of the evaluation is to set high standards of performance for school counselors, ensure high-quality instruction focused on increasing student achievement, and encourage continuous growth and improvement through personal reflection and goal setting.

14.4. School counselors annually develop two goals targeted at performance improvement and submit them electronically to their evaluator for review on or before November 1. Evaluators may request goals be modified. Goals account for 15 percent of a school counselor's annual evaluation.

14.5. School counselors may submit evidence for each goal to validate progress of student impact and briefly describe results on both goals. Evaluators review results and record a performance level for the goals.

14.6. Observations may be requested by the school counselor or the evaluator at any time for activities of a non-confidential nature. The evaluator shall conduct requested observations within a timeframe established through communication between the school counselor and the evaluator.

14.7. The school counselor's signature in the online system denotes that the evaluator has reviewed the evaluation with the school counselor. The school counselor's signature does not imply concurrence with the evaluation and/or its rating. The school counselor has the right to include a statement as an addendum to the evaluation. An addendum and the signature of the school counselor must be submitted no later than five working days following the date of the conference.

§126-142-15. School Counselor Evaluation Standards and Elements.

15.1. The following elements describe important competencies of effective school counselors based on observable behaviors and artifacts of practice. These elements reflect best practices as illustrated in

the West Virginia School Counseling Model (found on the WVDE's website at <https://wvde.us/wv-school-counselors>).

15.2. Standard 1. Program Planning, Design and Management.

15.2.a. Element 1.1. The school counselor assumes leadership in planning, designing and advocating for a balanced, comprehensive school counseling program aligned with the state model.

15.2.b. Element 1.2. The school counselor manages the school counseling program and documents alignment with the West Virginia School Counseling Model.

15.3. Standard 2. Program Delivery.

15.3.a. Element 2.1. The school counselor facilitates a coordinated, integrated approach to the delivery of the W. Va. 126CSR44U, Policy 2520.19, West Virginia College- and Career-Readiness Dispositions and Standards for Student Success for Grades K-12.

15.3.b. Element 2.2. The school counselor utilizes research-based and best practices as reflected by state school counseling protocols.

15.3.c. Element 2.3. The school counselor facilitates the delivery of a continuum of interventions and responsive services.

15.3.d. Element 2.4. The school counselor coordinates a seamless, systematic approach to providing student support systems.

15.3.e. Element 2.5. The school counselor participates in and/or facilitates a coordinated approach to individual student academic and career planning.

15.4. Standard 3. Data Driven Accountability and Program Evaluation.

15.4.a. Element 3.1. The school counselor guides continuous program improvement through multiple forms of evaluation.

15.5. Standard 4. Leadership and Advocacy.

15.5.a. Element 4.1. The school counselor advocates for the success of all students by promoting equity and access.

15.5.b. Element 4.2. The school counselor collaborates with various stakeholders.

15.6. Standard 5. Professional Growth and Responsibilities.

15.6.a. Element 5.1. The school counselor seeks ongoing, relevant professional development.

15.6.b. Element 5.2. The school counselor demonstrates professional and ethical practices.

15.6.c. Element 5.3. The school counselor contributes to the growth of the profession.

15.7. Student Impact. School counselors shall be evaluated based on demonstration of their students' success through multiple measures which determines 15 percent of the summative evaluation rating.

15.8. Professional Conduct. The Professional Conduct standard allows educators to address areas of concern without necessitating an improvement plan. The Professional Conduct performance standard does not, however, supplant code and policy to which educators remain fully accountable and is not determinative of whether behavior is correctable. Certain violations may be corrected by implementation of an improvement plan; others will require immediate action. The standard addresses the following areas: Adhering to Policy and Procedure; Professional Attendance; Adhering to Schedule; and Respect. An Unsatisfactory rating in any of these areas prompts a standard performance rating of Unsatisfactory.

§126-142-16. Evaluation Process for Professional Support Personnel and Central Office Personnel.

16.1. Professional support and central office personnel shall receive a written evaluation a minimum of one time per year.

16.2. The immediate supervisor, as defined by the county superintendent, is responsible for monitoring performance and professional conduct and for preparing the written evaluation. When monitoring professional conduct, consideration should be given to the following: adhering to policy and procedure; professional attendance; adhering to schedule; and respect.

16.3. The purpose of the evaluation is to improve the professional support and central office employee's performance and professional growth. The professional support/central office employee and the immediate supervisor will mutually establish annual written goals for the professional support employee's performance evaluation on or before November 1. The goals shall be related to the professional support/central office employee's job responsibilities. In addition to the goal setting conference, the professional support/central office employee and the supervisor will meet at least once annually to review progress toward meeting the established goals. The supervisor will schedule an evaluation conference with the professional support/central office employee to share findings and prepare the written evaluation. The professional support/central office employee shall receive a copy of the evaluation within five working days.

16.4. The primary data source for the performance evaluation will be information and documentation related to the mutually established goals. The professional support/central office employee shall maintain a portfolio of materials that validate progress or completion of the mutually established goals. The professional support/central office employee's supervisor may also collect documentation relating to these goals. The supervisor will evaluate the professional support/central office employee's performance using a narrative description to document the progress made toward goal attainment or to document unsatisfactory performance. Because the mutually established goals will be unique to each professional support/central office employee, it follows that the evaluation narrative will focus on the professional support/central office employee's demonstration of those skills identified in the performance characteristics. Therefore, the evaluation will be goal directed and may incorporate the performance characteristics in the narrative description. The supervisor may include those performance characteristics appropriate to the mutually established goals. The performance characteristics should be identified during the goal setting conference. The portfolios maintained by the professional support/central office employee and the supervisor shall be included as part of the evaluation documentation.

16.5. The professional support/central office employee's signature on the evaluation form denotes that the supervisor has reviewed the evaluation with the professional support employee. The professional

support employee's signature does not imply concurrence with the evaluation and/or its rating. The professional support employee shall receive a copy of the evaluation. The professional support employee has the right to include a written statement as an addendum to the evaluation. An addendum and the signature of the professional support employee must be affixed to the evaluation not later than five working days following receipt of the written evaluation.

§126-142-17. Improvement Plan for Professional Support Personnel and Central Office Personnel.

17.1. An improvement plan shall be developed by the supervisor and the professional support/central office employee when the professional support employee's performance is unsatisfactory in any area of responsibility as contained in section 19.

17.2. The improvement plan shall designate how the professional support/central office employee shall meet standards. The improvement plan shall:

17.2.a. identify the deficiency(ies),

17.2.b. specify the corrective action to remediate the deficiency(ies),

17.2.c. contain the time frame for monitoring and deadlines for meeting performance characteristics, and in no case shall the improvement plan be for more than 18 weeks in length, and

17.2.d. describe the resources and assistance available to assist in correcting the deficiency(ies).

17.3. After a professional support/central office employee has successfully corrected deficiencies the professional support/central office employee must continue to meet standards.

17.4. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-18. Improvement Team for Professional Support Personnel and Central Office Personnel.

18.1. A referral to an improvement team for the professional support/central office employee whose evaluation is Unsatisfactory may occur when the supervisor determines a need for such assistance. The professional support/central office employee may request the assistance of an improvement team.

18.2. The improvement team shall be comprised of the professional support/central office employee's immediate supervisor, one additional administrator preferably at the same school level, and one professional educator in the same or related specialization. The professional educator shall be selected by the professional support/central office employee and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to section 3.2.

18.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

18.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the professional support/central office employee in meeting the responsibilities outlined in the plan, and c) identify additional resources. Release time may be

provided for professional educators who serve on the improvement team.

§126-142-19. Professional Support Personnel Responsibilities.

19.1. In addition to established laws, policies, rules and regulations, job descriptions for professional support personnel may include the following responsibilities when appropriate:

19.1.a. plans, prepares and implements new programs or facilitates change in the existing program,

19.1.b. organizes, directs, and coordinates programs,

19.1.c. gathers and interprets data for individuals, groups or programs,

19.1.d. delivers services to students or others,

19.1.e. collaborates with school personnel and/or parents to coordinate the delivery of services to students or others,

19.1.f. facilitates professional development activities to achieve goals,

19.1.g. develops and improves individual competencies and skills to deliver services, and

19.1.h. demonstrates competency in the knowledge and implementation of technology standards.

§126-142-20. Professional Support Personnel Performance Characteristics.

20.1. Performance characteristics in this section are the state-adopted responsibilities for professional support personnel. The purpose is to clarify responsibilities of the professional support employee and to provide guidance to the professional support employee in understanding job expectations.

20.2. Planning, Preparation, and Implementation.

20.2.a. Engages in activities that prepare for implementation of new programs or facilitates change in existing programs and their implementation. Items that may be used to reflect planning and preparation:

20.2.a.1. identifies needs of students and others,

20.2.a.2. develops action plans based on identified needs,

20.2.a.3. evaluates ongoing programs/plans,

20.2.a.4. revises programs based on assessment,

20.2.a.5. implements ongoing program activities and revises activities as needed, and

20.2.a.6. advises school personnel regarding available resources.

20.3. Administration/Management.

20.3.a. Organizes, directs, or coordinates programs that include responsibility for budgeting, staffing, reporting, and other similar activities. Items that may be used to reflect administration/management:

20.3.a.1. aids school administration in developing and providing policies and/or programs,

20.3.a.2. establishes and communicates practices and procedures to students, parents, community, and staff,

20.3.a.3. works to integrate program into total school curriculum,

20.3.a.4. prepares thorough and accurate reports in a timely manner, and

20.3.a.5. makes recommendations to modify the school program to meet individual students' needs.

20.4. Assessment/Evaluation.

20.4.a. Gathers and interprets data from individual, groups, or programs to evaluate needs and programs. Items that may be used to reflect assessment/evaluation:

20.4.a.1. explains nature and purpose of assessment in an understandable manner,

20.4.a.2. demonstrates knowledge of theories, techniques, and instruments used for assessment,

20.4.a.3. follows confidentiality procedures,

20.4.a.4. makes provisions for the attainment and evaluation of program goals, and

20.4.a.5. communicates effectively with school personnel, students, parents, and the community.

20.5. Intervention.

20.5.a. Delivers services to students and others to improve skills/functional abilities or inform recipients of services. Items that may be used to reflect intervention:

20.5.a.1. provides activities to foster the development of the whole child/student,

20.5.a.2. demonstrates positive interpersonal relationships with students, educational staff, parents, and the community,

20.5.a.3. assists teachers and students in implementing plans/strategies,

20.5.a.4. involves students in setting objectives, and

20.5.a.5. uses systematic processes to assess needs, plan interventions, and evaluate outcomes.

20.6. Collaboration.

20.6.a. Collaborates with school personnel, parents, and the community to assist with and coordinate the delivery of services to students. Items that may be used to reflect collaboration:

20.6.a.1. presents information about services offered to students, school personnel, parents, and the community,

20.6.a.2. assists parents and students with individual needs to secure available services,

20.6.a.3. creates a positive climate during consultation,

20.6.a.4. serves on or leads multidisciplinary teams, and

20.6.a.5. respects values different from the employee's own.

20.7. Professional Development.

20.7.a. Facilitates professional development activities to achieve goals. Items that may be used to reflect professional development:

20.7.a.1. seeks input from staff,

20.7.a.2. plans, implements, and evaluates professional development programs,

20.7.a.3. disseminates information at meetings, and

20.7.a.4. develops procedures and provides training for school personnel, students, and parents.

20.8. Professional Responsibilities.

20.8.a. Develops and improves individual competence and skill in delivering services consistent with professional standards. Items that may be used to reflect professional responsibilities:

20.8.a.1. behaves in an ethical manner,

20.8.a.2. demonstrates understanding of own professional limitations,

20.8.a.3. continues professional development by keeping abreast of current trends,

20.8.a.4. keeps appointments and follows up with commitments,

20.8.a.5. adheres to established regulations, policies, rules, and laws, and

20.8.a.6. commands respect by example in appearance, manners, behavior, and language.

20.9. Technology Standards.

20.9.a. Demonstrates competence and knowledge in the implementation of technology standards identified by the WVBE policies which are based on the International Society for Technology in Education (ISTE) Standards. Items that may be used to reflect instructional leadership competencies:

20.9.a.1. demonstrates a sound understanding of technology operations and concepts,

20.9.a.2. applies technology to facilitate a variety of effective assessment and evaluation strategies,

20.9.a.3. uses technology to enhance productivity and professional practice, and

20.9.a.4. understands the social, ethical, legal, and human issues surrounding the use of technology in pre-k-12 schools and applies that understanding in practice.

§126-142-21. Evaluation Process for Athletic Coaches.

21.1. The primary purpose of the evaluation is to provide information necessary to make an objective assessment of the performance of coaches and assistant coaches and to assure that quality coaching is provided to the student athlete.

21.2. A minimum of one written evaluation per coach's and assistant coach's contract period is required each year.

21.3. Principals, assistant principals, or athletic directors who hold an administrative certificate according to W. Va. Code §18A-2-12 shall evaluate coaches and assistant coaches. The evaluator is responsible for monitoring performance and professional conduct and for preparing the written evaluation. When monitoring professional conduct, consideration should be given to the following: adhering to policy and procedure; professional attendance; adhering to schedule; and respect.

21.4. The principal, assistant principal, or athletic director shall conduct observations and evaluations of head coaches. A minimum of two observations is required for each evaluation.

21.5. The principal, assistant principal, or athletic director, with input from the head coach, shall conduct observations and evaluations of assistant coaches. A minimum of two observations is required for each evaluation.

21.6. The principal, assistant principal, or athletic director shall share the evaluation with the coach/assistant coach during a scheduled conference and within a four week period at the conclusion of each sport's season as defined by West Virginia Secondary School Activities Commission (WVSSAC).

21.7. The coaches and assistant coaches have the right to include a written statement as an addendum to the evaluation.

21.8. The coach and/or assistant coach shall sign the evaluation form denoting that the supervisor

has reviewed the evaluation and the coach and/or assistant coach has received a copy. The signature shall not imply concurrence with the findings.

§126-142-22. Improvement Plan for Athletic Coaches.

22.1. An improvement plan shall be developed by the principal, assistant principal, or athletic director who holds an administrative certificate, when a coach's performance is unsatisfactory in an area of coaching responsibility.

22.2. The improvement plan shall designate how the coach shall meet performance criteria. The improvement plan shall:

22.2.a. identify the deficiency(ies),

22.2.b. specify the corrective action to remediate the deficiency(ies),

22.2.c. contain the time frame for monitoring and deadlines for meeting the criteria, and in no case shall an improvement plan be for more than one semester in length, and

22.2.d. describe the resources and assistance available to assist in correcting the deficiency(ies).

22.3. After a coach has successfully corrected deficiency(ies) the coach must continue to meet standards.

22.4. Nothing in this section shall supersede the provisions of W. Va. Code §§18-2E-6, 18-3-4, or 18A-2-8.

§126-142-23. Improvement Team for Athletic Coaches.

23.1. A referral to an improvement team for a coach whose evaluation is Unsatisfactory may occur when the supervisor determines the need for such assistance. The coach may request the assistance of an improvement team.

23.2. The improvement team shall be comprised of the coach's immediate supervisor, one additional administrator, and one coach in the same or related sport. The coach who will serve as a member of the improvement team shall be selected by the coach and approved by the county superintendent. The selection of the other members of the improvement team shall be based upon county administrative procedures adopted pursuant to section 3.2.

23.3. The improvement team shall serve only as a resource to the immediate supervisor who shall retain authority for the evaluation.

23.4. The improvement team shall monitor the improvement plan and may: a) conduct observations and conferences, b) provide training to assist the coach in meeting the performance criteria outlined in the plan, and c) identify additional resources.

23.5. Release time may be provided for employees who serve on the improvement team.

§126-142-24. Athletic Coaches' Responsibilities.

24.1. In addition to established laws, rules, policies, and regulations, job descriptions for coaching shall include the following responsibilities:

24.1.a. communicating with parents and the educational community (see section 25.2), and

24.1.b. implementing fundamental sports skills and sports management systems (see section 25.3).

§126-142-25. Athletic Coaches' Performance Criteria.

25.1. Performance criteria in this section are the state-adopted responsibilities for coaches. The purpose is to clarify coaching responsibilities and help provide guidance to the coach in understanding job expectations.

25.2. Professional and Interpersonal Relations.

25.2.a. Communicates with educational personnel, parents, students, and others. Items that may be used to reflect professional and interpersonal relations:

25.2.a.1. cooperates with building principal,

25.2.a.2. cooperates with athletic director,

25.2.a.3. develops rapport with coaching staff within the school,

25.2.a.4. organizes coaching staff,

25.2.a.5. develops positive relationship with participants,

25.2.a.6. develops positive relationship with student body,

25.2.a.7. develops positive relationship with faculty,

25.2.a.8. develops positive relationship with parents and community,

25.2.a.9. develops positive relationship with game officials,

25.2.a.10. develops positive relationship with news media,

25.2.a.11. develops positive relationship with opponents,

25.2.a.12. employs appropriate conduct during games,

25.2.a.13. employs appropriate conduct during practices,

25.2.a.14. attends league, conference, and WVSSAC meetings,

25.2.a.15. participate in activities that foster professional growth and development,

25.2.a.16. motivates staff and players toward desired goals, and

25.2.a.17. commands respect by example in appearance, manners, behavior, and language.

25.3. Coaching and Related Areas.

25.3.a. Organizes strategies for teaching sports skills and sports management systems. Items that may be used to reflect coaching and related areas:

25.3.a.1. develops high caliber and quality instruction,

25.3.a.2. teaches fundamental skills,

25.3.a.3. handles athletic injuries,

25.3.a.4. cares for equipment,

25.3.a.5. supervises participants and disciplines team appropriately,

25.3.a.6. designs quality organization of practice sessions,

25.3.a.7. designs pre-season planning,

25.3.a.8. supervises managers and other support personnel,

25.3.a.9. manages budget,

25.3.a.10. follows purchasing procedures,

25.3.a.11. initiates game organization skills,

25.3.a.12. follows league, conference, and WVSSAC policies,

25.3.a.13. devotes time and energy to coaching duties, and

25.3.a.14. follows end of season procedures.

§126-142-26. Severability.

26.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

EMPLOYEE CODE OF CONDUCT

1. Scope.

1.1 Code of conduct for all Barbour County school employees.

2. Application.

2.1 This policy applies to all Barbour County school employees.

3. Purpose.

3.1 The Barbour County Board of Education recognizes that the capabilities and conduct of all school employees greatly affect the quality of education provided to students in the public schools. The Barbour County Board of Education further believes that all school employees should be intrinsically motivated by the importance of the job they do. The purpose of the Employee Code of Conduct is to establish appropriate standards of conduct for all Barbour County school personnel.

3.2 These regulations also require that Barbour County public 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.

4. Employee Code of Conduct.

4.1 "Employee" shall include all school personnel employed by a county board of education whether employed on a regular full-time basis or otherwise, and shall include other personnel such as employees of the West Virginia Schools for the Deaf and the Blind, and all employees of West Virginia Department of Education Institutional Programs.

4.2 All Barbour County school employees shall:

4.2.1. Exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance.

4.2.2. 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.

4.2.3. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination.

EMPLOYEE CODE OF CONDUCT

- 4.2.4. Create a culture of caring through understanding and support.
- 4.2.5. Immediately intervene in any code of conduct violation that has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person.
- 4.2.6. Demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior.
- 4.2.7. Comply with all Federal and West Virginia laws, policies, regulations and procedures.

5. Implementation.

- 5.1. The Barbour County Board of Education shall provide for the distribution of the Employee Code of Conduct to all Barbour County school employees.
- 5.2. The Barbour County Board of Education shall provide professional development for county and school administrators on the Employee Code of Conduct.
- 5.3. The Barbour County Board of Education shall provide professional development for all employees on the Employee Code of Conduct.

6. Severability.

- 6.1 If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

7. Authority.

West Virginia Constitution, Article XII, §2 and W.Va. Code §§18-2-5, 18-2E-5, and 18A-1-1(a).

8. Adopted.

05/19/92

9. Revised.

8/20/07

DRUG-FREE WORKPLACE

1. PURPOSE.

- 1.1 The West Virginia Board of Education and the Barbour County Board of Education recognize the need to provide a high quality work environment. The use of alcohol and/or illegal drugs is a health and safety hazard and inhibits productivity.

2. RESPONSIBILITY.

- 2.1 The Board and administrative staff will be responsible for the administration of this policy.
- 2.2 Barbour County Schools shall assure full compliance with all regulations that define a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or uses of a controlled substance and/or alcohol are prohibited on school property or in conjunction with school related activities. Additionally, no employee shall report for work on any West Virginia Department of Education or Barbour County schools project, whether on-site or in the field, while under the influence of alcohol and/or an illegal drug. Compliance is mandatory. Violations are subject to severe sanctions including but not limited to termination of employment
- 2.3 It shall be the responsibility of the Barbour County Board of Education to establish a drug awareness program for Barbour County Schools employees to provide information on the following: the Employee Assistance Program; the dangers of drug-abuse in the workplace; the establishment and maintenance of a drug free workplace; the penalties for workplace drug-abuse; available drug-free literature.

3. DEFINITIONS.

- 3.1 **Alcohol:** Alcoholic beverages and any other intoxicating liquid, which contains alcohol.
- 3.2 **Contractor:** Any department, division, unit, or any person responsible for the performance of work under a contract.
- 3.3 **Controlled Substance:** A Federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Controlled Substance Act (2 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.
- 3.4 **Conviction:** A finding or 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.

