Barbour County Schools

Student Handbook

2019-2020

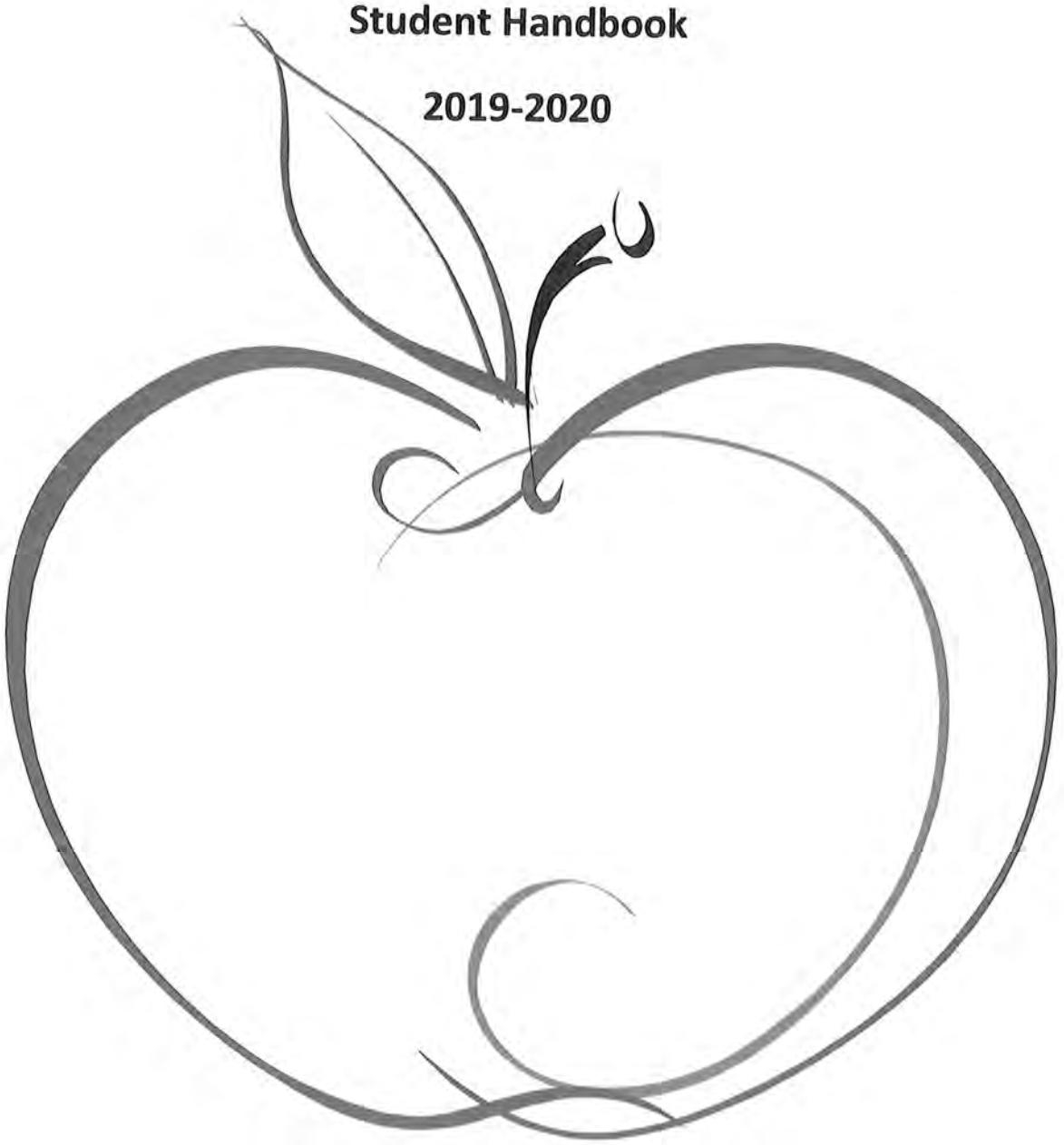


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Notes: 1) Not all policies are contained in this handbook. Policies are available through the Office of the Superintendent. As policies are updated they will be placed on the board of education's website: http://www.wvschools.com/barbourcountyschools

2) As required by federal laws and regulations, the Barbour County Board of Education does not discriminate on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program , or protected genetic information in employment or in any program or activity conducted in its educational programs and activities. Inquiries may be referred to assigned Central Office Administrator, Title IX Coordinator and Section 504 Coordinator, Barbour County Board of Education, 105 South Railroad Street, Philippi, West Virginia 26416, phone number 457-3030 or to the Department of Education's Director of the Office for Civil Rights.