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- 3.5 **Criminal Drug Statute:** A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 3.6 **Drug-Free Workspace:** A worksite where work is performed in connection with the employees of Barbour County Schools. The workplace shall include facilities, property, guidelines, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.
- 3.7 **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 the Barbour County Board of Education.
- 3.8 **Federal Agency:** An agency as that term is defined in Section 552(f) of Title IV, United state Code.
- 3.9 **Grantee:** Any department, division, unit, or any person responsible for the performance of work under the provisions of the federal grant.
- 3.10 **Illegal Drugs:** Any drug, which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- 3.11 **Legal Drugs:** Prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

4. CONTENT.

- 4.1 It is the policy of the West Virginia Department of Education and of the Barbour 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 possession of non-medically prescribed paraphernalia. This policy is applicable while employees are engaged in any work-related activity, which includes performance of agency business during regularly scheduled workdays, meal breaks, and/or occasions have a connection with the job or the agency.
- 4.2 Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal and administrative disciplinary procedures. Employee's who are in violation of the provision of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination 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 and the Barbour County Employee Assistance Program.

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- 4.3 The Barbour County Board of Education will take appropriate personnel action in accordance with this policy. When an offense, at the workplace, is deemed by the Superintendent, of the magnitude to warrant it, an employee may be dismissed from employment by the Board of Education, after due process. Reasons for suspension or dismissal may be misuse of state property, insubordination, incompetence, willful neglect of duty, reporting for work under the influence of alcohol, narcotics, or other illegal controlled substances, fraud, activities involving conflict of interest and violations of law and/or policy of the state and County Board of Education. Suspension or dismissal may be effective immediately; however, action shall be initiated within ten (10) working days of knowledge of the offence.
- 4.4 State or county agencies that are contractors or grantees of federal contracts or grants amounting to at least \$25,000.00 are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of the drug-free workplace if they make a false initial certification, or if the number of drug-related conviction of employees indicates that the employees indicates that the employer has not made a good faith effort to maintain a drug-free workplace.
- 4.5 The policy's primary goal is to ensure that alcohol and illegal drug and/or controlled substance use is eliminated in the workplace and that the Barbour County Board of Education workplace is safe, healthful, productive, and secure for its students, employees and citizens. As a condition of employment with the Barbour County Board of Education, employees shall:
- 1) abide by the terms of this policy; compliance is mandatory; and
 - 2) notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than 5 days after such conviction; and
 - 3) sign the "Drug-Free Workplace Verification Statement"

Authority: Drug-Free Workplace Act 1988 (P.L. 100-690), West Virginia Constitution Article XII, §2, and W. Va. Code §18-2-5

Adopted: 09/04/90

Revised: 05/28/24; 06/14/10; 08/20/07

BARBOUR COUNTY BOARD OF EDUCATION
DRUG-FREE WORKPLACE VERIFICATION STATEMENT

NAME _____ EMPLOYEE ID NUMBER _____

ADDRESS _____ TELEPHONE _____

I, (Print full name) _____, certify that I have received a copy of the Barbour County Board of Education Drug-Free Workplace Policy.

As an employee of the Barbour County Board of Education, I agree to abide by the Drug-Free Workplace Policy which states that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and or alcohol is prohibited in the workplace. Additionally, no employee, on duty or off, shall report for work while under the influence of alcohol and/or an illegal drug or have alcohol and/or illegal drugs in his/her possession.

The workplace shall be defined as a worksite where work is performed in connection with the employee's Barbour County Board of Education 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.

The policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the agency.

In addition, I understand that under federal law and as a condition of employment, if I am convicted of any violation of a criminal drug offense in the workplace, I must report this conviction to my supervisor and the appointing authority within five (5) days of the conviction.

Employee Signature

Date

SUBSTANCE ABUSE AND TOBACCO CONTROL

1. Scope

This policy sets the requirements for students in Barbour County Schools to be educated in an alcohol, tobacco and drug free climate that supports student academic achievement and personal-social development.

2. Purpose.

2.1 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 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.

3. Application.

3.1 These regulations apply to any person present in or upon any property owned, leased or operated by Barbour County Schools, the West Virginia Department of Education, West Virginia Board of Education, or a Regional Education Service Agency (hereinafter RESA); 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 or RESA function; 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 a county board of education, RESA or the West Virginia Department of Education, West Virginia Board of Education, or in any other facility or upon any other property being used by any of these agencies.

3.2 No person shall at any time possess, distribute or use any alcohol product or illegal substance in any area defined in Section 2.1 of this policy.

3.3 No person shall, at any time, possess drug paraphernalia as defined in W. Va. Code 47-19-3, in any area defined in Section 2.1 of this policy. In addition, students shall not, at any time, possess tobacco paraphernalia in areas defined in Section 2.1 of this policy.

3.4 No person shall at any time distribute or use any tobacco product in any area defined in Section 2.1 of this policy. In addition, students shall not possess at any time any tobacco product in areas or situations defined in Section 2.1 or at any school or county sponsored event or school-related event.

3.5 Individuals supervising students off school grounds are prohibited from distributing or using alcohol, tobacco products or illegal substances in the presence of students and/or at any time while engaged in activities directly involving students

SUBSTANCE ABUSE AND TOBACCO CONTROL

3. Application (Continued):

- 3.6 No school or board of education property, as defined in Section 2.1 of this policy, or school or county publication may be used for the advertisement of any tobacco or alcohol product.
- 3.7 Groups using areas described in Section 2.1 shall sign agreements with the county 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.
- 3.8 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 Barbour County Policy 8400.
- 3.9 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.

4. Definitions.

- 4.1 *Alcohol* means any substance containing an intoxicating element.
- 4.2 *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, look-alikes and/or any other of those substances commonly referred to as designer drugs.
- 4.3 *Controlled Substance* is defined in 60A-01-101 of West Virginia Code.
- 4.4 *Distribution* means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
- 4.5 *Drug* means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes.
- 4.6 *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.
- 4.7 *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.

SUBSTANCE ABUSE AND TOBACCO CONTROL

4. Definitions (Continued).

- 4.8 *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 Section 2.1. 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 Section 2.1.
- 4.9 *Public* means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in Section 2.1.
- 4.10 *School* means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.11 *School staff* means those individuals employed full time, part time or on contract with any county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.12 *Student* means anyone who is enrolled in public school or enrolled in an educational program on board of education property.
- 4.13 *Tobacco product* means any items containing the leaves of cultivated tobacco plants, in any form or amount, dried and processed. Products include, but are not limited to cigarettes, cigars, snuff, spit tobacco, smokeless tobacco or pipe tobacco.
- 4.14 *Use* means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.

5. Implementation.

- 5.1 Every school and administrative department in the county shall meet the stipulations of this policy and adhere to the following guidelines. This policy serves as school policy except where the need for school-level procedures or measures is indicated. Compliance is mandatory. Schools may impose additional strategies and restrictions not outlined in county policy provided they meet the tenets and intent of the county policy.
- 5.2 **Administration:** Administrative procedures for dealing with the substance abuse and tobacco control policy are the responsibility of all county and school administrators as follows:

SUBSTANCE ABUSE AND TOBACCO CONTROL

5. Implementation (Continued).

5.2.1 It is the responsibility of each administrator to implement provisions of this policy within their school or administrative department, specifically education, communication, and enforcement provisions as outlined in this policy.

5.2.2 It is the responsibility of each school administrator to develop clear procedures for identification, intervention, and referral of students with substance abuse problems.

5.2.3 It is the responsibility of each administrator to maintain an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary conditions resulting from use or abuse of ATOD.

5.3 Communication: The substance abuse and tobacco control policy shall be communicated to students, school staff, parents/guardians, visitors, and the community at large. This policy shall be communicated through the following:

5.3.1 staff Development

5.3.2 staff and student/parent handbooks

5.3.3 parent/Guardian notifications, and

5.3.4 general public notifications (e.g., signs, announcements) and

5.3.5 attaching a summary of this policy to all requests for school facility use.

5.4 Prevention Education: School administrators, Local School Improvement Councils and school curriculum teams shall assure that prevention education efforts are comprehensive, coordinated and age appropriate. Examples include: developmental guidance, advisor-advisee programs, peer involvement, after school programs and integration into instructional objectives. Substance abuse prevention education shall be taught, at a minimum, through the Barbour County Schools K – 12 health education program and shall meet the requirements found in:

5.4.1 West Virginia Board of Education Policy 2520.5, Health Content Standards and Objectives for West Virginia Schools, and

5.4.2 Safe and Drug Free Schools' guidelines.

SUBSTANCE ABUSE AND TOBACCO CONTROL

4. Implementation (Continued).

5.5 Support Programs: County Administrators may:

- 5.5.1 Provide any information to or refer any student or staff member to voluntary support programs (such as a local mental health provider or tobacco cessation program or hotline program) that address the physical, psychological and social issues associated with addiction and provide on-going support and reinforcement necessary for desired behavior change, and
- 5.5.2 Provide information on a regular basis about available programs to all students in grades 4 – 12 and staff.

6. Enforcement.

- 6.1 Each county administrator shall observe the following procedures to assure compliance with the stipulations of this policy. Compliance is mandatory.
- 6.2 **Student Violations:** Student violations of this policy are addressed in the Student Code of Conduct; Barbour County Policy 8400.

6.3 Staff Violations:

5.3.1 Staff Alcohol/Drug Violations: Refer to Barbour County Schools Policy 6120

5.3.2 Staff Tobacco Violations: The following enforcement procedures deal only with staff tobacco violations. Staff violations of this policy will be cumulative over the employee's work history with the school system. All employee violations shall be considered insubordination and subject to disciplinary action. Any reported violation of this policy shall result in a conference with the employee and his/her immediate supervisor. Documentation of the conference shall be kept on file by the immediate supervisor. If the employee has been given his/her due process rights in accordance with State law and a violation of this policy has been determined, the following disciplinary sanctions shall be imposed on the employee:

5.3.2.a First Staff Tobacco Offense: The immediate supervisor shall place documentation of the conference and written reprimand in the

SUBSTANCE ABUSE AND TOBACCO CONTROL

6. Enforcement (Continued).

6.3 Staff Violations (Continued).

6.3.2.a Staff Tobacco Violations (Continued):

employee's personnel file. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for one day under provisions of Chapter 18A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.3.2.b Second Staff Tobacco Offense: The immediate supervisor shall place documentation of the conference and written reprimand in the employee's personnel file and along with the employee develop a plan to correct the offense. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for three days under provisions of Chapter 128A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.3.2.c Third and Subsequent Staff Tobacco Offenses: The immediate supervisor shall place documentation of the conference and written reprimand in the employee's personnel file and along with the employee develop a plan to correct the offense. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for five days under provisions of Chapter 128A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.4 Public Violations. Public sanctions shall include the following:

- 6.4.1 A request that the individual stop. Refer the individual to the county policy.
- 6.4.2 If the individual refuses to stop, request that the individual leave the premises. Refer the individual to the county policy.
- 6.4.3 If the person refuses to leave or is a repeated violator, refer to the appropriate law enforcement agency. The violator may be subject to a fine.

SUBSTANCE ABUSE AND TOBACCO CONTROL

6. Enforcement (Continued).

6.5 Barbour County Schools shall provide training and technical assistance in researched-based and effective models for prevention education in the areas of alcohol, tobacco, and illegal substances. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

7. Policy Review.

7.1 This policy shall be reviewed every two years and appropriate modifications made as necessary.

8. Severability.

8.1 If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Authority: W. Va. Constitution, Article XII, W. Va. '2, W. Va. Code ' ' 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, 60A-1-101, and 61-7-2.

Adopted: 07/01/98

Revised: 06/14/10; 08/20/07; 06/25/99

EVALUATION OF SERVICE PERSONNEL AND ADMINISTRATIVE EMPLOYEES

1.0 Purpose.

All service employees will have an annual performance evaluation for the purpose of providing feedback to the service employee on job performance and proficiency.

2.0 Goals of Evaluation of Service Employees.

- 2.1 Strive for the improvement of the total county program;
- 2.2 Stress the importance of the importance of personal improvement on the part of the service employee to provide a quality education and/or service;
- 2.3 Provide for the continuous process of service performance evaluation within due process given to the service employee.

3.0 Definitions.

Terms regarding service employee evaluations are defined as follows.

- 3.1 Conference: a formal meeting between supervisor/employee or if applicable, the improvement team/employee is focusing on the discussion of an observation, an evaluation or an improvement plan.
- 3.2 Instruments: any printed evaluation form containing the performance standards to be observed and the rating system to evaluate the employee's performance.
- 3.3 Performance Standards: observable indicators of job responsibilities used to rate the performance of an employee.
- 3.4 Observation: a formal or informal sampling of the employee's performance on the established performance standards for his/her position.
- 3.5 Ratings: the system utilized to identify employees meeting or not meeting performance standards.

4.0 Service Personnel Observation and Evaluation.

- 4.1 Observations and composite evaluations of service employees will be completed by the immediate supervisor on at least an annual basis.
- 4.2 Each school level employee will be observed/evaluated by the school principal and/or immediate supervisor.
- 4.3 Additionally, the program area supervisor or director may observe/evaluate service personnel and will assist the immediate supervisor if the need arises.

**EVALUATION OF SERVICE PERSONNEL AND ADMINISTRATIVE EMPLOYEES
(continued)**

- 4.4 In the case of county level service employee, each employee will be observed/evaluated by the immediate supervisor on an annual basis.
- 4.5 Results of observations and composite evaluations will be recorded on standard Barbour County Schools Observation and Evaluation forms.
- 4.6 It shall be the responsibility of each observer or evaluation team to record such data.
- 4.7. Each observation and evaluation will be reviewed with the service employee by the immediate supervisor.
- 4.8 A copy of the observation and evaluation will be given to the service employee.

5.0 Plans of Assistance.

- 5.1 When observations and resultant evaluations are less than satisfactory an individual plan Of assistance shall be prepared and implemented.
- 5.2 Employees receiving less than satisfactory on any or all of the essential performance standards shall be required to complete the improvement components program.
- 5.3 The plan of assistance shall contain a statement of the deficiencies and/or weaknesses, a plan of improvement and outline a monitoring system or time schedule for the plan.
- 5.4 It is the responsibility of the employee to follow and implement the plan.
- 5.5 The plan of assistance will also contain the signature of the employee, the principal or supervisor and the program supervisor.
- 5.6 A copy of this form will be provided each person signing it.
- 5.7 If deficiencies in performance standards are corrected and future performance satisfactory, the principal and program supervisor will notify the service employee in writing at the plan is successfully completed.
- 5.8 If the employee cannot or chooses not to remediate the deficiency, dismissal proceedings may be initiated if the deficiency substantially impairs the employee's ability to fulfill his/her job responsibilities.

6.0 Rating Structure.

Each employee shall receive an annual rating based on the results of the final or composite evaluation. Two rating categories will be utilized: meets performance standards and does not meet performance standards.

- 6.1 This rating shall be written on the evaluation form by the immediate supervisor.

**EVALUATION OF SERVICE PERSONNEL AND ADMINISTRATIVE EMPLOYEES
(continued)**

Does Not Meet Performance Standards

Competencies and performance standards not met shall be clarified under "suggestions" and strategies for improvement shall be contained in a written plan of assistance.

Meets Performance Standards

All performance standards shall be rated as satisfactory.

7.0 Improvement Teams for Plans of Assistance.

- 7.1 When activated, the improvement team will serve as a resource to the immediate supervisor in achieving effective performance levels of the employee involved.
- 7.2 The team will be composed of a minimum of three persons and will include the immediate supervisor, program director or supervisor and superintendent designee.
- 7.3 Other members as necessary may be selected by the immediate supervisor.
- 7.4 It shall be the responsibility of the improvement team to collect pertinent data, develop and monitor plans of assistance and provide technical assistance as needed to the employee.
- 7.5 The functions of an improvement team may include the following:
 - a. conduct interviews and follow-up conferences;
 - b. conduct at least two observations;
 - c. develop written plans of assistance in consultation with the employee;
 - d. monitor and document progress under a plan of assistance;
 - e. report the results of the plan's implementation to the immediate supervisor.

8.0 Training.

- 8.1 Each service personnel shall have a review of the service personnel evaluation policy upon the beginning of their employment and thereafter at the beginning of each school year by their immediate supervisor or program director.
- 8.2 Staff persons designated to implement the evaluation system shall receive training in conducting observations and conferences, developing plans of assistance and in monitoring of improvement plans. Each evaluator will be trained in necessary management and evaluation skills.

Source: Board of Education Minutes

Adopted: 09/18/79

Revised: 06/14/10; 11/17/92; 09/19/89; 05/02/88; 12/85; 6/85; 1984; 1983

Legal Reference: State Board Policies 5300; 5310

PERSONAL LEAVE AND OTHER ABSENCES POLICY

1.0 Purpose

- 1.1 The Barbour County Board of Education shall abide by regulations and laws regarding personal leave (sick leave) of employees established by the West Virginia State Legislature. The Board believes Personal Leave (sick leave) is an extremely important and valuable benefit that is to be used solely for the reasons and intentions as set forth in this policy.
- 1.2 Personal Leave (sick leave) should never be used indiscriminately as if it were a day of vacation. Any fraudulent request for, use of, or documentation of Personal Leave (sick leave) shall be grounds for dismissal of the employee(s).

2.0 Responsibility

- 2.1 It shall be the responsibility of the Superintendent and the administrative staff to enforce this policy.
- 2.2 Within the framework of applicable state statutes, utilization of personal leave shall be accomplished in accordance with good ethical practices with the **primary** consideration being the ultimate effect upon the instructional program.
- 2.3 At the beginning of the employment term, each full-time employee of the Barbour County Board of Education shall be entitled annually to one and one-half days personal leave (sick leave) for each employment month in the employee's employment term.
- 2.4 Unused leave shall be cumulative and shall be transferable within the State.
- 2.5 A change in job assignment during the school year shall in no way affect the employee's right or benefits.
- 2.6 Personal leave will be granted to full-time employees for personal illness, personal injury due to an accident, or life threatening illness of employee's spouse, parent(s), or children.
- 2.7 Illness or accident shall be defined as a personal condition that would render an employee physically or mentally unable to discharge his or her duties in normal capacity.

Barbour County Policy 6300

- 2.8 It shall further apply in case an employee is suffering from a communicable disease, which would be readily contracted by pupils or other personnel with whom he or she would come in contact.
- 2.9 All personnel are required to report their absence(s) per the procedures adopted for this purpose. When a physician's statement is required, the medical statement shall include a reason/diagnosis, and dates specified for absence from and return to work. Barbour County Schools retains the right to request a second medical opinion at Board of Education expense on any absence using medical paid or unpaid leave.
- 2.10 At the discretion of their immediate supervisor, administrator, or building administrator, personnel shall be required to report their absence directly to their immediate supervisor, administrator, building administrator or their designee prior to the start of work on the day of absence.

AUTHORITY: Board of Education Minutes

LEGAL REFERENCE: School Laws of West Virginia: 18A-4-I0, 21-5D-4
House Bill 1477

ADOPTED: 03/14/73

REVISED: 06/29/15; 07/22/08; 01/16/96; 03/21/95; 09/04/90; 07/02/90; 09/19/89; 08/04/87;
09/16/86; 1984; 1983; 09/18/79; 04/20/76; 12/02/75

Barbour County Schools' Administrative Guidelines for

PERSONAL LEAVE AND OTHER ABSENCES

1.0 Absence for being ill (Sick Leave)

- 1.1 Any portion of an absence, which is five (5) or more consecutive days in length and charged to Personal Leave (sick leave), shall require written certification from a licensed physician, which specifies the date seen by the physician and the inclusive dates of care for the illness or injury.
- 1.2 Consecutive days shall refer to regularly scheduled work days.
- 1.3 The Employee shall present the signed physician's statement to his/her immediate supervisor upon returning to work. In extenuating circumstances, as determined by the superintendent, the employee shall be required to present the signed physician's statement prior to returning to work.
- 1.4 The immediate supervisor will promptly forward the physician's statement to the finance/payroll office where it will be required to support claims for Personal Leave (sick leave) pay.
- 1.5 The physician's statements shall be filed in the business office.
- 1.6 Upon review by an employee's immediate supervisor or at the request of the superintendent, verification for reason of absence maybe required for the tenth (10th) day and all subsequent days charged to personal leave (sick leave) within that school year. (July 1 through June 30.)
- 1.7 An employee who has exhausted all of his/her accrued personal leave (sick leave), personal use leaves (no cause days), and vacation (within the school year from July 1 through June 30) may request in writing a one day excused absence, without pay, from his/her immediate supervisor or may apply in writing for medical leave (see policy Unpaid Leave of Absences). The reason for absence must be verified with a specific reason/diagnosis and time frame for treatment, and sent directly to the Superintendent of Schools for approval. The Board of Education reserves the right to get a second medical opinion at Board of Education expense on a doc absence when warranted.
- 1.8 Any unexcused absence or fraudulent use of an excused absence without pay, may lead to disciplinary action.
- 1.9 The employee's supervisor and/or Board have the right to require verification of reason(s) for any and all absence(s) regardless of the duration of the absence(s).

- 1.10 Failure on the part of an employee to comply with this policy shall be considered sufficient cause for voiding the claim of the Employee for Personal Leave (sick leave) payment; the employee may be subject to suspension.

2.0 Absence for Personal Use Leave (No Cause Days)

- 2.1 Employees who are eligible for personal leave benefits are authorized four (4) days of Personal Use Leave without regard to the cause for the absence. Such days will be subtracted from the personal leave allocation.
- 2.2 An employee may roll over unused Personal Use Leave from year to year not to exceed a total of five (5) days. No more than (5) Personal Use Leave Days can be used in a calendar year. Personal Use Leave days over and above five (5) days will roll over into an employee's sick leave balance and carry over to the next year as sick leave.
- 2.3 Personal Use Leave is authorized to permit employees to be absent from work for matters of a personal and private nature.
- 2.4 Personal Use Leave may not be taken on consecutive workdays unless authorized or approved by the employee's principal or immediate supervisor; Provided, however, that notice of such leave days shall be given to the employee's principal or immediate supervisor at least twenty-four hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practicable.

However, the use of such days may be denied if, at the time notice is given, either fifteen percent of the employees, or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, have previously notified the principal or immediate supervisor of their intention to use the day for such leave:

Provided further, that such leave will not be used in connection with a concerted work stoppage or strike.

3.0 Absence for Religious Leave

- 3.1 Employees of Barbour County Schools may take two (2) days for **recognized** religious holidays. These days will be deducted from the total Personal Leave allocation earned and not from the four (4) Personal Use Leave days.
- 3.2 Religious holiday days do not accumulate, or roll over, from year to year.

4.0 Absence for Child Care Leave

- 4.1 Parent of newborn children or parent of newly arrived adoptive children shall be granted upon written request, by the Board of Education Child Care Leave for a period not to exceed one calendar year, for any one category of Child Care leave, upon written request for the purpose of pregnancy, childbirth, or adoptive or infant bonding.

4.2 Benefits related to such leave are determined by the specific leave category.

4.2.1 Maternity Leave – Maternity leave shall be granted when an employee’s attending physician certifies in writing that the pregnant employee is unable to work. Maternity leave shall be charged against the employee’s total accumulated personal/sick leave. This leave may continue through the period of childbirth and convalescence through the exhaustion of all of the employees personal/sick leave. Benefits may not exceed the employee’s accumulated personal/sick leave.

4.2.2 Adoptive Parent Leave – Upon the arrival of an adoptive child into the home of an adoptive parent employee, such employee shall be entitled to Adoptive Parent Leave if such employee is the primary caretaker of the adopted child (see definition of Primary Caretaker). This leave may be with pay through the exhaustion of his/her personal/sick leave, and such leave may be regarded as a leave of absence for purposes of determining rights and benefits upon return to work. Benefits may not exceed employee’s total accumulated personal/sick leave.

4.2.3 Primary Caretaker Leave – A parent or adoptive parent who is responsible for attending to a majority of child care duties such as feeding, clothing, supervising, bathing, etc., shall for the purpose of this policy, be determined the primary caretaker and shall be entitled to Primary Caretaker Leave for a period of up to one calendar year upon written request, and may be with pay through the exhaustion of his/her personal/sick leave, and shall be regarded as a leave of absence for purposes of determining rights and benefits upon return to work.

4.2.4 Secondary Caretaker Leave – Immediately following the birth of a child of a secondary caretaker or the arrival of an adoptive child into the home of a secondary caretaker employee, such employee shall be entitled to secondary caretaker leave for a period of five (5) consecutive employment days to be charged against the employee’s accumulative personal/sick leave. Benefits may not exceed employee’s total accumulated personal/sick leave. Secondary caretaker, for the purpose of this policy, shall be defined as a parent or adoptive parent who is not the primary caretaker.

5.0 Absence for Bereavement/Death in Family

5.1 Category 1- Five (5) days leave allowed in the following death in family cases, and deducted from the earned annual personal leave:

- | | |
|---------------|--------------------|
| 1. Spouse | 5. Children |
| 2. Father | 6. Father-in-law |
| 3. Mother | 7. Mother-in-law |
| 4. Son-in-law | 8. Daughter-in-law |

5.2 Category 2 – Three (3) days leave allowed in the following death in family cases, and deducted from the earned annual personal leave:

- 1. Brother
- 2. Sister
- 3. Brother-in-Law
- 4. Sister-in-Law
- 5. Grandparents
- 6. Grandchildren

5.3 Category 3 – One (1) day leave allowed in the following death in family cases, and deducted from the earned annual personal leave.

- 1. Uncle
- 2. Aunt
- 3. Nephew
- 4. Niece
- 5. First Cousin

5.4 Category 4 – Leave for other relationships and other extenuating circumstances as determined by appeal to the Superintendent’s office.

The completion of an Employee Absence Report (Form #1) shall be the responsibility of the employee.

6.0 Calculation of Sick leave

6.1 Sick leave is calculated in the following manner:

Employment term	Days Sick Leave	Personal Use Leave
200 Days X .075 =	15.00	11.00
203 Days X .075 =	15.00	11.00
205 Days X .075 =	15.25	11.25
210 Days X .075 =	15.75	11.75
215 Days X .075 =	16.00	12.00
220 Days X .075 =	16.50	12.50
230 Days X .075 =	17.25	13.25
235 Days X .075 =	17.50	13.50
240 Days X .075 =	18.00	14.00
245 Days X .075 =	18.25	14.25
247 Days X .075 =	18.50	14.50
261 Days X .075 =	19.50	15.50

Revised: 07/25/2022

PERSONAL LEAVE BANK

1.0 SCOPE: This policy establishes an employee personal leave bank.

2.0 PURPOSE: The purpose of the Barbour County Schools Personal Leave Bank shall be to enable full-time employees with personal leave to donate a maximum of two days of that leave per year to provide protection for a fellow full-time employee who has exhausted his/her personal leave days and is suffering from a catastrophic illness or serious accident. This bank is not intended to include such things as elective surgery, normal maternity leave or minor illnesses.

3.0 IMPLEMENTATION:

3.1 Personal Leave Bank Committee

3.1.1 will be composed of Personal Leave Bank members appointed by the Superintendent and shall be composed of the following:

One (1) administrator,
Two (2) professional personnel,
Two (2) service personnel.

3.1.2 a chairperson shall be elected by the committee.;

3.1.3 will determine eligibility for bank days.

3.1.3.1 Each application for bank benefits will be reviewed by the committee, which may, in its sole-discretion, determine whether an employee is entitled to an award of leave from the Bank. Each member of the committee shall maintain the confidentiality of the information received from and about the applicant(s).

3.1.3.2 The determination of entitlement to a leave award shall be based upon a majority vote of the members of the Personal Leave Bank Committee present and eligible to vote.

3.1.3.3 All decisions of the Personal Leave Bank Committee shall be final and shall not be subject to further appeal absent an allegation that the decision of the Personal Leave Bank Committee was based upon unlawful discrimination (race, national origin, age, disability or sex.). Any appeals based on this allegation will be submitted in writing to the Superintendent.

3.2 Membership Eligibility

3.2.1 The Bank is available to all personnel identified by this policy. However, eligibility to be considered for an award of personal leave from the Bank requires a contribution of at least two (2) days of personal leave for each school

year of eligibility. No employee shall be eligible for consideration for a Bank award unless his/her contributions to the Bank are current at the point in time the condition giving rise to the application for an award arises.

- 3.2.2 Each employee may contribute no more than two (2) days of personal leave per school year. No employee may be coerced or compelled to contribute to the Bank. Such contribution shall be deducted from the number of days the employee is entitled and shall not reduce personal leave days identified as "no-cause" to which an employee is entitled if sufficient personal leave days are otherwise available to the donor employee.

3.3 Withdrawal of Days

Only members of the Personal Leave Bank shall be eligible to withdraw days. In order for a request to be considered valid and eligible for consideration, the following criteria must be met:

- 3.3.1 The employee is an active employee eligible to make contributions under the terms of this policy with fewer than five (5) days of accumulated leave.
- 3.3.2 The employee is the victim of a serious accident requiring a lengthy hospital stay and home recuperation for an extended illness, such as, but not limited to, a heart attack or cancer.
- 3.3.3 The employee or his representative has completed and submitted the request for Withdrawal of Days Form and a medical certification establishing a basis for a determination that the employee is suffering from a catastrophic medical illness or accident as defined by this policy.
- 3.3.4 Bank days are only used for an absence due to the purpose for which the leave was transferred.

3.4 Operation of Personal Leave Bank -

- 3.4.1 Upon approval by the committee, a maximum of 30 days will be deposited in the participant's account, subject to review by the Personal Leave Bank Committee and/or participant. If the number of days to complete the school term is less than 30, the days may be adjusted to the remaining days left in the employee's contract for the fiscal year.
- 3.4.2 Unused bank days deposited in the employee's account will revert to the bank at the end of each fiscal year or when the employee returns to work whichever occurs first.
- 3.4.3 Should a member be unable to personally complete an application for use of days, his/her designee may apply for him/her.

3.5 Limitations of the Personal Leave Bank

- 3.5.1 Bank awards may not be used to qualify for or add to service for any retirement system administered by the State. Bank awards may not be used to extend insurance coverage pursuant to W. Va. Code 18A-4-10.
- 3.5.2 Contributions to the Personal Leave Bank shall not reduce personal leave days classified as "no-cause". However, if a member's sick leave has been exhausted, they may agree to use their no-cause days for continued membership.
- 3.5.3 Upon the termination of employment or the voluntary withdrawal from the bank, the member shall not be permitted to withdraw any days from the bank.
- 3.5.4 No employee may be compelled to contribute to the Personal Leave Bank.

4.0 ADMINISTRATION: The Personal Leave Bank is set up by the Barbour County Board of Education and administered by the committee under the direction of the Superintendent of Barbour County Schools.

AUTHORITY: WV Code §18A-4-10c(a) (1), (a) (2)

Source: Board of Education Minutes

Adopted: 4/28/97

Revised: 06/14/10; 06/25/01; 05/28/97

LEAVE DONATION PROGRAM POLICY

- 1.0 SCOPE:** This policy establishes a leave donation program for the employees' contribution and/or use.
- 2.0 PURPOSE:** Barbour County Board of Education supports the notion that individual employees may transfer the benefit of accrued personal leave days to support another employee so that the receiving employee would continue to be supported, in part, by gaining such benefit.
- 3.0 IMPLEMENTATION:** Employees [donor employees] are authorized to transfer accrued personal leave days to designated employees [recipient employees] under the following conditions:
- 3.1 A donor employee may transfer an unlimited number of accrued personal leave days to a spouse;
 - 3.2 A donor employee may transfer up to 3 days of accumulated personal leave days per year to a recipient employee who is not the spouse of the donor employee;
 - 3.3 All decisions to transfer accrued personal leave must be voluntary;
 - 3.4 A donor employee must designate the recipient employee;
 - 3.4.1 Employees may not donate to their direct or indirect supervisor.
 - 3.5 The recipient employee must be currently experiencing a "catastrophic medical emergency" [medical condition that incapacitates an employee or a member of the employee's immediate family for whom the employee will provide care, which medical condition is likely to require the prolonged absence of the employee from duty, and which will result in a substantial loss of income to the employee because the employee has exhausted all accrued personnel leave. The Superintendent shall be the sole judge upon the question of whether an employee is experiencing a "catastrophic medical emergency";
 - 3.6 The recipient employee must require additional personal leave as a result of a catastrophic medical emergency;
 - 3.7 Donated leave may not be used to qualify for or add to service for any retirement system administered by the state or to extend health insurance coverage provided by PEIA;
 - 3.8 Donated leave shall be deducted from a donor employee's accrued personal leave, but shall not be deducted from personal leave available for use without cause if sufficient general personal leave days are available for donation;

LEAVE DONATION PROGRAM POLICY

- 3.9 Donated leave transferred to a recipient employee shall be credited on a day for a day basis without regard to the hourly wage value of the leave;
- 3.10 Donated leave transferred to a recipient employee that is unused following the end of a catastrophic medical emergency (the end of a catastrophic medical emergency may be occasioned by the death of a recipient employee) shall be returned to the donor employee. The Superintendent, or the Superintendent's designee, shall be the sole judge upon the question of whether a catastrophic medical emergency has ended. In the event the donor employee is no longer employed upon a determination that a catastrophic medical emergency has ended, any unused donated leave shall be deducted from the recipient employee's accumulated personal leave;
- 3.11 An employee may not be coerced or compelled to contribute accumulated personal leave under the terms of this program;
- 3.12 A recipient employee is not eligible to receive donations of personal leave from other donor employee until the exhaustion of all donated personal leave; and
- 3.13 A request to donate leave under this program must be submitted by completion of a form published for this purpose.

AUTHORITY: WV Code 18A-4-10f

Source: Board of Education Minutes

Adopted: 08/20/07

Revised: 04/13/15; 06/14/10

MILITARY FAMILY LEAVE (FMLA) POLICY

1.0 PURPOSE: In compliance with the National Defense Authorization Act, The Barbour County Board of Education supports Barbour County Schools' employees who serve in the U.S. military. This policy shall provide two types of military family leave for FMLA eligible employees: "qualifying exigency leave" and "military care giver leave."

2.0 ELIGIBILITY: To be eligible to take FMLA leave for any qualifying reason, an employee must have worked for the employer for a total of 12 months.

3.0 DEFINITIONS:

3.1 Covered Military Member: employee's spouse, son, daughter or parent who is on active duty or call to active duty status.

3.2 Active duty or call to active duty status: refers to a member of the National Guard or reserves who is under a call or order to active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. NOTE: families of service members in the regular armed forces are ineligible.

3.3 Qualifying exigency: short notice deployment, military events and related activities, certain child care and related activities as defined in the FMLA; attending counseling; taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation.

4.0 SCOPE: This policy provides qualified employees with unpaid leave as stipulated in the procedures upon board approval.

5.0 PROCEDURES: The superintendent shall create procedures to insure the appropriate practice of identifying, persons eligible for military family leave that conform to the Family and Medical Leave Act (FMLA). Said procedures shall be placed in the employee handbook and provided to all employees annually.

Authority: The National Defense Authorization Act, Public Law 110-181; The Family Medical Leave Act

Adopted: 11/30/09

Vacation and Holidays

Purpose: Vacations are viewed as an important element in maintaining vigor while at work as well as reward for services performed. Extended contract (more than 200 days) employees are; therefore, expected to annually make use of the time granted for that purpose.

Responsibility: It will be the responsibility of the Board, Superintendent and immediate supervisors to administer this policy. The following are guidelines for the administration of this policy.

Section 1. Vacations:

This rule is applicable to employees on extended year (more than 200 days) contracts only.

1.1 Annual vacation days shall be granted to employees on extended contracts as follows:

<u>Contract Days</u>	<u>Annual Vacation Days</u>
203	1
205	2
210	3
215	4
220	5
225	6
230	7
235	8
240	9
245	9.5
247	10
260	20

- 1.2 The Superintendent's contract adjudicates his/her vacation accrual, usage and allowable carryover.
- 1.3 Vacation shall not be taken prior to accrual (earning it).
- 1.4 Payment of salary in lieu of taking vacation is not permitted.
- 1.5 Employees will be given their choice of vacation time insofar as possible, subject to the approval of their immediate supervisor and the Superintendent. However, the Superintendent shall coordinate the vacation schedule in such a way as to minimize any interruption of normal operation of the schools and administrative offices.
 - 1.5.1 Vacation periods lasting three or more consecutive days (inclusive of weekends) must be requested at least two weeks in advance to ensure proper scheduling/staffing.
 - 1.5.2 One or two days of vacation must be requested at least 24 hours in advance.
- 1.6 Vacation time should regularly be utilized each year. Accumulation and carryover of vacation days from one year to the next shall not exceed 20

Vacation and Holidays – continued

cumulative days. At the end of business on June 30th any days in excess of 20 will convert to sick/personal leave.

- 1.7 If an employee terminates service with the Board, he/she may take as terminal leave any accrued vacation not to exceed 20 days to be used prior to the effective date of their resignation. As of the date of the resignation, any unused vacation days will convert to sick leave.
- 1.8 Accumulated (unused) vacation accruals earned may follow an employee who transfers to another extended contract position.

Section 2. Holidays:

- 2.1 The following shall be considered as paid holidays (observed) for all employees.

Labor Day	Veterans Day
Thanksgiving Day	Christmas Day
New Years Day	Martin Luther King Day*
Memorial Day	

Primary Election Day	General Election Day
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*The Board will observe the Monday that is deemed as Martin Luther King Day as a holiday. However, any public employee may observe this day on his actual birthday (January 15th) in accordance with law. If an employee elects to be off on Martin Luther King’s actual birthday, then that time will be charged against the employee’s accrued vacation time or personal leave (no-cause) days.

- 2.2 Extended contract employees normally scheduled to work the months of June and July shall have the above paid holidays plus the following days normally observed outside the school calendar.

West Virginia Day	Independence Day
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Vacation Accrual in Excess of Levels Permitted by Policy 6350: The Board is satisfied that the limitations upon the carryover of accrued vacation; proscription against the payment of salary in lieu of vacation; and, the provision relating to the use of accrued vacation as terminal leave, may not have been communicated to affected employees. This Board is also satisfied that as a result of this lack of information, certain employees have labored under the misapprehension that no limit existed upon the accrual of vacation leave and that all accrued vacation could be converted to a lump sum payment upon termination of employment (through resignation or retirement). Such employees may have mistakenly relied upon this mistaken notion to their detriment in terms of personal financial planning.

In recognition of the above-described circumstance, that may not be attributed to the fault of the affected employees, the Board had determined to permit a one-time voluntary election of the part of employees who believe they have accrued vacation leave beyond the limits established by Policy 6350 to convert such excess vacation leave to personal leave. As a condition to exercising this election, employees must: execute an affidavit asserting they were unaware of the terms of Policy 6350 and mistakenly believed that vacation leave could be accrued without limitation and be used to obtain a lump sum payment upon termination of employment; and, execute a release

Vacation and Holidays – continued

relinquishing any and all claims arising from the accumulation of vacation leave in excess of the carryover limits established by Policy 6350 and arising from their voluntary election to convert accrued vacation leave to personal leave. The deadline for exercising this election is April 13, 2007.

Affected employees who do not exercise this election shall be subject to the application of the terms of Policy 6350 and will not have the benefit of vacation leave accrued in excess of the limits set forth in the policy.

Should any part of the policy be determined to be invalid by a court of competent jurisdiction any remaining provisions shall remain valid and enforceable.

Source: Board of Education Minutes

**Dates: 08/08/22; 08/14/17; 10/24/11; 1/23/07; 9/19/89; 8/4/87; 9/16/86; 1985; 1983;
10/22/80; 9/18/79; 6/5/73
Amendment: 3/26/07**

Legal Reference: Schools Laws of West Virginia: §2-2-1b; §18A-5-2

Barbour County Employee Grievance Policy

1.0 Purpose

- 1.1 The Barbour County Board of Education intends to provide a procedure for employees of the Board of Education and their employer or agents of the employer to reach solutions to problems that arise between them within the scope of their respective employment relationships to the end that good morale may be maintained, effective job performance may be enhanced, and better serve the employees of Barbour County Schools.
- 1.2 This procedure is intended to provide a simple, expeditious and fair process for at the lowest possible administrative level and shall be construed to effectuate this purpose. The West Virginia State Legislature has created a policy that is designed to resolve such differences.

2.0 Employee Grievance Procedure

- 2.1 The Barbour County Board of Education adopts W. Va. Code §6C-2-1 in its entirety as the grievance procedure for all employees. Included with this adoption are all procedures, timelines, protocol, and forms as outlined in W. Va. Code §6C-2-1.
- 2.2 The Barbour County Board of Education further recognizes that any changes to this policy by act of the West Virginia State Legislature shall become part of this policy upon passage.
- 2.3 This policy shall be placed in the Employee Handbook, and shall be reviewed annually with all employees.
- 2.4 Employee Grievance forms may be requested and provided at each employees workplace and the Barbour County Schools' Central Office.

3.0 Severability

- 3.1 If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.
- 3.2 Nothing herein shall prohibit the informal disposition of grievances by stipulation or settlement agreed to in writing by the parties nor the exercise of any hearing right provided to in West Virginia Code.

Authorization: W. Va. Code §6C-2-1 in its entirety

Adopted: 1/17/73

Revised: 06/14/10; 10/20/92; 9/16/86; 1985; 1983; 3/2/82; 9/19/81

FAIR LABOR STANDARDS ACT – OVERTIME

1. **PURPOSE:** The purpose of this policy is to ensure that the Barbour County Board of Education, hereinafter referred to as the Board, 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.

2. **GENERAL.**
 - 2.1 Service employees of the Board shall work a thirty-seven and a half-hour workweek each week; professional employees shall work a forty-hour workweek each week.

 - 2.2 The length of the school day for licensed and professional staff will be a minimum of eight 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, etc. may require hours beyond the stated minimum.

 - 2.3 Work schedules for all other 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.

 - 2.4 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.

3. **DEFINITION.**
 - 3.1 **Workweek:**
 - 3.1.1 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.

 - 3.1.2 Working hours for all non-exempt employees of the Board under the Fair Labor Standards Act, including paraprofessionals, aides, secretaries, bus operators, cafeteria, janitorial and maintenance personnel, will conform to the 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 in Subsection C.3 of this policy.

4. **ATTENDANCE EXPECTATIONS.-**

**FAIR LABOR STANDARDS ACT – OVERTIME
(continued)**

- 4.1 All employees shall be present during their scheduled working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of the designated working hours are all considered neglect of duty and will result in disciplinary actions, up to and including dismissal.
 - 4.2 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 ending time. Failure to comply with this requirement may result in disciplinary actions, up to and including dismissal.
- 5. TIME AND ATTENDANCE REPORTS.**
- 5.1 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 finance office.
 - 5.2 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.
- 6. OVERTIME AND COMPENSATORY TIME.**
- 6.1 Overtime requiring time and one half pay is hereby established as all hours worked beyond 40 hours per week. The Board discourages overtime work by non-exempt employees unless absolutely necessary.
 - 6.2 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. Failure to comply with this will result in non-payment of hours worked.
 - 6.3 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 § 18 A-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 37½ hours.
 - 6.4 In lieu of overtime compensation shall not occur in Barbour County Schools.