Barbour County Schools

45 School Street
Philippi, WV 26416

COMMITTED TO LEARNING FOR ALL

Jeffrey P. Woofter
Superintendent
Phone: 304-457-3030
Fax: 304-457-3559

July 16, 2019

Dear BCS Student,

On behalf of the Barbour County Board of Education and the staff of Barbour County Schools, I want to welcome you to the 2019-2020 school year. I hope you had the opportunity to enjoy your summer and that you're as excited as I am for the new school year. I am confident that the staff and faculty of Barbour County Schools is well rested and ready to help you have a terrific year.

This summer, like last summer, we had several faculty and staff members join us for the new year. They are excited to start their new positions and they are looking forward to working with all of you. We have also had some changes in various schools to upgrade facilities and get our schools ready for the school year. This will also be the second year of having the Chromebooks for all students in grades 3-12. I hope you use them to enhance your educational opportunities.

In order for all students to receive a top flight education, we will ask a great deal from you and the staff that serves you in your school. We expect all staff and students to behave in a professional and fair manner and we require that all members of the learning community treat each other with respect. We also expect that both staff and students will encourage each other to get the most out of every day in school.

I hope you have a terrific year!

Sincerely,

Jeffrey P. Woofter

SCHOOL CALENDAR - 2019-2020 School Year

For Barbour County Schools

WVEIS:

Month	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Instructional Days	Compensated Not Taught Days	Total Employment Days
First									PM 8	PM 9	PM 12	P 13	14	15	16			PLC 21	22	23	26	27	28	29	OS 30	H 2	3	4																			14	6	20
Second									5	6	9	10	11	12	13	16	17	PLC 18	19	20	23	24	25	26	27	30	Oct 1	2																			20	0	20
Third									3	4	7	8	PLC 9	10	FS 11	14	15	16	17	18	21	22	23	24	25	28	29	30																			20	0	20
Fourth									31	Nov 1	4	5	6	7	8	H 11	12	13	14	15	18	19	20	21	22	O 25	O 26	O 27	H 28	O 29	Dec 2	3															18	2	20
Fifth						4	5	6	9	10	11	12	13	16	17	18	19	FS 20	O 23	O 24	H 25	O 26	O 27	O 30	O 31	H 1	O 2	O 3	6	7	8	9	10													18	2	20
Sixth											13	14	15	16	17	H 20	21	22	23	24	27	28	PLC 29	30	31	Feb 3	4	5	6	7															19	1	20
Seventh											10	11	12	13	FS 14	17	18	19	20	21	24	25	26	27	28	Mar 2	3	4	5	6															20	0	20
Eighth											9	10	11	12	13	16	17	18	19	20	23	24	25	PLC 26	27	30	31	Apr 1	2	3															20	0	20
Ninth											6	7	FS 8	O 9	O 10	O 13	14	15	16	17	20	21	22	23	24	27	28	29	30	May 1	4	5	6													20	0	20
Tenth									7	8	11	E 12	13	14	15	18	19	20	21	22	H 25	P 26	TP 27	OS 28	OS 29	OS 1	OS 2	OS 3																			11	9	20

First and Last Dates

08/08/19	First day employment term
08/14/19	First day instructional term
10/02/19	Last day of second month
12/20/19	Last day first semester
05/22/20	Last day instructional term
06/03/20	Last day employment term

Faculty Senate Meetings

08/13/19	1st meeting
	0 Days
10/11/19	2nd Meeting
	0 Days
12/20/19	3rd Meeting
	0 Days
04/08/20	4th Meeting
	0 Days
05/26/20	5th Meeting

No more than 45 days apart

School Holidays Within Instructional Term

(West Virginia Code §18A-5-2)

September 3, Labor Day
November 6, General Election Day
November 12, Veteran's Day
November 22, Thanksgiving Day
December 25, Christmas Day
January 1, New Years Day
January 21, Martin Luther King Jr.'s Birthday
May 27, Memorial Day

Noninstructional Days - Recap

	5	PLC - Early Dismissal
CD	0	Curriculum Development
P	2	Preparation for Opening/Closing Schools
C	0	Continuing Professional Development
TP	1	Teacher-Pupil-Parent Conference
OS	6	Outside School Environment
SE	0	Special or Bond Levy Election
E	1	Primary/General Election
H	7	Holidays
PM	3	Professional Meeting
MU	0	Make-up Day
FS	4	Faculty Senate
S	0	Snow Day
	20	Total Noninstructional Days

Totals	Instructional Days	Compensated Not Taught Days	Total Employment Days
	180	20	200

Out-of-Calendar (Non-paid) Days

O 15 Out of Calendar Days

##########

Dates of Graduation

School	Philip Barbour HS	Graduation date	5/15/2020
School		Graduation date	
School		Graduation date	
School		Graduation date	

School		Graduation date	
School		Graduation date	
School		Graduation date	
School		Graduation date	

5/1/2019 — Date

Jeffrey Woofter — Name of County Superintendent

WVDE 11-20-35 (Revised 1: 17)