FAIR LABOR STANDARDS ACT – OVERTIME
(continued)

- 6.5 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.
- 6.6 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 the rate of one and one-half times the employee's usual hourly rate.
- 6.7 Pursuant to the provision of the 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 the rate of one and one-half times the employee's usual hourly rate for the additional hours or fraction of additional hours worked.
- 6.8 Pursuant to the provision of West Virginia Code § 18A-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. Any duty occurring on a Friday or Saturday evening that extends past midnight will be considered continuous duty and will not be compensated an additional one-half day.
- 6.9 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. Employees who report to work and leave early will be charged with the appropriate fraction of Sick Leave (SL), No-Cause (NC), or will be deducted that portion. If the services of a substitute are necessary, the sub will only be paid for the number of hours actually worked. This will not apply to transportation employees who may be unable to complete a morning or afternoon run due to an emergency situation. The substitute transportation employee would be paid for one half day in this situation.

7. COMPUTATION OF OVERTIME PAY.

- 7.1 Overtime compensation will be paid for actual hours worked in excess of 40 during a given workweek, as defined in Section 2.

FAIR LABOR STANDARDS ACT – OVERTIME
(continued)

- 7.2 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 ¼ hour).
- 7.3 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 numbers of hours worked.
- 7.4 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 the following method. The Weighted Average Method 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.

8. VIOLATIONS.

- 8.1. 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.

C.3 – LIST OF EXEMPT AND NON-EXEMPT POSITIONS

The Fair Labor Standards Act (FLSA) designates some employees who are exempt from the overtime and minimum wage requirements of the FLSA.

- 1. There are four types of FLSA exemptions: executive, administrative, professional employees and "highly compensated" employees (29 Code of Federal Regulations (C.F.R.) Part 541)
- 2. Exempt employees generally must be paid on a "salaried" or fee basis, earn at least \$455 per week, and meet one of the "duties" tests below.

For computer employees to qualify as exempt employees, they must be compensated either on a salary or fee basis at a rate not less than \$455 per week, if compensated on a weekly basis, or a rate not less than \$27.63 per hour, if compensated on an hourly basis.

- 3. Employees who are exempt under the executive, administrative or professional exceptions must "primarily" perform executive, administrative or professional duties

FAIR LABOR STANDARDS ACT – OVERTIME
(continued)

(i.e., generally at least 50% of the employee's time). (29 C.F.R. Part 541) "Highly compensated" employees must perform at least one of these duties.

- a. Executive employee: Must be paid on a salary or fee basis and primary duty must include; (1) managing the enterprise in which he/she is employed or managing a recognized subdivision or department of the enterprise; AND (2) customary regular direction of two or more other employees AND (3) authority to hire and fire other employees or have hiring and firing recommendations carry significant weight. Includes superintendents, assistant superintendents, treasurers/chief school business official and most directors.
 - b. Administrative employee: In addition to salary requirements, primary duty must include: (1) either performing office or non-manual work directly related to management policies or general operations of the employer OR performing functions in the administration of a school system (or department or subdivision) in work directly related to the academic instruction or training AND (2) work requiring the exercise of discretion and independent judgment with respect to matters of significance. Includes principals, assistant principals, coordinators, and supervisors.
 - c. Professional employee: In addition to salary requirements, primary duty must include: (1) either work requiring knowledge of an advanced type customarily acquired by a long course of specialized study (work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion) OR (2) work requiring invention, imagination or talent in a recognized field of artistic endeavor OR (3) teaching in a school system/educational institution OR (4) work requiring highly specialized computer knowledge (primary duty consists of applying or designing systems, hardware or software.) Includes "learned professions" such as teaching, psychology, nursing (at the level of R.N. and above), counseling and accounting.
 - d. "Highly Compensated" Employee: Employee's salary is more than \$100,000 annually AND employee regularly performs one or more of the exempt duties of an executive, administrative or professional employee AND primary duty is non-manual office work.
4. If an employee primarily performs non-exempt work, overtime and minimum wage requirements may apply. For example, if the director of maintenance spends most of his/her time doing hands-on maintenance, then he/she is most likely a "non-exempt" employee.
 5. Exempt employees are not covered by FLSA minimum wage and overtime provisions; however, they are covered by equal pay and record-keeping provisions.

**FAIR LABOR STANDARDS ACT – OVERTIME
(continued)**

6. FLSA provisions do not apply to the following “non-covered” persons; independent contractors, bona fide volunteers and trainees, such as student teachers.

The following list represents some of the common categories of school district employees under the exemptions as well as a list of common categories of non-exempt employees. Certain

positions, such as superintendent, may qualify under more than one category, but are listed under the following categories below to be consistent with school districts in other states.

Executive Exemption -

Superintendent	102
Associate/Assistant Superintendent	103
Directors, Coordinators	106-107
Treasurer/CSBO	108

Administrative Exemption -

Administrative Assistant	104
Principals	111-114
Assistant Principals	115-118
Head Teacher	119
Curriculum Specialist	201
Attendance Director	322
Director/Coordinator of Services	521
Supervisor of Maintenance	570
Supervisor of Transportation	650
Food Services Supervisor	670

Professional Exemption -

Librarian	203
Remedial Specialist	204
Counselor	205-208
Teacher	210-241
Dentist	306
Professional Accountant	308
Physician	315
Psychiatrist	317
Psychologist	318
Registered Nurse	319
School Nurse	320-321
Attendance Officer	323
Social Worker	324

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(continued)**

Physical/Occupational Therapist	331,332
Dental Hygienist	403
Audiologist	405
Psychometrist	408

Non-Exempt Employees -

Aide	501-504
Paraprofessional	515
Autism Mentor	519
Accountant/Auditor	522-525
Buyer	526
Braille or Sign Language Specialist	527
Clerk	528-533
Secretary	535-538
Receptionist	541
Computer Technicians	545-547
Draftsman	549
Media Worker	551,557, 559
Inventory Supervisor	555
Accounts Payable Supervisor	560
Payroll Supervisor	561
Audio Visual Technician	574
Maintenance Worker	576-644
School Bus Operator/Truck Driver	652, 655, 659
Heavy Equipment Operator	657
Cafeteria Worker	672, 675-677
Custodians	681-684
Grounds man/Watchman	686, 688
Sanitation Plant Operator	690

Source: Board of Education Minutes

Adopted: 8/8/05

Revised: 06/14/10; 9/26/05

**Legal Reference: U.S. Department of Labor
WV Codes §18A-4-8a(8); §18A-4-8(d); §18A-4-8a(6); §18A-4-8a(7),
§ 18A-4-8(e); §18A-5-2**

Cell Phone Use in Schools or on Work Time

In order to accommodate the growing use of cell phones or other signaling devices by both employees and students, the following guidelines are set aside for use of these devices during the work or school day.

1.0 Purpose:

- 1.1 This policy regulates the use of cell phones and other electronic signaling devices in order to insure uninterrupted instruction, safety, decreased bullying, and reduction of theft.
- 1.2 Students and staff may bring cell phones to school; however, the purpose of this policy is to regulate their use so that such use does not interfere with instruction, safety, or work for which the individual has been hired.

2.0 Definition:

- 2.1 The term, "electronic signaling devices," refers to and includes, but is not limited to, a pager, hands-free phone apparatus, 2-way (walkie-talkie) radio, hand-held radio, computer-phone texting, portable signaling device, and other like electronics.
- 2.2 The term, "misuse," includes but is not restricted to inappropriate language, harassment, bullying, or threats, or when instructed to cease the use of the device by a person in authority.
- 2.3 The phrase, "county owned devices", refers to all cell phones and other electronic devices provided by Barbour County Schools.

3.0 Student Use of Cell Phones or Other Electronic Signaling Devices:

- 3.1 All Students may use a cell phone before or after school while on school property. High school students may also use a cell phone during lunchtime.
- 3.2 During the instructional day (before starting time and after dismissal time) cell phones and electronic signaling devices must be in a locker, backpack (if backpacks are permitted at that school), or purse, hidden from view and turned off.
- 3.3 Any cell phone or other electronic signaling device that is visible is considered in use and will be subject to confiscation by the school administration.
- 3.4 Any cell phone or other signaling device that rings or vibrates at a prohibited time or location is considered in use and will be subject to confiscation by the school administration.

- 3.5 Cell phone communication, including text messages, will not be tolerated during a school emergency. Such use violates safety regulations and will be considered a Level III violation of the Student Code of Conduct.
 - 3.6 A student using cell phone communication features (camera, audio recording, text messaging) for academic dishonesty, harassment, bullying, threats, or other inappropriate means will be severely dealt with by school administration and school policy on such issues will enforced.
 - 3.7 Any device that is confiscated by the administration will not be released to the student but shall only be released to the parent/guardian of the student.
 - 3.8 Any second offense for violation of policy regarding cell phones or other electronic signaling devices will result in the student being prohibited from possession of any such device on school property.
 - 3.9 This policy does not prohibit any device that is used for medical purposes and is worn by the student because of a condition that requires the device. The parent/guardian shall provide the school with permission for this student to wear the device as well as a signed statement from a licensed physician (MD, DO) prescribing its use.
 - 3.10 Any student who violates this policy in the commission of any other disciplinary offense be in violation of both this policy and the Student Code of Conduct. This would be taken into consideration with regard to discipline and might increase the level of the infraction.
 - 3.11 As communication devices will become an integral part of technology in the Global 21 initiative, with permission from administration, teachers may have the right to incorporate such devices into the curriculum for purposes of instruction and learning.
 - 3.12 The Barbour County Board of Education and/or individual schools are not responsible for lost or stolen cell phones or other electronic signaling devices.
- 4.0 Employee Use of Cell Phones or Other Signaling Devices
- 4.1 Staff, both professional and service personnel, may bring personal cell phones or electronic signaling devices to work; however, these devices are not to be in view or turned on at any time when the individual is engaged in the supervision of students or doing the work of a normal employment day.
 - 4.2 Devices may be used on school property before the beginning of the work day, at the end of the work day, during duty-free planning or duty-free lunch. Those employees on split shifts may use devices between shifts.

- 4.3 Misuse of cell phones or electronic signaling devices will result in the employee being disciplined for neglect of duty.
 - 4.4 Any bus operator who determines it necessary to make a telephone communication while driving shall pull into a safe spot and stop prior to making the call. Bus operators are not to make or take telephone calls while the bus is in motion. Personal calls are not permitted. No hands free devices may be used. All calls made or received are to be related to the operation of the bus, supervision of students, or concerning a route. Drivers are considered to be supervising students when actually engaged in driving.
 - 4.5 This policy does not prohibit normal business use by individuals who have been assigned a cell phone or electronic signaling device by the Board of Education for work purposes. Employees, other than bus operators are cautioned against taking or making telephone calls while driving. Bus operators are not to take or make telephone calls while the bus is in motion for any reason.
 - 4.6 This policy does not prohibit any device that is used for medical purposes and is worn by an employee because of a condition that requires its use. The employee must have on file with his/her immediate supervisor a signed statement from a licensed physician (MD, DO) prescribing its use.
- 5.0 Employee use of County Owned Cell Phones or Other Electronic Signaling Devices:
- 5.1 County owned devices are issued specifically for school business use.
 - 5.2 County owned devices cannot be used more than a de minimis amount for personal use.
 - 5.3 Excessive use of county owned devices for personal use will cause the device(s) to become a taxable benefit to the employee.
- 6.0 Promulgation of Policy:
- 6.1 This policy or parts thereof that are pertinent to students and/or staff, shall be printed in handbooks and distributed to both staff and students accordingly.
 - 6.2 A copy of this policy shall be provided to each school for the policy manual via the Barbour County Schools website.

Source: Board of Education Minutes

Adopted: 7/23/07

Revised: 09/12/11; 02/28/11; 06/22/09

Barbour County Schools
STUDENT GRADING SYSTEM

- 1.0 Purpose.** The purpose of the student grading system policy is to communicate student progress in meeting the West Virginia College and Career Readiness Standards (WVCCRS) & Barbour County Schools' College and Career Readiness Standards
- 1.1 Barbour County Schools expects each student to perform to the best of his/her ability. Each staff member will develop and maintain a climate that encourages and supports rigorous academic achievement and high standards of behavior.
- 1.2 Barbour County Schools will provide all students with highly rigorous instructional programs, assignments, tests, projects, and other instructional activities designed to promote individual learning and measure individual student performance.
- 2.0 Responsibility.** The West Virginia Department of Education along with Barbour County Schools will determine standards that relate to the essential elements for grade level subjects and courses.
- 2.1 The standards will address skills needed for successful performance in the next grade or next course in a sequence of courses.
- 2.2 On-site administrators and school personnel are directed to provide for and monitor an educational climate that encourages and supports individual academic achievement and high standards of behavior.
- 3.0 Procedures.** The Superintendent is directed to establish procedures for the purposes of promoting and ensuring fair and equitable grading practices in all Barbour County schools.
- 3.1 The Superintendent is directed to take the Student Grading System Procedures before the Barbour County Board of Education for annual review prior to August 15 of each school year.
- 3.2 A synopsis of the Student Grading System Procedures shall be published, along with this policy, in all student and faculty handbooks.

AUTHORITY: WVDE Policy 2510; See also BCS Policy 7610 – Credit Recovery/Virtual Instruction Policy
Board of Education Minutes

ADOPTED: 9/18/1979

REVISED: 02/27/23; 01/27/20; 05/28/19; 02/26/18; 08/26/13; 1/14/08,
11/13/2006; 08/06/2003; 09/04/1990; 09/19/1989; 1983;
09/18/1979; 1978-79.

See Procedure 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

1. There will be a consistent grade reporting system throughout Barbour County.
2. Grades Pre-K – K will use the reporting system designated below (See ELRS template):

Pre-K –K

Emerging – Partial Mastery in K

Developing – Partial Mastery in PK; progressing above partial mastery in K

At Standard – Mastery

Above Standard – Above Mastery

Grades 1-12

A = 90 – 100

B = 80 – 89

C = 70 – 79

D = 60 – 69

F = 0 - 59

3. Certain courses at the high school level will be weighted given their formidable academic rigor.

<u>Percentage</u>	<u>Letter</u>	<u>Regular Points</u>	<u>Weighted Honor Points</u>	<u>Weighted AP/DC Points</u>
90 – 100%	A	4.0	4.5	5.0
80 – 89%	B	3.0	3.5	4.0
70 – 79%	C	2.0	2.5	3.0
60 – 69%	D	1.0	1.5	2.0
0 – 59%	F	0.0	0.0	0.0
	I Incomplete	0.0	0.0	0.0

- 3.1 A Weighted Course List will be reviewed, revised and adopted in the following manner:

- 3.1.1 The Curriculum Committee will meet in January to review the current Weighted Course List. If determined appropriate, the department chairs will revise the Weighted Course List.

- 3.1.2 The Curriculum Committee will then submit the current or revised Weighted Course List to the faculty senate for their review no later than January 31.

- 3.1.3 The faculty senate will review the list as submitted, or revise the list. The Weighted Course List will then be recommended to the principal for review.

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

- 3.1.4 The principal may recommend the submitted list to the superintendent, or may edit the list given his/her administrative authority. The principal then will submit the recommendation to the superintendent no later than February 28.
 - 3.1.5 The superintendent will review the recommendation and either approve/authorize its implementation for the following school year or revise/edit as per his/her administrative authority, then authorize its implementation for the following school year no later than March 15.
 - 3.1.6 The superintendent will provide a copy to the BOE for review.
 - 3.1.7 The Weighted Course List will be attached to the synopsis of these procedures and be published in the student and faculty handbooks.
- 3.2 High school students will not be allowed to repeat a course once a passing grade has been attained with two exceptions. Students who receive a final semester grade of D (60%-69%) in the introductory math course or the entry level course of a foreign language program may repeat the course for mastery with the principal's approval.
- 3.2.1 The student **will** receive a semester grade but **will not** receive credit on his/her transcript.
 - 3.2.2 Repeating the course **will not** expunge the grade of D earned in the same class taken previously.
 - 3.2.3 Credit Recover - igh school students who have failed a course may repeat the course as necessary to attain a passing grade and earn credit for the course. Uniform Grading Policy as prescribed in Policy 2510 must be followed.
 - 3.2.4 Students who have been absent from school have the right to make up, without penalty, all work missed during their absence.
 - 3.2.4.1 It is the student's responsibility* to request all makeup work within two instructional days of returning to school.
 - 3.2.4.2 The teacher is required to provide a list of all makeup work due within two instructional days of the student's request. The teacher must also ensure, either verbally or in writing, that the student knows the *date certain* the make up work must be completed and turned in.
 - 3.2.4.3 Once the teacher provides the student with a list of make up work, the student must complete all assignments and turn them in to the teacher within a period equal to the number of days missed.
 - 3.2.4.4 If this timeline is not met, the teacher may record a zero (0) in the grade book for that/those assignment(s) not turned in; no further extension to complete the work need be provided.

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

* (This does not apply to Pre-K – 2, and identified students with special needs on a functional curriculum.)

4. Teachers shall issue a grade of I (*Incomplete*) to any student who has not completed their assigned work on the day grades are due to be turned in to the office.
 - 4.1 All incomplete grades (except under unusual circumstances as determined by the principal) must be changed to a regular grade within five (5) instructional days after the end of the grading period.
 - 4.2 It is the responsibility of the classroom teacher to make this change.

5. Students may apply to audit a Core or Foreign Language Class prior to the start of each semester. Approval must be obtained from the teacher of the requested audited course and the principal. Parent approval for the request to audit a class must be submitted in writing to the principal. Credit will not be awarded for audited classes.
 - 5.1 Any grade earned in a high school credit-generating course taken prior to grade 9 in a student's educational program shall be recorded on the student's high school transcript with the grade and credit earned.
 - 5.1.1 This grade will be included in the student's high school Cumulative GPA.
 - 5.1.2 The statement above is to be clearly visible on all course registration materials for middle school students and disseminated to middle school teachers of such courses.
 - 5.2 Students participating in online or virtual learning courses are responsible for securing and viewing all lessons and for the completion of all assignments.
 - 5.3 Students will be released to attend college with parent permission given the procedure outlined below:
 - 5.3.1 Students may not be released from high school to take courses at another institution that are already being offered at their high school;
 - 5.3.2 Students will receive dual credit for college coursework if the college course meets both the specified course content standards for secondary offerings and the college course requirements. Students must apply to, and receive permission from, the principal and Superintendent or designee prior to the student taking the college course for dual credit;
 - 5.3.3 Students earn .5 credit per 3-hour semester college course;
 - 5.3.4 Students must supply an official college transcript to have the course entered on his/her high school transcript;
 - 5.3.5 College grades WILL NOT BE WEIGHTED unless the course was previously approved by the Board to be an Honors Course: A = 4.0; B = 3.0; C = 2.0; D = 1.0. College Courses approved by the

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

Board to be an Honors Course will be weighted according to section 3.1.

- 5.3.6 The college grade will be reflected in the student's high school transcript if it meets the definition for a dual credit course as defined in 5.3.2 with the credit as applied:

1 hour college credit course in a given semester = No high school credit
2 hours college credit course in a given semester = No high school credit
3 hours college credit course in a given semester = .5 high school credit
4 hours college credit course in a given semester = .5 high school credit
5 hours college credit course in a given semester = .5 high school credit
6 hours college credit course in a given semester – 1.0 high school credit

- 5.3.7 Seniors must have a cumulative GPA of 3.0 or better and less than 5 unexcused absences at the end of the fifth semester in their junior year to be eligible for college release. Failure of any college courses in the first semester will result in a return to Philip Barbour High with a full schedule.

- 5.3.8 Juniors must have a cumulative GPA of 3.5 or better and less than 5 unexcused absences at the end of the third semester in their sophomore year to be eligible for college release during their junior year. Failure of any college courses will result in a return to Philip Barbour with a full schedule.

6. Citizenship/Comment sections of the report card or progress report will reflect behaviors such as: regard for school and individual classroom rules, punctuality, care of property, courtesy, etc. It is of prime importance that citizenship marks and academic grades be figured and maintained as different entities.
7. After a review of first semester grades, the parents of seniors who cannot earn sufficient credits to graduate shall be notified by certified mail within ten days after the end of the first semester. Based on a review of second semester grades, the parents of seniors who are not eligible to graduate at the scheduled graduation shall be notified by telephone. A letter shall be sent to the parents/student affirming the telephone conference about the student's non-eligibility to graduate.
- 7.1 The parents of juniors whose transcript reflects that they will be unable to earn the requisite credits to graduate at the end of their senior year shall be notified by certified mail no later than June 15.
- 7.2 An Honor Roll will be maintained at each middle and high school:
- 7.2.1 Students earning a 3.0 – 3.59 average shall be listed on the school Honor Roll for publication or posting.
- 7.2.2 Those students earning a 3.60 – 3.99 average shall be listed on the school's High Honor Roll for publication or posting.

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- 7.2.3 Those students earning a 4.0 or higher shall be listed on the Principal's Honor Roll for publication or posting.
 - 7.2.4 No student may be considered for honor status in any grading period in which he/she earns an F or I.
8. Teachers will meet at minimum in Professional Learning Communities (PLCs) during presidential election years to review each report card and make recommendations to the superintendent regarding revisions, if needed, to ensure each report card meets current standards as set by WVDE and Barbour County Board of Education and follows best practices.
- 8.1 These recommendations must be forwarded to the superintendent no later than May 1 of that same school year.
 - 8.2 The superintendent or his/her designee will revise these procedures regarding reporting methodology, if appropriate, and submit to the Barbour County BOE for their review prior to August 15th of the next school year.
 - 8.3 The superintendent or his/her designee will update all grading systems per the revised procedures and recommendations from the PLCs and administrative staff prior to the first grading period.
9. Evaluation of student progress is a primary responsibility of the teacher. Achievement, on the part of the student at the highest level of his/her ability, is a common goal of both school and home. While communication of student progress to parent(s) or guardian(s) will be a primary goal of the school, it is the student's basic responsibility, as determined by their ability and effort, to successfully complete all subject and/or course requirements.
- 9.1 Report cards will be issued within ten instructional days of the last day of each grading period.
 - 9.2 Kindergarten and Pre-K report cards will be issued two times per school year.
 - 9.3 The reporting dates will be determined annually and placed on the school calendar.
 - 9.4 The school calendar will be published annually in student and faculty handbooks prior to August 15th of each school year.
 - 9.5 In addition to the quarterly report cards, a mid-term progress report shall be sent home during the fifth week of the nine weeks period in the event that a student is experiencing academic difficulty in one or more subject areas.
 - 9.6 Academic difficulty is defined as student progress of less than a "C" or "Novice" in any course, or student behavior deemed not satisfactory in any class or as determined by the principal.
 - 9.7 Each school will send progress reports home for all students regardless of whether the student is experiencing academic difficulty.
 - 9.8 All teachers are required to send progress reports on all students.

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

10. If the parents of a child are separated or divorced, both parents have the right to be informed of their child's progress in school unless there is a court order to the contrary.
 - 10.1 Written reports and conferences on student progress will be made available to non-custodial parents on request unless forbidden by a court order on file in the principal's office.
 - 10.2 To receive written reports and notification of conferences, a non-custodial parent will make such request in writing through the principal's office (Must be completed annually; it is the parents responsibility to notify the school of any address change.).

11. The classroom teacher shall maintain a written and/or electronic record of student grades.
 - 11.1 Final grade entries must be in the form of percentages.
 - 11.2 Teachers will turn in to the principal or his/her designee written or electronic student grades for each subject/course taught at the end of the school year.
 - 11.3 These records will be maintained by the school for the duration of the next school year.
 - 11.4 After that time, the grade book shall be returned to the teacher.

Revised: 02/27/23; 01/27/20; 05/28/19; 02/26/18; 08/26/13; 07/08/13; 11/22/10

Barbour County Schools
EXAM POLICY

- 1.0 Purpose: Barbour County Board of Education believes that exams are an integral part of the learning experience and preparatory process for higher education, as well as providing information regarding mastery of the content standards. Administrators, teachers and parents should stress the importance of taking examinations and encourage students to prepare appropriately for examinations.
- 2.0 Definitions: Mid-term/ final examinations – a written assessment, comprehensive or otherwise, composed of a collection of those questions that appropriately measure the content standards and objectives, which were taught in a specific course, which will enable the teacher of the course to determine individual student mastery of the curriculum.
- 3.0 The superintendent shall enact procedures that support mid-term and final examinations.
- 4.0 This policy, along with the **EXAM PROCEDURES 7210P** shall be published annually in all middle school and high school student handbooks.

Source: Board of Education Minutes

Revised: 08/12/13

Adopted: 1/28/08

Enacted: January 14, 2008

Procedures 7210

Barbour County Schools
EXAM PROCEDURES

1. All students in grades 9 – 12 shall take midterm examinations.
 - 1.1 All midterm exams shall count 10% of the student's grade in which the exam occurs.
2. All students enrolled in CTE courses must take the end-of-concentration assessment if they are a program completer.
3. The school principal shall develop a schedule for testing dates/times. Said schedule will be provided to all students.
4. After the six week progress report occurring before the end of a course, students wishing to take a final exam will notify the office by completing the appropriate form. All exams will count and be 20% of the final grade. The teacher and student will schedule a time to take the final exam. Please note it is the responsibility of the student to review and prepare for the exam.

Revised: 08/12/2013; 11/22/2010

CURRICULUM POLICY

1. PURPOSE

- 1.1. The education standards for student, school, and school system performance and processes set forth the knowledge and skills that students should know and be able to do as a result of a thorough and efficient education that prepares them for the 21st century. High quality curricular standards incorporate 21st century skills that assure graduates are prepared for continuing post-secondary education, training and work.

2. Responsibility

- 2.1. The Board, administration and staff will be responsible for the administration and implementation of this policy. Barbour County Schools shall assure full compliance with regulations that define a comprehensive curriculum that prepares our students for the 21st century by:
 - 2.1.1. Ensuring curriculum is based on the Content Standards and Objectives approved by the West Virginia Board of Education Policy 2520.
 - 2.1.2. Elective offerings shall be based on WVBE approved Content Standards and Objectives if available or based on written Content Standards and Objectives that are approved by the county Board of Education.
 - 2.1.3. Ensuring the Social and Emotional Learning Standards identified in WVDE Policy 4373 serve as a framework for social and emotional learning.

AUTHORITY: Source: State Board of Education Policies 2510; 2520; 2320; 4373; and WV Code §18-2E-7.

Adopted: 04/23/12

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated [§18-5-27](#), relating to requiring each classroom teacher to comply with any request by a parent, custodian, or guardian to inspect any instructional materials and books in the classroom that are available for students to read; requiring, as part of the inspection and upon request of the parent, custodian, or guardian, that the classroom teacher demonstrate how the instructional material relates to the content standards adopted by the State Board of Education; requiring the classroom teacher to include any book or books students will be required to read on a class syllabus; requiring the syllabus to be made available to the parent, custodian, or guardian upon request; allowing any parent, custodian, or guardian to file a complaint with the county superintendent if the classroom teacher fails to comply with this new section, and then with the state superintendent if the complaint is not resolved by the county superintendent within seven days; requiring reports on the number of complaints filed; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

[§18-5-27](#). Parental right to inspect instructional materials; listing books on syllabus; right to file complaint.

(a) Each classroom teacher shall comply with the request of any parent, custodian, or guardian to inspect instructional materials adopted by the county board pursuant to [§18-2A-10](#) of this code, supplementary instructional materials that were not adopted by the county board pursuant to [§18-2A-10](#) of this code, and books in the classroom that are available for students to read, subject to the following:

(1) Only the parent, custodian, or guardian of a child enrolled in the class may make a request pursuant to this section;

(2) The classroom teacher may require that the parent, custodian, or guardian schedule an appointment in order to inspect the instructional materials. If the classroom teacher requires an appointment pursuant to this subdivision, the teacher shall schedule the appointment within 10 business days of the request of the parent, custodian, or guardian; and

(3) As part of the inspection and upon request of the parent, custodian, or guardian, the classroom teacher shall demonstrate how the instructional material relates to the content standards adopted by the state board.

(b) For any class in which reading a book or books will be required, the classroom teacher shall include the book or books on a class syllabus. The classroom teacher shall make the syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon request.

(c) Any parent, custodian, or guardian may file a complaint with the county superintendent, on a form developed and provided by the county superintendent, if the classroom teacher fails to comply with any

provision of this section. If the complaint is not resolved by the county superintendent within seven business days, the parent, custodian, or guardian may file a complaint with the state superintendent or his or her designee. The state superintendent shall make a form available for parents to file a complaint pursuant to this subsection.

(d) By September 1 of each year, each county superintendent shall report to the state superintendent the number of complaints filed with him or her the previous school year. The state superintendent, annually by October 1, shall report to the Legislative Oversight Commission on Education Accountability the number of complaints filed during the previous school year. The report shall include the number of complaints filed statewide and by county.

(e) For purposes of this section, "parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child. For purposes of this section, "custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the information contemplated by this section. For purposes of this section, "guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child.

MULTICULTURAL POLICY

1.0 PURPOSE:

- 1.1 Barbour County Board of Education supports the notion that schools must consistently and persistently work to improve student knowledge, skills and dispositions that convey our nation's democratic principles. Dispositions are values, commitments and ethics that influence one's behaviors toward others and affect learning, motivation and development. Dispositions are affected by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice. The teaching and learning of these valued dispositions should be the shared responsibility of every school employee, student, parent and community member in supporting the development of these dispositions.

2.0 RESPONSIBILITY:

- 2.1 The Board, administration and staff will be responsible for the administration and implementation of this policy. Barbour County Schools shall assure full compliance with regulations that define a safe, secure environment where diversity is accepted by:
 - 2.1.1 Following a zero tolerance policy regarding racial, ethnic, cultural, religious, socio-economic level and gender stereotypes. Upon notification of such, Barbour County School personnel will work to resolve problems associated with racism and prejudice.
 - 2.1.2 Providing equal opportunities regardless of culture, race, gender religion, ethnic origin, socio-economic level, and disability.
 - 2.1.3 Educating the Barbour County School community with regard to the rationale, plan, policies and procedures for implementing multicultural education into the curriculum.
 - 2.1.4 Delivering an integrated curriculum through classroom instruction focusing on the social and emotional learning standards, objectives and example behaviors.
- 2.2 Each school will develop and implement a multicultural program in concert with a meaningful programs that holistically address student development and relate it to real world functioning. Materials and programs must respect the teaching of individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.
- 2.3 Each school shall use the social and emotional learning standards, objectives and example behaviors outlined in WVDE Policy 4373 as a guide for instruction and activities

AUTHORITY: Source: State Board of Education Policy 4373; OEPA (6.1.12); WV Constitution, Article XII, §2; WV Codes §18-2-5; §18-2-5a; §18-2-7b; §18-5-15a

Adopted: 09/01/81

Revised: 05/07/12; 04/09/12; 08/10/09

**EDUCATIONAL PURPOSE AND ACCEPTABLE USE
OF ELECTRONIC RESOURCES, TECHNOLOGIES AND THE INTERNET**

1.0 General.

1.1. Scope. – W. Va. 126CSR41, West Virginia Board of Education (WVBE) Policy 2460, *Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet*, is a policy name change and update to: 1) include the new federal regulations regarding issues of child safety and acceptable use of the Internet; 2) be in compliance with Universal Service Fund for Schools and Libraries (E-rate) guidelines; 3) reinforce copyright compliance; and 4) align with other federal and state regulations.

1.2. The Barbour County Board of Education (BCBOE) supports the notion that to acquire 21st century skills, students and teachers must have access to technology tools and resources in order to access information, solve problems, communicate clearly, make informed decisions, acquire new knowledge, and construct products, reports and systems. The Board of Education also believes that teaching through the use of relevant real-world examples, applications and settings to frame academic content for students, enabling them to see the connection between their studies and the world in which they live is essential for the success of our students. Therefore, the Board of Education holds that students must be able to use technology to learn content and skills — so that they know how to learn, think critically, solve problems, use information, communicate, innovate and collaborate.

2.0 Purpose.

2.1. BCBOE Policy 7600 sets out regulations that apply to Barbour County Schools (BCS), students, educators, other school personnel, parents, guardians, the BCBOE, and other users.

2.2. These regulations will assist implementation of policies at the district and school levels 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.

3.0 Educational Purposes.

3.1. 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.

3.2. 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.

3.3. 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.

3.4. 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.

3.5. The BCS 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 and several WVBE policies

3.6. 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.

3.7. 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.

3.8. Teachers 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.

3.9. 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.

3.10. 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.

3.11. WVBE policy indicates that districts should adopt local policies which outline consequences for safety and acceptable use in alignment with federal and state laws, state and district policies, especially W. Va. 126CSR99, WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools. BCBOE Policy 8400, Student Code of Conduct addresses this requirement.

3.11.1 Students downloading or uploading prohibited material or accessing prohibited web sites, attempting to/or succeed in logging on as system administrator, using proxy servers or software to bypass state filtering, or partaking in any form of cyber bullying will be disciplined according to the Student Code of Conduct (BCBOE Policy 8400).

3.11.2 Any student who downloads or uploads prohibited material and distributes or places the information on another computer or other storage device shall receive a ten-day, out-of school suspension and possible board of education hearing for the first offense. Additional offenses shall result in an immediate ten-day, out-of-school suspension, and the principal shall request a board of education hearing, which may result in a longer suspension or expulsion from school for up to a calendar year. Internet privileges shall also be revoked for a minimum of 90 days.

3.11.2.1 BCS understands that occasionally an inappropriate site can come up in a browser while doing an appropriate search or similar activity. The following steps are to be taken to document this occurrence so that this individual instance will not be held against the student IF THEY SELF REPORT;

3.11.2.1.1 The student will not turn off the machine, will turn off the monitor or close the lid of the laptop, and immediately report to their teacher. The student will then provide a written account of what they were researching/processing/etc. that led them into the site and provide it their teacher.

3.11.2.1.2 The teacher will go to the computer, do a print screen of the display, close the site, reboot the computer. They will then do a memo to the school principal noting the student's name, date and time of the occurrence, and their explanation of what occurred. The memo along with the screen print and the student's written account of the occurrence will then be sent to the school principal.

3.11.2.1.3 The school principal will place the documentation into a comprehensive file of such incidents.

3.11.3 School Personnel Discipline/Penalties

3.11.3.1 The Barbour County Board of Education believes that accessing prohibited sites (as defined in Section I) by students is a serious problem and the act by students carries with it an unwholesome tenor. Therefore, while the school system has set a standard for students, it must hold school employees to a much higher standard. Where there is sufficient evidence that a school employee has accessed a prohibited site on the Internet for the purpose of copying, viewing, or distributing inappropriate material, the employee may be charged with immorality, suspended without pay and dismissed under 18A-2-8.

3.11.3.2 BCS understands that occasionally an inappropriate site can come up in a browser while doing an appropriate search or similar activity. The following steps are to be taken to document this occurrence so that this individual instance will not be held against the employee at a later date;

3.11.3.2.1 The employee will not turn off the machine, will turn off the monitor or close the lid of the laptop, and immediately report to their immediate supervisor. The employee will then provide a written account of what they were researching/processing/etc. that led them into the site and provide it their supervisor.

3.11.3.2.2 The supervisor will go to the computer, do a print screen of the display, close the site, reboot the computer. They will then do a memo to the county technology director noting the employee's name, date and time of the occurrence, and their explanation of what occurred. The memo along with the screen print and the employee's written account of the occurrence will then be sent to the technology director.

3.11.3.2.3 The county director will place the documentation into a comprehensive file of such incidents.

3.11.3.3 Employees who believe they need to access a web site to verify a student's activity on the Internet, and believe that the potential exists that one or more of the sites contain prohibited material, shall have prior authorization of the superintendent, county technology director, or building administrator before starting their investigation. If, for instructional purposes, an employee needs to access a web site that may contain prohibited material, that employee shall have prior authorization of the building administrator before accessing the web site.

4.0 Digital Citizenship.

4.1. The appropriate use of technology and digital resources promotes positive and effective digital citizenship among students and staff. 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.

4.2. All users need to be part of this digital citizenry to appropriately and safely learn, work, play, and live in today's global society.

4.3. Digital/Network Etiquette:

4.3.1 Users are expected to abide by the generally accepted rules of digital/network etiquette. These include, but are not limited to, the following:

4.3.1.1 Be polite. Do not write or send abusive messages to others.

4.3.1.2 Use proper English and appropriate language; avoid "Netspeak." Do not swear; do not use vulgarities or other inappropriate language.

4.3.1.3 Use extreme caution when revealing personal information, including a home address and phone number, on web sites, blogs, podcasts, videos, wikis, e-mail or as content on any other electronic medium.

4.3.1.4 Do not reveal, on any electronic medium, personal information about another individual.

4.3.1.5 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).

4.3.1.6 Keep educational files and e-mail messages stored on servers to a minimum. (Also see section 5.6.22.)

4.3.1.7 Activate the appropriate automatic reply message and unsubscribe to listservs if account is to be unused for an extended period of time.

4.3.1.8 Only publish student pictures or names on class, school or district web sites that are part of the district/school directory information or when appropriate permission has been obtained. (Also see W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data and BCBOE Policy 8900, Procedures for the Collection, Maintenance, and Disclosure of Student Data.)

4.3.1.9 Notify the appropriate school authority of any dangerous or inappropriate information or messages encountered.

4.4. Digital Security:

4.4.1 Users who identify a security problem on the system must notify a system administrator.

4.4.2 Users must not demonstrate the problem to other users.

4.4.3 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.

4.4.4 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. (See also section 5.6.9.)

4.4.5 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.

5.0 Accountability and Responsibility.

5.1. 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 county-determined procedure. 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.

5.2. The following statements delineate the responsibilities of the WVBE, WVDE, the county board of education, individual schools, educators and other educational/service personnel for the appropriate and authorized use of technologies, digital resources and the Internet.

5.3. WVBE responsibilities, based on authority of W. Va. Code, will include approving policies advocating the following activities:

5.3.1. Students will be provided equitable access to technology.

5.3.2. Students will graduate from the public schools with proficiency in the skills and learning objectives delineated in instructional policies, especially in Policy 2520.14.

5.3.3. WVBE Policy 2520.14 content standards and objectives will be included as part of the instructional goals and objectives of all programs of study and at all grade levels.

5.3.4. The WVBE will collaborate with the higher education community to communicate complementary technology utilization initiatives and partnerships and readiness of student teachers in understanding the professional role of the educator and the position of trust.

5.3.5. Administrators and teachers will be provided professional development in the use and application of electronic resources, technologies and the Internet.

5.4. WVDE responsibilities will include carrying out the policies of the WVBE and include the following tasks/duties:

5.4.1. 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 and goals.

5.4.2. The WVDE reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of any network and system files, user files, disk space utilization, applications, bandwidth utilization, document files, folders, electronic communications, e-mail, Internet access, and any and all information transmitted or received in connection with networks, e-mail use and web-based tools.

5.4.3. The WVDE and approved service provider(s) can monitor only the e-mail accounts issued to the "k12.wv.us" server, which is administered by WVDE and approved provider(s).

5.4.4. The WVDE will review and process appropriate applications for domain names for local servers.

5.4.5. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.

5.4.6. Based upon the acceptable use and safety guidelines outlined in this document, The State Superintendent of Schools, WVDE and provider(s) system administrators will determine what appropriate use is, and their decision is final.

5.4.7. The WVDE reserves the right to enter an employee's information system files whenever there is a business need to do so.

5.4.8. Electronic filtering will be installed by the WVDE 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/schools to meet Children's Internet Protection Act (CIPA) and E-Rate guideline requirements for filtering.

5.4.9. 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 new FCC regulations regarding Internet safety policies. The policies must provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Instructional information regarding the WVDE method and curriculum content for certifying that students have been educated about appropriate online behavior can be found at <http://wvde.state.wv.us/technology/cipa-compliance.php>. This WVDE method will provide documentation that districts have met the annual E-rate compliance requirements of educating students regarding appropriate use. The districts and schools are encouraged to go beyond this basic compliance if so desired.

5.4.10. The state network will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the state's computer network or the Internet.

5.4.11. The WVDE makes no warranties of any kind, whether expressed or implied, for the service being provided. The WVDE will not be responsible for any damages, including loss of data or service interruptions. The use of any information obtained via the system is at the user's own risk. WVDE is not responsible for the accuracy and quality of information obtained through the system.

5.5. The Barbour County Board of Education responsibilities:

5.5.1. The BCBOE shall have a county technology team and a comprehensive technology plan that is included as part of the Five-Year Online Strategic Plan. In addition to the county technology director/contact, the technology team should be representative of areas including instruction, finance, facilities, personnel and others as designated by the county.

5.5.2. WVBE Policy 2520.14, 21st Century Learning Skills and Technology Tools Content Standards and Objectives for West Virginia Schools, shall be included in all programs of study and at all grade levels.

5.5.3. The BCBOE shall, whenever possible, make available facilities and technology to accommodate distance learning and access to virtual courses provided through the West Virginia Virtual School and approved course providers.

5.5.4. The BCBOE, in cooperation with schools, shall, to the extent practicable and as funds and other resources are available, 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.

5.5.5. The BCBOE shall provide professional development in the use of technology and its application in the teaching and learning process.

5.5.6. The BCBOE shall implement appropriate policies to help ensure the safety of students and acceptable use of electronic resources, technologies and the Internet and encourage each school to reinforce the BCBOE Policy 8400, Student Code of Conduct, to assure abidance of this acceptable use policy.

5.5.7. The BCBOE 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.

5.5.8. In accordance with W. Va. Code, school aid formula, and local funding opportunities, the BCBOE 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. It is highly important to have adequate technology personnel at each school to ensure the safety of students and acceptable use of electronic resources, technologies, and the Internet. It is imperative to have adequate

technology personnel at the school level to implement school policies through technology integration/fluency by the TIS and manage/repair school local area networks through TSS and to ensure the safety of students and acceptable use of electronic resources, technologies and the Internet.

5.5.9. The use and administration of a network server for Internet connection within a county or school is the responsibility of the designated/approved educator(s) and 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 to the server are the responsibility of the designated/approved educator/administrator serving that location.

5.5.10. All remote access to servers located at a county or school building and connected to a wide area network and/or the Internet is the responsibility of the 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.

5.5.11. 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.

5.5.12. The WVDE and approved service provider(s) can monitor only the e-mail accounts issued to the "k12.wv.us" server, which is administered by WVDE and approved provider(s). Non-"k12.wv.us" e-mail accounts should not be used for school/educational purposes. All liability for any non-"k12.wv.us" email accounts 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.

5.5.13. Only publish student pictures or names on class, school or district web sites that are part of the district/school directory information or when appropriate permission has been obtained. (See also WVBE Policy 4350 and BCBOE Policy 8900.)

5.5.14. Districts and schools are subject to CIPA and may not receive the E-rate discounts unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors.

5.5.15. Before adopting/revising an Internet safety policy, the BCBOE and schools will provide reasonable notice and hold at least one public hearing or meeting to address the acceptable use policy.

5.5.16. Barbour County Schools, being subject to CIPA, is required to adopt

and implement an Internet safety policy addressing: (a) access by minors to inappropriate matter on the Internet; (b) the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications; (c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors' access to materials harmful to them.

5.5.17. BCS Internet safety policies include the monitoring and filtering of the online activities of students. Internet safety policies provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. The WVDE provides a method and curriculum modules that allow BCS/schools to certify compliance with this FCC regulation.

5.5.18. BCS/school equipment that is used off site is subject to the same rules as when used on site.

5.5.19. Students and staff are expected to use BCS 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.

5.5.20. Students and staff are encouraged to use BCS and school equipment whenever possible. 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:

5.5.20.1. Using personal devices to gain or give an advantage in a testing situation.

5.5.20.2. Using personal devices during class that are not approved by the school or the individual teacher (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players, and laptops).

5.5.20.3. Downloading and installing BCS licensed software on personal devices unless specifically allowed by the licensing agreement.

5.5.20.4. Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.

5.5.20.5. Using personal devices for violations related to cyber bullying and harassment.

5.5.21. BCS/schools will provide professional development and classroom teaching regarding the compliance of copyright laws.

5.5.22. Keep educational files and e-mail messages stored on servers to a minimum. Users should responsibly back up their data and files. BCS/schools may set individual storage limits per server.

5.6. School Responsibilities:

5.6.1. Local school improvement councils shall include in the Five-Year Online Strategic Plan mechanisms to foster the use, to the extent practicable, and as funds and other resources are available, 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.

5.6.2. Every school shall have a school technology team and a comprehensive technology plan that is part of the Five-Year Online Strategic Plan. Schools may choose to have the local school improvement council or the faculty senate or the curriculum team serve as the technology team.

5.6.3. WVBE Policy 2520.14, 21st Century Learning Skills and Technology Tools Content Standards and Objectives for West Virginia Schools, shall be taught and utilized throughout all the programs of study and at all grade levels.

5.6.4. The Five-Year Online Strategic Plan will include necessary professional development to enable teachers to incorporate technology into the classroom.

5.6.5. With connections to computers and people all over the world also comes the availability of material that may not be considered to be appropriate or have educational value. On a global network, it is impossible to restrict access to all controversial materials. 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 networks, computers and the Internet provided by the school, BCS, and WVDE educational systems is not abused.

5.6.6. 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.

5.6.7. Schools must follow the guidelines of CIPA and the Children's Online Privacy Protection Act federal statutes (COPPA).

5.6.8. See also school responsibilities that may be listed in association with county boards of education and district responsibilities (section 5.6) and educator, service personnel and staff responsibilities (section 5.8).

5.7. Educator, Service Personnel and Staff Responsibilities:

5.7.1. Collaboration, resource sharing, and student/teacher, student/student, and teacher/parent dialogue can all be facilitated by the use of social media and other electronic communication. Such interactivity outside of the school walls can greatly enhance face-to-face classes. However, it is imperative that a clear line be drawn between personal social networking and professional/educational networking to protect the safety of the students and the integrity of educational professionals and service staff.

5.7.2. In order to assist educators in maintaining a professional relationship with students and to avoid situations that could lead to inappropriate relationships between school personnel and students, the following regulations apply to all school personnel. Failure to adhere to these regulations may result in disciplinary action and/or loss of licensure:

5.7.2.1. School personnel will maintain a professional relationship with all school 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 BCBOE 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 behaviour that constitutes a violation of district or county policy or that is detrimental to the health and welfare of students.

5.7.2.2. The viewing, storing, transmission or downloading of pornography or sexually suggestive or sexually explicit material or text on a work computer or other electronic storage or communication device, 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. (Please refer to section 3.11.3 of this policy.)

5.7.2.3. All information stored within work computers or servers is the property of the state, county, or school, and the personnel using such computers/servers/networks have no expectation of privacy with respect to its contents.

5.7.3. With appropriate professional development, 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.

5.7.4. 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.

5.7.5. School personnel who receive information via any electronic resource, including a social networking site, that falls under the mandatory reporting requirements of W. Va. Code § 49-6A-2, must report as indicated in W. Va. Code to their immediate supervisor.

5.7.6. Staff members should be careful not to use copyrighted material in a manner that violates copyright law.

5.7.7. School personnel are responsible for protecting their passwords associated with their computers and e-mail address and must not make them accessible to others.

6.0 Use of Electronic Resources, Technology and the Internet.

6.1. Overview of Use:

6.1.1. 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 and/or revocation of such use.

6.1.2. 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.

6.1.3. 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, including student mastery of rigorous subject matter content and acquisition of global skills. 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:

6.1.3.1. The network and system files;

6.1.3.2. User files and disk space utilization;

6.1.3.3. User applications and bandwidth utilization;

6.1.3.4. User document files, folders and electronic communications;

6.1.3.5. E-mail;

6.1.3.6. Internet access; and

6.1.3.7. Any and all information transmitted or received in connection with networks, e-mail use and web-based tools.

6.1.4. No student or staff user should have any expectation of privacy when using the BCS network. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.

6.1.5. 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, BCS administration, BCS Superintendent, WVDE, State Superintendent of Schools and provider(s) system administrators will determine what appropriate use is, and their decision is final.

6.1.6. 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 BCBOE Policy 8400.

6.1.7. The WVDE's administrative information systems, including the West Virginia Education Information System (WVEIS), are to be used exclusively for the business of the respective state, BCS, and school organizations. All information system data are records of the respective organizations. The WVDE reserves the right to access and disclose all data sent over its information systems for any purposes. All staff must maintain the confidentiality of student data in accordance with The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

6.1.8. For reasons of privacy, employees may not attempt to gain access to another employee's files in the WVDE's information systems. However, BCS and WVDE reserves the right to enter an employee's information system files whenever there is a business need to do so.

6.1.9. Any of these guidelines are to be cognizant of and superseded by FERPA and other appropriate federal and state laws.

6.2. Acceptable Use:

6.2.1. 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.

6.2.2. 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.

6.2.3. State, district and school-owned technology is to be used to enhance learning and teaching as well as improve the operation of the district and school.

6.2.4. 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 BCBOE Policy 8400, WVBE Policy 4373, and W. Va. Code §18-2C-2.)

6.2.5. Acceptable network use by students and staff includes the following:

6.2.5.1. Creation of files, projects, videos, web pages and podcasts using network resources in support of student personalized academic learning and educational administration;

6.2.5.2. Appropriate participation in school-sponsored blogs, wikis, web 2.0+ tools, social networking sites and online groups;

6.2.5.3 With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;

6.2.5.4. Staff use of the network for incidental personal use in accordance with all district/school policies and guidelines.

6.2.6. At no time should a student be given administrative responsibilities for a server with a wide area network or Internet connection.

6.3. **Unacceptable Use:**

6.3.1. Inappropriate use or transmission of any material in violation of any U.S. 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.

6.3.2. Use for commercial activities by for-profit institutions is not acceptable.

6.3.3. Use for product advertisement or political lobbying is also prohibited.

6.3.4. Illegal activities and privacy and safety violations of COPPA, CIPA and FERPA are strictly prohibited.

6.3.5. Specific examples of unacceptable and/or unauthorized use include, but are not limited to:

6.3.5.1 Viewing, creating, accessing, uploading, downloading, storing, sending, or distributing obscene, pornographic, or sexually explicit material.

6.3.5.2. Downloading, uploading and/or executing viruses, worms, Trojan horses, time bombs, bots, malware, spyware, SPAM, etc., and changes to tools used to filter content or monitor hardware and software.

6.3.5.3. 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.

6.3.5.4. 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.

6.3.5.5. Supplying your password and user information to any electronic request, or sharing them with others, via any other communications.

6.3.5.6. Storing passwords in a file without encryption.

6.3.5.7. Using the "remember password" feature of Internet browsers and e-mail clients.

6.3.5.8. Leaving the computer without locking the screen or logging off.

6.3.5.9. Corrupting, destroying, deleting, or manipulating system data with malicious intent.

6.3.5.10. Requesting that inappropriate material be transferred.

6.3.5.11. 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.

6.3.5.12. Hacking, cracking, vandalizing, or any other unlawful online activities.

6.3.5.13. Disclosing, using, or disseminating personal information regarding students.

6.3.5.14. Cyber bullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks, and other unauthorized uses as referenced in BCBOE and/or WVBE policies or other policies and laws.

6.3.5.15. Personal gain, commercial solicitation, and compensation of any kind.

6.3.5.16. Any activity which results in liability or cost incurred by the district.

6.3.5.17. Downloading, installing and/or executing non-educational gaming, audio files, video files, or other applications (including shareware or freeware) without permission or approval.

6.3.5.18. Support or opposition for ballot measures, candidates, and any other political activity.

6.3.5.19. Information posted, sent, or stored online that could endanger others (e.g., bomb construction, drug manufacture, etc.).

6.3.5.20. Plagiarism or reproducing/repurposing audio/video without permission/consent.

6.3.5.21. 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 W. Va. Code §61-3C-5, Unauthorized Access to Computer Services.

6.3.5.22. 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.

6.3.5.23. 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.

6.3.5.24. Uses related to or in support of illegal activities will be reported to authorities.

6.3.5.25. Any unauthorized use of electronic resources, technologies, and the Internet during instructional time.

6.4 Commitment for Acceptable Use.

6.4.1 Signed agreements are required for all employees and for all students.

6.4.2 Employee supervisors shall annually review technology acceptable use with employees under their supervision and require each employee to sign the Employee Technology Acceptable Use Agreement whenever an employee is first assigned at a school. A new signed agreement is required whenever an employee transfers to a different school. The agreements are to be kept on file by the immediate supervisor.

6.4.3 Schools shall determine a procedure for ensuring annual review of technology acceptable use with all students annually. A Student Technology Acceptable Use Agreement must be signed by the student and parent/guardian whenever a student first enrolls at a school. A new signed agreement is required whenever a student transfers or is promoted to a different school.

6.4.4 All students and employees will be required to sign new forms whenever this policy is revised by the BCBOE.

7.0 Network.

7.1. The statewide network, the county 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 (blogs, web sites, web mail, groups, wikis, etc.), and any other equipment which communicates via network connections. These components are utilized to provide access to electronic resources, technologies and the Internet.

7.2. The WVDE reserves the right to prioritize the use of and access to the statewide network. BCS may also prioritize local traffic within WANs and LANs consistent with WVDE guidelines.

7.3. All use of the network must support instructional and administrative purposes and be consistent with BCBOE policies, WVBE policies, WVDE guidelines, E-Rate regulations and state and federal laws.

7.4. 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. Providing this service at the state level enables BCS to meet CIPA and E-Rate guideline requirements for filtering.

7.5. BCS 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.

7.6. 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.

7.7. To avoid duplication of effort at the district/school levels, the WVDE will provide a method and instructional modules that allow BCS/schools to certify compliance with the new FCC regulations regarding Internet safety policies. The policies must provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Instructional information regarding the WVDE method and curriculum content for certifying that students have been educated about appropriate online behavior can be found at <http://wvde.state.wv.us/technology/cipa-compliance.htm>. This WVDE method will provide documentation that districts have met the annual E-rate compliance requirements of educating students regarding appropriate use.

8.0 Filtering.

8.1. 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.

8.2. 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.

8.3. E-mail inconsistent with the educational missions of the state, BCS, or school will be considered SPAM and blocked from entering e-mail boxes.

8.4. 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.

8.5. 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.

8.6. Appropriate filtering must be maintained to meet E-rate guidelines. (See also section 7.5.)

9.0 Copyright.

9.1. 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.

9.2. 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. However, the duplication and distribution of materials for educational purposes are permitted if and when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, United States Code <http://copyright.gov/title17>) and content is cited appropriately.

9.3. The doctrine of fair use for education has developed through court decisions over the years. It has been codified in Section 107 of the United States Copyright Law (Title 17, United States Code), and lists four factors to be considered in determining whether or not a particular use is fair:

9.3.1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.

9.3.2. The nature of the copyrighted work.

9.3.3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.

9.3.4. The effect of the use upon the potential market for, or value of, the copyrighted work.

9.4. To discourage violation of copyright laws, the following compliance requirements are specified:

9.4.1. Employees and students are expected to adhere to the copyright laws.

9.4.2. Appropriate software licenses will be obtained for use in a network server system or other multi-access use.

9.4.3. Programs available through the statewide provisions of technology implementation must comply with stipulations of the various purchase agreements.

9.4.4. Illegal copies of copyrighted programs shall not be made or used on state, RESA, BCS, or school equipment. (See also section 9.2.)

9.4.5. Students are to be taught the ethical and practical problems and consequences of plagiarism and software/media piracy.

9.4.6. 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.

9.4.7. Educators and students should perform due diligence by reviewing the Terms and Conditions, Terms of Use, End User License Agreements (EULA), Copyright, etc.

prior to utilizing content from resources and software licenses to ensure that they are not violating the Terms and Conditions agreed to of said resource. While Fair Use (Section 107 of the United States Copyright Law, Title 17, United States Code) does allow for some utilization of content, Terms and Conditions may specify the use allowed that would not be defined under Fair Use. (e.g., YouTube does not permit the downloading of video content for use. While showing the video in the classroom could be claimed under Fair Use, the downloading would be prohibited under the terms and conditions and is not defined by Fair Use.)

9.5. Under federal law, employees violating the 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 W. Va. Code §18A-2-8.

10.0 Web Publishing.

10.1. BCS and the WVDE recognizes the educational benefits of publishing information on the Internet by school personnel and students. They also recognize the importance of guidelines that address content, overall responsibility, potential contributors, quality, technical standards, copyright laws, and student protection. In addressing these issues, BCS recommends that each school adopt local policies that are consistent with, but not limited to, the following web publishing guidelines:

10.1.1. "Official" BCS/school web site may be administered by the BCS/school designated authority.

10.1.2. Appropriate educational 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.

10.1.3. 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 is prohibited as it can violate E-rate or other regulations.

10.2. Web site content should:

10.2.1. Be appropriate, in good taste, and not harmful to any individual or group.

10.2.2. Be grammatically correct, accurately spelled, and have a pleasing appearance.

10.2.3. Follow FERPA, state, BCS, 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. Nicknames may be used in place of the given name. Personal information, such as home address, home telephone, credit card information, mother's maiden name, and other personal information should not be published.

10.2.4. Comply with BCBOE and WVBE policies and regulations.

10.2.5. Include information such as an e-mail address of the responsible contact person, copyright, and the last date updated should be included.

10.2.6. Remain current, be accurate, and navigation through the site should be easy and user friendly.

10.2.7. Restrict business/commercial links or the acknowledgment of a business on a school/BCS web site to business partners and/or materials that are educational, provide technical support, or are germane to the philosophy of the school/county. Advertising of commercial offerings is forbidden.

10.2.8. Comply with copyright, intellectual property, state, federal (specifically COPPA and CIPA), and international law.

10.2.9. Include the permission granted statement (who, time period, etc.) for all copyrighted materials.

10.3. Consult the World Wide Web Consortium (W3C) for additional web publishing standards at <http://www.w3.org/standards/webdesign>.

10.4. The W3C Web Accessibility Initiative (WAI) develops Web accessibility guidelines. More information is available at <http://www.w3.org/WAI/intro/components.php>.

11.0 Implementation.

11.1. Barbour County Boards of Education:

11.1.1. The BCBOE will ensure implementation of this policy by adopting their own county/school policies regarding acceptable use of electronic resources, technologies and the Internet.

11.2. BCS:

11.2.1. BCS shall provide technical assistance to support schools in developing and implementing local use policies. BCS will also provide professional development support to schools in addressing acceptable use.

11.2.2. BCS shall assist schools with revisions of the Five-Year Online Strategic Plans associated with technology implementation Barbour County Technology Plan and the West Virginia State Technology Plan.

12.0 Incorporation by Reference.

12.1 A copy of the Barbour County Schools Educational Technology Plan is incorporated by reference and may be reviewed at

<http://www.wvschools.com/barbourcountyschools/Policies.html>

12.2 A copy of the West Virginia Educational Technology Plan is incorporated by reference and may be reviewed at <http://wvde.state.wv.us/policies/policy.php?p=2460>

12.3 E-rate Compliances. A list of E-rate compliances will be provided at <https://wvde.us/data-analysis-research/technology-administration/e-rate/>

12.4 Guidance procedures to address definitions, technological changes, best practices and FAQs. See: <https://wvde.us/data-analysis-research/technology-administration/>

13.0 Severability.

13.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Authority: WV Constitution, Article XII, Section 2, WV Code §18-2-5, and WVBE Policy 2460.

Adopted: 05/21/2012

Revised: 02/12/2024

NOTICE OF NON-DISCRIMINATION UNDER SECTION 504/TITLE II/TITLE IX

1.0 Purpose:

- 1.1 The policy of Barbour County Schools is that there will be no discrimination made on the basis of race, religion, sex, sexual orientation, national origin, age, disability, or handicap in the educational services or activities which it supports.

Barbour County Schools does not discriminate on the basis of sex, disability or handicap in admission or access to, or treatment or employment in, its programs and activities. Barbour County Schools will comply with Section 504 of the Rehabilitation Act of 1973("Section 504"), 29 U.S.C. §794, and its implementing regulations at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 ("Title II"), 42 U.S.C. §§ 12131-12134, and its implementing regulations at 28 C.F.R. Part 35, or Title IX of the Education Amendments Act of 1972 in the operation of its schools and facilities.

Questions regarding implementation of this policy or regarding 504, Title II or Title IX should be directed to the Barbour County Schools Title IX Coordinator:

For Students and Employees please contact:

Title IX Coordinator
Barbour County Schools
45 School Street
Philippi, WV 26416
Telephone: (304) 457-3030

2.0 Application:

- 2.1 Statement Must Appear:

- Student/Employee Handbooks;
- Manuals, Catalogs, Bulletins;
- Job Announcements;
- Information Brochures;
- Employment Applications;
- Student/Employee Grievance Forms;

Source: Board of Education Minutes

Adopted: 9/18/79

Revised: 07/08/2024; 11/26/2018; 06/22/09; 09/04/90

COMMUNICABLE DISEASE CONTROL

General.

1.1. Scope. - The legislative rule requires establishment of county policies related to communicable disease control.

Purpose.

2.1. Good health and safety are essential to student learning. The education and monitoring of communicable diseases during the school year is necessary to keep students healthy and learning. The knowledge of standard/universal precautions, transmission, prevention and treatment of communicable diseases will enhance health education, prevention and equality for all.

2.2. The objective of this policy is to allow for procedures to be in place for detection of potential 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/guardians, the students' medical home and the local health department while decreasing duplication of health services offered by the school and the medical home and/or the community serving the students.

Application.

3.1. Barbour County Schools shall develop or amend communicable disease policies to reflect understanding of disease transmission in the school setting and to reflect understanding of student/staff rights to attend school or remain employed. The goal of the policy is to protect individual students, staff members and the school population in general.

3.2. The potential for unnecessary exclusion from the school setting is cause for concern. This problem makes it necessary for Barbour County Schools to develop a policy that is protective of the educational process and the health and safety rights of students and staff.

3.3. The Barbour County Schools will work cooperatively with the county health department to enforce and adhere to the W. Va. Code §§18A-5-1, 16-3-4, 16-3D-1, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, and 18-5-34 for prevention, control and containment of communicable disease in schools.

Definitions.

4.1. "Airborne Pathogens" are defined as the transmission of infectious agents through either airborne droplet nuclei (small-particle residue [five µm or smaller in size] of evaporated

droplets that may remain suspended in the air for long periods of time) or dust particles containing infectious agents. These pathogens include but are not limited to tuberculosis (TB), rubella (measles) and varicella (chickenpox).

4.2. "Airborne Precautions" are not normally utilized in the school setting. It is defined as the isolation of an airborne pathogen to reduce the risk of airborne transmission of infectious agents. Airborne precautions entail wearing a respiratory protection mask (N95 respirator) when entering the room of a student receiving home/hospital instruction with known or suspected disease transmitted via airborne droplet nuclei, student placement in private hospital room with negative air pressure and placing a mask on the student for hospital transporting.

4.3. "American Academy of Pediatrics" also known as the AAP, is defined as a national organization of pediatricians, founded in 1930, committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults.

4.4. "Blood Borne Pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), hepatitis B virus (HBV) and hepatitis C virus (HCV).

4.5. "Casual Contact" means day-to-day interaction between individuals and others in the home, at school or in the work place. It does not include intimate contact, such as sexual or drug use interactions, and it implies closer contact than chance passing in the hallway or sharing a lunch table.

4.6. "Centers for Disease Control and Prevention" also known as CDC, is defined as one of the thirteen major operating components of the United States Department of Health and Human Services (USDHHS), which is the principal agency in the United States government for protecting the health and safety of all Americans and for providing essential human services, especially for those people who are least able to help themselves. CDC remains at the forefront of public health efforts to prevent and control infectious and chronic diseases, injuries, workplace hazards, disabilities and environmental health threats.

4.7. "Communicable Disease" means a disease that may be transmitted directly or indirectly from one individual to another.

4.8. "Direct Contact" means a disease that is spread through the exposure of blood and/or body fluids to mucus membranes, open skin wounds, semen or intravenous transfusion. HIV/AIDS is spread by direct blood transmission into the blood stream of another and by semen or vaginal fluid contact. Hepatitis A can be spread by direct or indirect contact with feces while Hepatitis B and C can be spread by direct contact with semen and blood. These diseases do not pose a risk in school if body fluids such as blood and feces are handled using standard/universal precautions.

4.9. "Droplet Contact" means contact of the conjunctivae or the mucous membranes of the nose or mouth of a susceptible person with large-particle droplets (larger than five μm in size) containing microorganisms generated from a person who has a clinical disease or who is a carrier

of the microorganism. Droplets are generated from the source person primarily during coughing, sneezing, or talking and during the performance of certain procedures such as suctioning. Transmission via large-particle droplets requires close contact between source and recipient persons, because droplets do not remain suspended in the air and generally travel only short distances, usually three feet or less, through the air. These pathogens include, but are not limited to, bacterial infections, such as Pertussis (whooping cough), streptococcal (group A) pharyngitis, pneumonia or scarlet fever, Diphtheria (pharyngeal), Haemophilus influenzae type b and Neisseria meningitis disease, including meningitis, pneumonia and sepsis. Serious viral infections spread by droplet contact include but are not limited to adenovirus, influenza (flu), mumps and rubella (German measles).

4.10. "Droplet Precautions" is defined as droplet pathogen isolation utilized around individuals known or suspected to be infected with microorganisms transmitted by droplets (large-particle droplets [larger than five μm in size] that can be generated by the person during coughing, sneezing, talking, or the performance of procedures). Droplet precautions entail being in the a private environment, like the student's home, wearing a mask while within three feet of the individual infected and utilizing standard/universal precautions. Because droplets do not remain suspended in the air, special air handling and ventilation are not required to prevent droplet transmission. Masks may be worn to protect the health of a student who is immunocompromised.

4.11. "Health or Safety Emergency Situation" is determined on a case-by-case basis, and is defined as a specific situation that presents imminent danger or threat to students or other members of the community, or requires an immediate need for information in order to avert or diffuse serious threats to the safety or health of a student or other individuals. Any release of confidential medical information must be narrowly tailored considering the immediacy and magnitude of the emergency and must be made only to parties who can address the specific emergency in question. This exception is temporally limited to the period of the emergency and generally does not allow a blanket release of personally identifiable information from a student's education records to comply with general requirements under state law. Certainly an outbreak of diseases such as measles, rubella, mumps, and polio not only pose threat of permanent disability or death for the individual, but have historically presented themselves as epidemic in nature. Thus, disclosure of personally identifiable information from students' education records to state health officials for an outbreak of a communicable disease would generally be permitted under Family Educational Rights and Privacy Act's (FERPA) health or safety emergency provisions.

4.12. "Immunocompromised" is defined as reduced immune response due to immunosuppressive drugs, radiation, disease or malnutrition.

4.13. "Legitimate Educational Reason" is defined as school officials who have been determined to have genuine concern related to the student's educational achievement and performance allowing access and review pertinent educational records including medical and health information. A record of disclosure must be maintained and include: (1) the parties who have requested the information from the education records, and (2) the legitimate interests the parties had in requesting or obtaining the information.

4.14. "Occupational Safety and Health Administration (OSHA)" is defined as a division of the United States Department of Labor that provides standards and guidelines for the health and safety of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.

4.15. "School Nurse" is defined as a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses (W. Va. Code §30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in 126CSR114 West Virginia Board of Education Policy 5100, Approval of Educational Personnel Preparation Programs and meets the requirements for certification contained in 126CSR136 West Virginia Board of Education Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification. The school nurse must be employed by the county board of education or as specified in W. Va. Code §18-5-22.

4.16. "Standard/Universal Precautions" is a body substance isolation approach to infection control. Standard Precautions apply to 1) blood; 2) all body fluids, secretions, and excretions, except sweat, regardless of whether or not they contain visible blood; 3) non-intact skin; and 4) mucous membranes. According to the concept of standard/universal precautions, all human blood and all other human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. There are three types of transmission: contact, airborne and droplet.

4.17. "West Virginia Department of Health and Human Resources (WVDHHR)" is the lead public health agency in West Virginia working to help shape the environments within which people and communities can be safe and healthy.

4.18. "West Virginia Education Information System (WVEIS)" is a comprehensive, uniform, integrated, on-line management information system (MIS) for schools and county school systems (districts). The system began implementation in 1991 with all schools and districts currently participating. The system provides for doing the business of the schools and districts in areas such as student demographics, special programs participation, grades, schedules, attendance, payroll, accounts payable, warehousing, student health records, immunizations, etc. Districts submit to the West Virginia Department of Education data from WVEIS required for state and federal reporting.

Disease Prevention Measures.

5.1. Barbour County Schools incorporated hand washing, as defined and outlined in The Basic and Specialized Health Care Procedures Manual for West Virginia Public Schools that accompanies 126CSR25A, West Virginia Board of Education Policy 2422.7, Standards For Basic and Specialized Health Care Procedures, into the county board of education communicable disease policy. 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. Alcohol-based hand rubs significantly reduce the number of germs on skin and are fast acting. 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 the school.

5.2. Students must be in compliance with the required immunization schedule as set forth by the WVDHHR State Health Officer. The WVDHHR State Health Officer, or his/her designee (local health officer) shall make the final determination in cases in which an authorized medical practitioner's written medical exemption is challenged by school personnel as inappropriate or invalid. The immunization record shall be entered and reviewed annually into the West Virginia Education Information System (WVEIS).

5.2.1. All children entering pre-kindergarten (Pre-k), kindergarten and a West Virginia public school for the first time must have immunizations and show proof upon enrollment as defined by W.Va. Code §16-3-4. All Pre-k students shall also meet requirements in 126CSR28 West Virginia Board of Education Policy 2525, West Virginia's Universal Access to a Quality Early Education System.

5.2.2. It is strongly recommended that students entering grades six and nine receive adolescent immunizations as defined by the United States Department of Health and Human Services (USDHHS), Centers for Disease Control and Prevention (CDC) and WVDHHR State Health Officer. The immunization record for each student in grades six and nine shall be entered into the West Virginia Education Information System (WVEIS) in order to ensure that updated immunization information is readily available to health officials in the event of a communicable disease outbreak that presents an imminent danger to students or other members of the community.

5.3. Instruction on the principle modes by which communicable diseases, including, but not limited to, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) are prevented, spread and transmitted shall be taught to students as outlined in 126CSR44E West Virginia Board of Education Policy 2520.5, Health Content Standards and Objectives. An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of HIV/AIDS and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in such instruction. The parent or guardian may exempt such child from participation in such instruction by giving notice to that effect in writing to the school principal as set forth in W. Va. Code §18-2-9.

5.4. An educational inservice on the prevention, transmission and treatment of current communicable diseases shall include, but not limited to, human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), shall be provided to all school personnel every two years by Barbour County Schools, as specified in W. Va. Code §18-2-9 and §18- 5-15d.

Disease Control Measures.

6.1. Distinctions will be made related to diseases that are communicable in the school setting versus those known not to be spread by casual contact e.g. AIDS, Hepatitis B, Hepatitis C and other like diseases.

6.2. Each reported case of disease known not to be spread by casual contact will be validated by a designated individual such as a school nurse (W. Va. §18A-5-1 and W. Va. §18-5-22).

6.3. The administrator or school nurse shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease known to be spread by casual contact and is considered to be a health threat to the school population. The superintendent has the authority to exclude a staff member from school when reliable evidence or information from a qualified source confirms him/her of having a potential communicable disease that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded in accordance with guidelines of American Academy of Pediatrics and WVDHHR unless his/her physician approves school attendance and the condition is no longer considered contagious. All reportable communicable diseases will be referred to the county health department, without disclosure of personally identifiable information, as set forth in West Virginia Bureau for Public Health Legislative Rule 64CSR7, Reportable Diseases, Events and Conditions. The county health department is able to provide reportable communicable disease guidance or go to <http://www.wvdhhr.org/idep/#Disease%20%20Reporting>.

6.4. Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment, nor is it legal based on W. Va. Code §16-3C-1. All screenings performed in the public school setting should be age appropriate deemed effective and necessary through evidence-based and scientific researched-based practice utilizing standard procedures and with the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h. W. Va. Code §18-5-22 allows Barbour County Schools to provide proper medical and dental inspections for all students attending school and gives authority to take any other necessary actions to protect students from infectious diseases.

6.5. Irrespective of the disease presence, standard/universal precautions shall be used and adequate sanitation facilities will be available for handling blood or body fluids within the school setting or school buses. Blood and body fluids from any person in the school setting shall be treated with standard/universal precautions; no exception shall be made when handling blood and body fluids. School personnel will be trained in standard/universal precautions as set forth by the Occupational Safety and Health Administration recommendations and guidelines at <http://www.osha.gov/>.

Confidentiality.

7.1. All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions and documents as confidential information. Before any medical information is shared with anyone in the school setting a "legitimate educational reason" or "health or safety emergency situation" must exist, all other releases of confidential medical and health information shall be released only with the consent of the parent/guardian, student if over 18, employee or their representative as outlined in 126CSR94, West Virginia Board of Education Policy 4350, Procedures for the Collection,

Maintenance and Disclosure of Student Data, Family Educational Rights and Privacy Act of 1988 and Family Educational Rights and Privacy: Final Regulations. Part II, 34 CFR Part 99.

7.2. Information from health records is part of the educational record and should be shared with the child's parents/guardians and pass freely among the school and medical home/health care provider to enhance student health and prevent duplication of services, only after permission is obtained from the student's parent/guardian.

Severability.

8.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Source: Barbour County Board of Education Minutes

Authority: WV Constitution, Article XII, 2 and WV Code 16-3-4, 16-3-4a, 16-3-5, 16-3C-1through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, 18-5-34, and 18A-5-1.

Adopted: 1974

Revised: 08/20/07; 9/7/93; 9/18/90; 30/20/90; 1989; 9/16/86; 1984; 1983

**PROCEDURES FOR THE COLLECTION, MAINTENANCE
AND DISCLOSURE OF STUDENT DATA**

General.

1.1. Scope. - These procedures are applicable to all education agencies and institutions that are under the general supervision of the West Virginia Board of Education.

Purpose.

2.1. The purpose of these procedures is to set forth the conditions governing the protection of privacy and access of parents and students as it relates to the collection, maintenance, disclosure and destruction of education records by agencies and institutions under the general supervision of the Barbour County Board of Education.

Definitions.

3.1. As used in these procedures:

3.1.1. "Attendance" in Barbour County Schools includes, but is not limited to: (a) attendance in person and having homebound instruction, and (b) the period during which a person is working under a work-study program.

3.1.2. "Consent" means that (a) the parent has been fully informed of the information set out in this document in his or her native language or other mode of communication, unless it clearly is not feasible to do so; (b) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent sets forth that activity and lists the records (if any) which will be released and to whom; and (c) the parent understands that the granting of consent is voluntary on the part of the parent.

3.1.3. "Destruction" means physical destruction or removal of personal identifiers so that the information is no longer personally identifiable.

3.1.4. "Directory information" includes a student's name, address, telephone listing, date, and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

3.1.5. "Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

3.1.6. "Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

3.1.7. "Educational institution" or "educational agency or institution" means any public or private agency or institution under the general supervision of the West Virginia Board of Education.

3.1.8. "Education records" means those records that are directly related to a student and are collected, maintained or disclosed by an educational agency or institution or by a party acting for the agency or institution. The term does not include:

a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute.

b. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Section 126-94-7.

c. Records relating to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business; relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose. However, records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and are not excepted.

d. Records relating to an eligible student that are:

A. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or assisting in a paraprofessional capacity;

B. Created, maintained, or used only in connection with the provision of treatment to the student; and

C. Disclosed only to individuals providing the treatment (provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction in Barbour County Schools.

e. Records of Barbour County Schools that contain only information related to a person after that person is no longer a student at the educational agency or institution.

3.1.9. "Eligible student" means a student who has attained eighteen years of age, or is attending an institution of post-secondary education.

3.1.10. "Exceptional student" means a student having been determined to have an exceptionality in accordance with eligibility criteria under West Virginia Board of Education Policy 2419, "*Regulations for the Education of Exceptional Students*,"(hereinafter, Policy 2419) who receives services under an Individualized Education Program (IEP).

3.1.11. "Financial Aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance in Barbour County Schools.

3.1.12. "Institution of post-secondary education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under state law.

3.1.13. "Parent" includes a parent, guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.

3.1.14. "Party" means an individual, agency, institution or organization.

3.1.15. "Personally identifiable" means that the data or information includes, but is not limited to, (a) the name of a student, the student's parent, or other family member, (b) the address of the student or student's family, (c) a personal identifier such as the student's social security number, or student number, (d) a list of personal characteristics that would make the student's identity easily traceable, or (e) other information that would make the student's identity easily traceable.

3.1.16. "Record" means any information or data recorded in any medium including, but not limited to: handwriting, print, video or audio tape, film, microfilm, microfiche, and computer media.

3.1.17. "Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the U.S. Department of Education acting for the Secretary under a delegation of authority.

3.1.18. "Student" includes any individual who is or has been in attendance at an educational agency or institution, and regarding whom the educational agency or institution collects, maintains, or discloses educational records.

Parent Rights.

4.1. Barbour County Schools shall give full rights to either parent unless the Barbour County Schools has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation or custody, that specifically revokes those rights.

Student Rights.

5.1. For the purpose of this part, whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parents transfer to the student.

5.2. This policy does not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

5.3. If an individual is or has been in attendance at one component of Barbour County Schools that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.

Annual Notification of Rights.

6.1. Each Barbour County Schools shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under this policy.

6.2. The notice must inform parents or eligible students that they have the right to:

6.2.1. Inspect and review the student's education records;

6.2.2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

6.2.3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that Section 126-94-16 authorizes disclosure without consent; and

6.2.4. File with the U.S. Department of Education a complaint as described in Section 126-94-27 concerning alleged failures by the educational agency or institution to comply with the requirements of this policy.

6.3. The notice must include all of the following:

6.3.1. The procedure for exercising the right to inspect and review education records;

6.3.2. The procedure for requesting amendment of records under Section 126-94-12;

6.3.3. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;

6.3.4. Types of information designated as directory information and procedures in Section 126_94-23 for refusing to allow information to be so designated; and

6.3.5. The procedure for disclosure of education records without consent to officials of another school district in which the student seeks to enroll.

6.4. Barbour County Schools may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

6.4.1. Barbour County Schools shall effectively notify parents or eligible students who are disabled.

6.4.2. Barbour County Schools shall effectively notify parents who have a primary or home language other than English.

6.5. Parents of exceptional students, and eligible students who are exceptional, shall receive notice of rights under IDEA, included in the procedural safeguards notice.

Law Enforcement Units.

7.1. Law enforcement unit means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by that agency or institution to:

7.1.1. Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or

7.1.2. Maintain the physical security and safety of the agency or institution.

7.2. A component of an education agency or institution does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

7.3. Records of a law enforcement unit means those records, files, documents, and other materials that are:

7.3.1. Created by a law enforcement unit;

7.3.2. Created for a law enforcement purpose; and

7.3.3. Maintained by the law enforcement unit.

7.4. Records of a law enforcement unit does not mean:

7.4.1. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

7.4.2. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

7.5. Nothing in this policy prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.

7.5.1. Education records, and personally identifiable information contained in education records, do

not lose their status as education records and remain subject to this policy including the disclosure provisions of Section 126-94-15 while in the possession of the law enforcement unit.

7.5.2. Disclosure by an educational agency or institution of its law enforcement unit records is neither required nor prohibited by this policy.

Right to Inspect and Review Education Records.

8.1 Barbour County Schools shall permit the parent or an eligible student to inspect and review the education records of the student.

8.2. Barbour County Schools shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

8.3. Barbour County Schools shall respond to reasonable requests for explanations and interpretations of the records.

8.4. When a request is being made regarding records of an exceptional student:

8.4.1. Barbour County Schools shall comply with Section 126-94-8.2 and before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the student, or the provision of free appropriate public education to the student;

8.4.2. The right to inspect and review education records of an exceptional student includes the right to have a representative of the parent inspect and review the records; and

8.4.3. Barbour County Schools shall provide parents, upon request, a list of the types and locations of education records collected, maintained, or used by the agency.

8.5. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, Barbour County Schools shall:

8.5.1. Provide the parent or eligible student with a copy of the records requested; or

8.5.2. Make other arrangements for the parent or eligible student to inspect and review the requested records.

8.6. Barbour County Schools shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

8.7. While Barbour County Schools is not required to give an eligible student access to treatment records as defined in Section 126-94-3.1.8.d., the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

Fees.

9.1. Barbour County Schools may charge a fee for copies of educational records, which are made for the parent or eligible student, provided that the fee does not effectively prevent the parent and/or eligible student from exercising the right to inspect and review those records.

9.2. Barbour County Schools may not charge a fee to search for or retrieve the education records of a student.

Limitations on Right to Inspect and Review Education Records.

10.1. If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information about that student.

10.2. A post-secondary institution does not have to permit a student to inspect and review education records that are:

10.2.1. Financial records, including any information those records contain, of his or her parents;

10.2.2. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and

10.2.3. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if the student has waived his or her right to inspect and review these letters and statements and the letters and statements are related to the student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition. Provided that a waiver is valid only if:

a. Barbour County Schools does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

b. The waiver is made in writing and signed by the student, regardless of age.

10.2.4. If a student has waived his or her rights under this section, the educational institution shall:

a. Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

b. Use the letters and statements of recommendation only for the purpose for which they were intended.

10.2.5. A waiver under this section may be revoked in writing with respect to any actions occurring after the revocation.

Maintenance and Destruction of Education Records.

11.1. Barbour County Schools is not precluded from destroying education records, subject to the following exceptions:

11.1.1 Barbour County Schools may not destroy any education records if there is an outstanding request to inspect and review them under Section 126-94-8;

11.1.2. Explanations placed in the education record under Section 126-94-13, shall be maintained as long as the record or the contested portion is maintained;

11.1.3. The record of access required under Section 126-94-18 shall be maintained for as long as the education record to which it pertains is maintained; and

11.1.4. For records collected for exceptional students under Policy 2419, a. Barbour County Schools shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child; b. the information must be destroyed at the request of the parents; c. however, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

11.2. The following shall apply to the length of time and special consideration for maintaining student

records:

11.2.1. Directory information may be maintained in perpetuity;

11.2.2. Academic grades and attendance records may be maintained in perpetuity;

11.2.3. Records to verify implementation of federally funded programs and services and to demonstrate compliance with program requirements must be maintained for five years after the activity is completed;

11.2.4. Other personally identifiable data which is no longer needed to provide education services may be destroyed;

11.2.5. Parents and eligible students must be informed through public notice of any timelines established by the Barbour County Schools for maintenance and destruction of student records; and

11.2.6. Files must be maintained in a secured location. Electronic files must be protected through the use of individual user identification and/or passwords. When user identification and/or passwords have been established, an individual is permitted to use only his or her designated identification and password to gain access to education records.

Request to Amend Education Records.

12.1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy rights of the student may request the Barbour County Schools to amend the record.

12.2. The Barbour County Schools shall decide whether to amend the educational records of the student in accordance with the request within a reasonable period of time after it receives the request.

12.3. If the Barbour County Schools decides not to amend the record as requested, it shall inform the parent of the student or the eligible student of the refusal and of the right to a hearing under Section 126-94-13.

Right to a Hearing.

13.1. The Barbour County Schools shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of a student's education records on the grounds that information contained in the education records of the student is inaccurate, misleading or otherwise in violation of the privacy rights of the student.

13.2. If, as a result of the hearing, Barbour County Schools decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parents of the student or the eligible student in writing.

13.3. If, as a result of the hearing, Barbour County Schools decide that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the school system.

13.4. Any explanation placed in the education records of the student under Section 126_94_13.3 shall:

13.4.1. Be maintained by the Barbour County Schools as part of the education records of the student as long as the record or contested portion thereof is maintained by the agency or institution; and

13.4.2. Be disclosed if the education records of the student or the contested portion thereof is disclosed

by Barbour County Schools to any party.

Conduct of the Hearing.

14.1. The hearing required to be held by Section 126-94-13.1 shall be conducted according to procedures that shall include at least the following elements:

14.1.1. The hearing shall be held within a reasonable period of time after Barbour County Schools has received the request;

14.1.2. The parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing;

14.1.3. The hearing may be conducted by any individual, including an official of Barbour County Schools, who does not have a direct interest in the outcome of the hearing;

14.1.4. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under Section 126-94-12, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

14.1.5. Barbour County Schools shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and

14.1.6. The decision of Barbour County Schools shall solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Prior Consent for Disclosure Required.

15.1. Barbour County Schools shall obtain written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided in Section 126_94-16.

15.2. Whenever written consent is required, Barbour County Schools may presume that the parent of the student or the eligible student giving consent has the authority to do so unless Barbour County Schools has been provided with evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody, which provides to the contrary.

15.3. The written consent required by Section 126-94-15.1 must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

15.3.1. A specification of the records to be disclosed;

15.3.2. The purpose of the disclosure; and

15.3.3. The party or class of parties to whom the disclosure may be made.

15.4. If a parent or eligible student so requests, Barbour County Schools shall provide a copy of the records disclosed.

15.5. If the parent of a student who is not an eligible student so requests, the Barbour County Schools shall provide the student with a copy of the records disclosed.

Prior Consent for Disclosure Not Required.

16.1. Barbour County Schools may disclose personally identifiable information from the education records

of a student without the written consent of the parent of the student or the eligible student if the disclosure is:

16.1.1. To other school officials, including teachers, within Barbour County Schools who have been determined by Barbour County Schools to have legitimate educational interest; and

16.1.2. To officials of another school or school system, or institution of post-secondary education, in which the student seeks or intends to enroll, subject to the requirements of Section 126_94-20.

16.1.3. Subject to the conditions set forth in Section 126-94-21, to authorized representatives of:

- a. The Comptroller General of the United States;
- b. The Secretary of the U.S. Department of Education (hereinafter, Secretary); or
- c. State and local educational authorities.

16.1.4. In connection with financial aid for which a student has applied or which a student has received; provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

- a. to determine the eligibility of the student for financial aid;
- b. to determine the amount of the financial aid;
- c. to determine the conditions which will be imposed regarding the financial aid; and
- d. to enforce the terms or conditions of the financial aid.

16.1.5. To state and local officials or authorities to whom this information is specifically:

a. Allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

b. Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of Section 126-94-24.

16.1.6. To organizations conducting studies for, or on behalf of, Barbour County Schools for the purpose of (a) developing, validating, or administering predictive tests; (b) administering student aid programs, or improving instruction; provided, that the studies are conducted in a manner that will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to federal, state, and local agencies, and independent organizations.

16.1.7. To accrediting organizations in order to carry out their accrediting functions.

16.1.8. To parents of a dependent student.

16.1.9. To comply with a judicial order or lawfully issued subpoena; provided, that Barbour County Schools makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action; unless the disclosure is in compliance with:

a. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

c. If Barbour County Schools initiates legal action against a parent or student and has complied with Section 126-94-16.1.9, it may disclose education records that are relevant to the action to the court without a court order or subpoena.

16.1.10. To appropriate parties in health or safety emergency subject to the conditions set forth in Section 126-94-22.

16.1.11. The disclosure is information the educational agency or institution has designated as "directory information".

16.1.12. The disclosure is to the parent of a student who is not an eligible student or to the student.

16.1.13. The disclosure is to an alleged victim of any crime of violence, as that term is defined in 18 U.S.C. § 16, of the results of any disciplinary proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.

16.2. This section does not forbid Barbour County Schools disclose, nor does it require Barbour County Schools to disclose, personally identifiable information from the education records of a student to any parties under this section, with the exception that parents of a student who is not an eligible student and the student must have access.

16.3. For records of special education students, each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within Barbour County schools who may access personally identifiable information.

Disciplinary Information.

17.1. If a student transfers to another school in the state, the principal of the school from which the student transfers shall provide a written record of any disciplinary action taken against the student to the principal of the school to which the student transfers, (W.Va. Code §18A-5-1a) subject to requirements of Section 126-94-20.

17.2. Barbour County Schools includes in the records of a student with a disability under Policy 2419 a statement of any current or previous disciplinary action that has been taken against the student and transmits the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of non-disabled students.

17.2.1. The statement may include a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information related to the safety of the student and other individuals involved with the student.

17.2.2. If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current Individualized Education Program (IEP) and any statement of current or previous disciplinary action that has been taken against the student.

17.3. A public agency reporting a crime committed by a student with a disability under Policy 2419 shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime, but only to the extent permitted by this policy's provisions regarding disclosure of education records.

Record of Disclosure Required to be Maintained.

18.1. Barbour County Schools shall for each request for access to and each disclosure of personally identifiable information from the education records of a student maintain a record kept with the education records of the student that indicates:

18.1.1. The parties who have requested or obtained personally identifiable information from the education records of the student;

18.1.2. The date access was given; and

18.1.3. The legitimate interest these parties had in requesting or obtaining the information.

18.2. If Barbour County Schools discloses information with the understanding that the party receiving the information may make further disclosures, the record of disclosure must include the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution and the legitimate educational interests each of the additional parties has in requesting the information.

18.3. Section 126-94-18.1 does not apply to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials, or to disclosures of directory information, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

18.4. The record of disclosures may be inspected:

18.4.1. By the parent of the student or the eligible student;

18.4.2. By the school official and his or her assistants who are responsible for the custody of the records; and

18.4.3. For the purpose of auditing the record keeping procedures of the Barbour County Schools by the parties authorized in and under the conditions set forth in Section 126_94-16.1.1 and Section 126-94-16.1.3.

Limitation on Redisclosure.

19.1. Barbour County Schools may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that:

19.1.1. The personally identifiable information which is disclosed to Barbour County Schools may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.

19.1.2. Barbour County Schools may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if the parties meet the requirements of Section 126-94-16 and required records of disclosure under Section 126_94_18.

19.2. Section 126-94-19.1 does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas, to disclosures of directory information or to disclosures to a parent or student. Except for these disclosures, Barbour County Schools shall inform a party to whom disclosure is made of the requirements of this section.

19.3. If the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

Conditions for Disclosure to Officials of Other Schools and School Systems.

20.1. Barbour County Schools transferring the education records of a student to officials of another school, school system or institution of post-secondary education where the student seeks to enroll shall:

20.1.1. Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at last known address of the parent or eligible student, unless:

a. The transfer of records is initiated by the parent or eligible student at the sending agency or institution, or

b. The Barbour County Schools includes in its annual notice that it forwards education records on request to other agencies or institutions in which a student seeks or intends to enroll;

20.1.2. Provide the parent of the student or the eligible student, upon request, a copy of the record that was transferred; and

20.1.3. Provide the parent of the student or the eligible student, upon request, an opportunity for a hearing under these procedures.

20.2. If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the education records of the student to each other without obtaining the written consent of the parent of the student or the eligible student; provided, that the disclosure meets the requirements of Section 126-94-20.1.

Disclosure to Certain Federal and State Officials for Federal Program Purposes.

21.1. The Comptroller General, Secretary or state and local educational authorities may have access to education records in connection with the audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements which relate to these programs.

21.2. Except when written consent of the parent of a student or an eligible student has been obtained for disclosure, or when the collection of personally identifiable information is specifically authorized by federal or state law, any information collected under Section 126-94-21.1 shall be protected in a manner that does not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such audits, evaluation, or enforcement of or compliance with federal and state legal requirements.

Conditions for Disclosure in Health and Safety Emergencies.

22.1. Barbour County Schools may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

22.2. The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:

22.2.1. The seriousness of the threat to the health or safety of the student or other individuals;

22.2.2. The need for the information to meet the emergency;

22.2.3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

22.2.4. The extent to which time is of the essence in dealing with the emergency.

22.3. Nothing in this Act or this part shall prevent Barbour County Schools from:

22.3.1. Including in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

22.3.2. Disclosing appropriate information maintained under Section 126-94-22.3.1 to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

22.3.3. Disclosing appropriate information maintained under Section 126-94-22.3.1 to teachers and school officials in other schools who have been determined to have legitimate educational interests in behavior of the student.

22.4. Sections 126-94-22.1 and 126-94-22.3 shall be strictly construed.

Conditions for Disclosure of Directory Information.

23.1. Barbour County Schools disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if it has given notice that information has been designated as directory information.

23.2. Barbour County Schools may disclose directory information from the educational records of an individual who is no longer in attendance at the agency or institution without following the procedures under Section 126-94-23.3.

23.3. In order to designate directory information, Barbour County Schools shall give public notice of the following:

23.3.1. The categories of personally identifiable information the institution has designated as directory information;

23.3.2. The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information, including the right of the parent to refuse to permit the designation of names, addresses, and telephone listings of their children as directory information for purposes of providing the information to military recruiters as set forth in Section 126-94-30; and

23.3.3. The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

23.4. All county boards of education shall, at a minimum, establish that the names, addresses, and telephone listings of secondary school students are designated as directory information for the purposes of providing the information to military recruiters as set forth in Section 126-94-30.

23.5. Once the county board of education establishes directory information, it shall provide access to established directory information to any person or group which makes students aware of educational, occupational, and career opportunities available in the armed services.

23.6. The county board of education may provide access to established directory information to other persons or groups as determined by board action.

Juvenile Justice System.

24.1. If reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, Barbour County Schools may disclose education records under Section 126-4-16.1.5.

24.2. The officials and authorities to whom the records are disclosed shall certify in writing to the Barbour County Schools that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.

Safeguards for Exceptional Students, Information Collected under Policy 2419.

25.1. Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

25.2. One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information collected under Policy 2419 and IDEA.

25.3. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures under this policy and Policy 2419.

25.4. Barbour County Schools shall maintain for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information of identified special education students.

25.5. A complaint may be filed with the West Virginia Department of Education, Office of Special Education, if it is alleged that the confidentiality of personally identifiable information regarding an exceptional student in accordance with the requirements of this policy and Policy 2419 has been violated. This is in addition to the right to file a complaint with the U.S. Department of Education, as described in Section 126-94-26.

Enforcement Authority.

26.1. For the purpose of this part, "Office" means the Family Policy Compliance Office, U.S. Department of Education. The Secretary designates the Office to:

26.1.1. Investigate, process, and review complaints and violations under the Family Educational Rights and Privacy Act, and this part; and

26.1.2. Provide technical assistance to ensure compliance with the Act and this part.

26.2. The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term "applicable program" is defined in Section 400 of the General Education Provisions Act.

26.3. If Barbour County Schools determines that it cannot comply with the Act or this part due to a conflict with state or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.

26.4. The Office may require Barbour County Schools to submit reports containing information necessary to resolve complaints under the Act and the regulations in this part.

Complaint Procedure.

27.1. A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is, Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

27.2. A complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred.

27.3. The Office investigates each timely complaint to determine whether Barbour County Schools has failed to comply with the provisions of the Act or this part.

27.4. A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

27.5. The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.

27.6. The Office notifies the complainant and Barbour County Schools in writing if it initiates an investigation of a complaint. The notice to the educational agency or institution:

27.6.1. Includes the substance of the alleged violation; and

27.6.2. Asks the agency or institution to submit a written response to the complaint.

27.7. The Office notifies the complainant if it does not initiate an investigation of a complaint because the complaint fails to meet the requirements of Section 126-94-27.2.

27.8. The Office reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.

27.9. Following its investigation, the Office provides to the complainant and the Barbour County Schools written notice of its findings and the basis for its findings.

27.10. If the Office finds that Barbour County Schools not complied with the Act or this part, the notice under Section 126-94-27.9:

27.10.1. Includes a statement of the specific steps that the agency or institution must take to comply; and

27.10.2. Provides a reasonable period of time, given all of the circumstances of the case, during which the educational agency or institution may comply voluntarily.

Enforcement Procedures.

28.1. If the Barbour County Schools does not comply during the period of time set under Section 126-94-27.10.2, the Secretary may, in accordance with part E of the General Education Provisions Act:

28.1.1. Withhold further payments under any applicable program;

28.1.2. Issue a complaint to compel compliance through a cease and desist order; or

28.1.3. Terminate eligibility to receive funding under any applicable program.

28.2. If, after an investigation, the Secretary finds that Barbour County Schools has complied voluntarily

with the Act or this part, the Secretary provides the complainant and Barbour County Schools written notice of the decision and the basis for the decision.

Barbour County School's Collection and Use of Student Social Security Numbers.

29.1. A social security number is personally identifiable information and must, therefore, be used in compliance with the other provisions of this policy, the Family Educational Rights and Privacy Act, and the provisions of W.Va. Code §18-2-5e.

29.1.1. No public or private elementary or secondary school shall display any student's social security number for identification purposes on class rosters or other lists provided to teachers, on student identification cards, in student directories or other listings, on public postings or listings of grades, or for any other public identification purpose unless specifically authorized or required by law.

a. Compliance will be required of Exemption A schools for county board of education approval.

29.1.2. The student social security number may be used for internal record keeping purposes or studies.

29.1.3. The student social security number or alternative number is required for enrollment or attendance in public schools.

a. Effective July 1, 2003, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is currently enrolled in the county school system.

b. Effective July 1, 2003, prior to admittance to a public school in the state, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is to be enrolled.

c. The county board of education must inform the parent, guardian, or other responsible person that, if he or she declines to provide the student social security number, the county board of education will assign the student an alternate nine digit number as designated by the West Virginia Board of Education.

29.1.4. For any student who is attending a public school and for whom a social security number has not been provided, the county board shall make a request annually to the parent, guardian, or other responsible person to furnish the social security number.

Release of List of High School Students to Military Recruiters.

30.1. Pursuant to Section 9528 of the *Elementary and Secondary Education Act* (ESEA) of 1965 (20 U.S.C. 7908), as amended by the *No Child Left Behind Act* of 2001 (P.L. 107-110), and 10 U.S.C. 503, as amended by Section 544, the *National Defense Authorization Act for the Fiscal Year 2002* (P.L. 107-107), 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.

30.2. Barbour County Schools 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.

Severability.

31.1. If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Sources: Barbour County Board of Education Minutes

Legal Reference: Procedures for the Collection, Maintenance and Disclosure of Student Data
State Board Policy 4350

Authority: WV Constitution, Article XII, Section, WV Code 18-2-5, Public Law 105-244, the Family Educational Rights and Privacy Act (as amended); Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997 (hereinafter IDEA); Public Law 107-110, the No Child Left Behind Act of 2001; Public Law 107-107, the National Defense Authorization Act for the Fiscal Year 2002, and their respective regulations.

Adopted: 04/08/75

Revised: 08/20/07; 10/12/98; 8/4/87; 1983; 09/18/79

BARBOUR COUNTY SCHOOLS

Title I Parental Involvement Policy

1. GENERAL EXPECTATIONS

1.1 Barbour County Schools agrees to implement the following statutory requirements:

- 1.1.a. 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, scheduled, and implemented with flexibility to provide meaningful consultation with parents of participating children.
- 1.1.b. 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.
- 1.1.c. The school district will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.
- 1.1.d. 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.
- 1.1.e. 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.
- 1.1.f. 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.

- 1.1.g. The school district will be governed by the following statutory definition of parental involvement, and expects that it's 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—

- A. that parents play an integral role in assisting their child's learning;*
- B. that parents are encouraged to be actively involved in their child's education at school;*
- C. 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;*
- D. the carrying out of other activities, such as those described in section 1118 of the ESEA.*

2. DESCRIPTION OF HOW BARBOUR COUNTY SCHOOLS WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS

- 2.1. BARBOUR COUNTY SCHOOLS will take the following actions to involve parents in the joint development of its district wide parental involvement plan under sections 1112 and 1114 of the ESEA:

Parents of participating children are included on the district's Five Year Plan Committee that is responsible for reviewing school performance and making plans to correct deficiencies.

- 2.2. BARBOUR COUNTY SCHOOLS will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:

Parents of participating children are included on the district's Five Year Plan Committee that is responsible for reviewing school performance and making plans to correct deficiencies.

- 2.3. BARBOUR COUNTY SCHOOLS 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:

Our district will provide staff development for schools in programs designed to increase, enhance, and promote meaningful parental involvement in schools. Steps will be taken to monitor schools to ensure high levels of parent involvement. Each school will provide a detailed plan of parental involvement activities.

- 2.4. BARBOUR COUNTY SCHOOLS will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs such as: Head Start, Family Resource Network, Birth to Three, DHHR, and the Barbour County Parent Center by:

The Preschool Committee for the county consists of representatives from WVDE preschools, Head Start, DHHR, Title 1 teachers, community organizations and parents of participating children. This committee develops and implements a parent involvement plan to ensure high levels of parent involvement in the preschool program.

- 2.5. BARBOUR COUNTY SCHOOLS 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 Title 1 Director will annually survey parents in each Title 1 school to assess the quality of the Title 1 program. The steering committee for each school will be notified of the results and modifications to the school's program will be made. The county's Five Year Plan Committee will also analyze the results of the survey to look for barriers to parent participation and to assess the quality of the LEA program.

- 2.6 BARBOUR COUNTY SCHOOLS will build the schools' and parents' 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:

- A. The school district will, with the assistance of its Title I, Part A, 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,

- the curriculum and useful websites to access textbooks and resources,
- how to monitor their child's progress, and
- how to work with educators:

Each school will name the above bulleted items in their family-school compact and parent involvement plan. Each school will conduct a workshop designed for parents to inform them of the requirements of the content standards, achievement standards, academic measures, Title I requirements, how to work with teachers, and how to monitor their child's progress.

- B. 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 and provide an opportunity to make suggestions, by:

Each school will hold a workshop for parents on how to support their children in developing their literacy skills, technology skills as well as their numeracy skills.

- C. 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:

Annually, the Title I Director will hold a workshop for all personnel in the county to educate them on how to reach out to, communicate with, and include parents as valuable partners in the educational process. The Title I Director will also monitor each school to ensure parent programs are being implemented.

- D. 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:

Barbour County Schools has established a Preschool Committee that includes Head Start, WVDE preschool programs, DHHR, and other community organizations. One of the purposes of this committee is to ensure effective parental involvement and parent education opportunities

- E. 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:

The LEP Coordinator for the county will be given any and all necessary documents related to school programs to be translated into the parent's native language.

3. ADOPTION

This District wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by BARBOUR COUNTY SCHOOLS' FIVE YEAR PLAN COMMITTEE.

This policy was adopted by BARBOUR COUNTY SCHOOLS on April 22, 2013 and will be in effect for the period of one year beginning July 1, 2013. The school district will distribute this policy to all parents of participating Title I, Part A children on or before September 1, 2013.

Source: Board of Education Minutes

Adopted: 09/18/79

Revised: 04/24/17; 04/22/13; 05/07/12; 04/11/11; 08/11/08

SPECTATOR EVENTS/CROWD CONTROL

General –

Barbour County Schools recognizes the value of athletic competition of interscholastic age student – athletes. Athletics that embody a high standard of ethics and sportsmanship play a significant role in the development of good character and other important life skills. With this view in mind, Barbour County Schools will take proactive steps to ensure that students, student-athletes, teachers, coaches, parents, and community members behave in a manner conducive to appropriate sportsmanship and conduct at all spectator events. Violation of school, county, West Virginia Secondary School Activities Commission (herein known as the WVSSAC) and state policy may lead to suspension or termination of attendance privileges or legal action.

Note: This policy shall not supersede the Student Code of Conduct and other applicable state or county policies.

Duties and Responsibilities -

- I. High School Principals, Middle School Principals and Athletic Directors shall take the following proactive measures to foster a climate conducive to good sportsmanship.
 1. Annually review and implement WVSSAC Policy §127 – 4 – 2: Sportsmanship.
 2. Annually review and implement, as appropriate, the recommendations of the WVSSAC “Crowd Control Procedures for Athletic Events”.
 3. Hold school-level meetings with students prior to the fall, winter and spring sports seasons to review school, county, WVSSAC and state policy.
 4. Hold meetings for the community and parents prior to the fall, winter and spring sports seasons to review school, county, WVSSAC and state policy.
 5. Emphasize at all meetings §61-2-15a (assault, battery on athletic officials; penalties).
 6. Annually update parent/student handbooks on spectator behavior.

- II. High School Principals and Middle School Principals shall:
 1. Enforce school, county, WVSSAC, and state policy.
 2. Take immediate action in addressing violations of school, county, WVSSAC or state policy. Actions may include but not be limited to: verbal and written warnings, ejection from an event, suspension or termination from attendance privileges, or legal action.
 3. Notify the Superintendent or the Superintendent’s designee, in writing before the close of the next business day, of violations occurring during spectator contests/events, of school, county, WVSSAC or state policy and the action(s) taken.
 4. Make recommendations to the Superintendent regarding legal action that may be taken as a result of flagrant violations of misconduct.

**SPECTATOR EVENTS/CROWD CONTROL
(Continued)**

III. Code of Conduct at Spectator Events:

Good Sportsmanship:

The goal of this policy is to foster a climate of good sportsmanship. Sportsmanship may be defined as respectful and ethical behavior in sports. It may also be defined as citizenship. Sportsmanship is reflected in the following qualities or Code of Conduct.

1. Playing fair.
2. Following the rules of the game.
3. Respecting the judgment of referees and officials.
4. Treating opponents with respect.

Good sportsmanship is demonstrated when you show respect for yourself, your teammates, and your opponents, for the coaches on both sides, and for the referees, judges, and other officials; however, sportsmanship is not just reserved for the people on the field. Cheerleaders, fans, parents, and school personnel also need to be aware of how they behave during competition.

Unacceptable Sportsmanship:

Unacceptable sportsmanship is defined as disrespectful and unethical behavior in sports. Unacceptable sportsmanship is the absence of good citizenship. It is reflected in the following behaviors.

1. Loud, abusive and/or profane language directed towards players, coaches, teachers, administrators and/or game officials before, during and after events/contests.
2. Rude and inconsiderate behavior.
3. Violations of school, county, WVSSAC and/or state policy.
4. Creating disturbances that interfere with or disrupt the administrator of the events/contests.

Barbour County Schools will not tolerate acts of unacceptable sportsmanship at any spectator events/contests at any time.

Violations:

The school administrator or designee has the authority to administer consequences for violations of this policy. Consequences may include, but are not limited to:

1. Verbal warnings.
2. Removal from event.
3. Exclusion from future events.

SPECTATOR EVENTS/CROWD CONTROL

(Continued)

4. No trespassing warrants.
5. Legal action.

The superintendent reserves the right to impose additional penalties to violators as the right to impose additional penalties to violators as the situation warrants.

IV. The Board of Education shall:

1. Review incidents of flagrant violations of school, county, WVSSAC and state policy.
2. Consider recommendations made by the principal and/or superintendent regarding penalties relating to flagrant violations of school, county, WVSSAC and state policy.

Source: Board of Education Minutes

Date: 03/12/07

Legal Reference: West Virginia Secondary School Activities Commission