2019-2020 Barbour County Schools Calendar

Month	Mon	Tue	Wed	Thu	Fri
Aug 2018			7	[illegible]	[illegible]
	[illegible]	P 13	14	15	16
	19	20	PL 21	22	23
	26	27	28	29	OS 30
Sep 2018	H 2	3	4	5	6
	9	10	11	12	13
	16	17	PL 18	19	20
	23	24	25	26	27
Oct 2018	30	1	2	3	4
	7	8	PL 9	10	FS 11
	14	15	16	17	18
	21	22	23	24	25
	28	29	30	31	1
Nov 2018	4	5	6	7	8
	H 11	12	13	14	15
	18	19	20	21	22
	O 25	O 26	O 27	H	O 29
Dec-18	2	3	4	5	6
	9	10	11	12	13
	16	17	18	19	FS 20
	O 23	O 24	H	O 26	O 27
	O 30	O 31	H	O 2	O 3
Jan 2019	6	7	8	9	10
	13	14	15	16	17
	H 20	21	22	23	24
	27	28	PL 29	30	31
Feb 2019	3	4	5	6	7
	10	11	12	13	FS 14
	17	18	19	20	21
	24	25	26	27	28
Mar 2019	2	3	4	5	6
	9	10	11	12	13
	16	17	18	19	20
	23	24	25	PL 26	27
Apr 2019	30	31	1	2	3
	6	7	FS 8	O 9	O 10
	O13	14	15	16	17
	20	21	22	23	24
	27	28	29	30	1
May 2019	4	5	6	7	8
	11	E 12	13	14	15
	18	19	20	21	22
	H 25	P 26	[illegible]	OS 28	OS 29
Jun 2019	OS 1	OS 2	OS 3	4	5
	8	9	10	11	12
	15	16	17	18	19
	22	23	24	25	26
	29	30			

Descriptive Information *August 7- Registration Day for New Students	
August 8-12	Staff Development for all Employees
August 13	Prep Day - 2 HR Faculty Senate
August 14	Grades K-12 First Day of Instruction. Aug. 19 first day of I
August 21	2 Hour Early Dismissal for PLCs
August 30	No School. Out-of-School Environment Day For Fair activ
September 2	Holiday. Labor Day.
September 18	2 Hour Early Dismissal for PLCs. Progress Reports Distribu
October 9	2 Hour Early Dismissal for PLCs
October 15	End of First Grading Period
October 22	Report Card Distribution
October 22	Parent Teacher Conferences for Elementary
October 23	Parent Teacher Conferences for Middle
November 11	Holiday - Veteran's Day
November 15	Progress Reports Distributed
November 25-29	Out of Calendar Days
November 28	Holiday - Thanksgiving
December 20	2 Hour Early Dismissal for Faculty Senate
December 20	End of Second Grading Period and first semester.
December 23-31	No School for Christmas Break. Out-of-Calendar Days.
December 25	Christmas Holiday.
January 1	Holiday - New Year's Day
January 10	Report Cards Distribution
January 20	Holiday - Martin Luther King Jr. Birthday
January 29	2 Hour Early Release for PLCs
February 10	Progress Reports Distributed
February 14	2 Hour Early Dismissal for Faculty Senate
March 13	End 3rd Grading Period.
March 20	Report Card Distribution
March 23	Parent-Teacher Conferences: Elementary
March 24	Parent-Teacher Conferences: Middle
March 25	Parent-Teacher Conferences: Philip Barbour HS
March 26	2 Hour Early Dismissal for PLCs
April 8	2 Hour Early Release for Faculty Senate Meetings
April 9-13	Out-of-Calendar Days. These days will NOT be reschedul
April 20	Progress Reports Distributed
May 12	Election Day. No School.
May 15	Graduation Day for Seniors.
May 22	Last Day of School. Report Card Distribution.
May 25	Holiday- Memorial Day
May 26	Planning/Prep. Day
May 27	Parent-Teacher Conference Day (This is a regular work da
May 28-June 3	Out of School Environment Days (These days may be recl
June 4-30	Out of Calendar Days. *All Out of Calendar Days may be r 180 instructional days. June 19 will not be reclassified as

Created with WinCalendar

http://www.wincalendar.com/School-Calendar-Excel

Board of Education Members

David Everson

Joanne McConnell, Vice-President

Ron Phillips

Eric Ruf, President

Adam Starks

Board of Education Employees

Mr. Jeffrey Woofter, Superintendent.

Jeff Kittle, Assistant Superintendent, Director of Curriculum and Instruction.

Mike Ferguson, Director of Student Services.

David Neff, Director of Secondary Education Grades 6-12,
Personnel, Attendance.

Connie Mundy, Director of Elementary Education Grades PreK-5, Title 1.

Annette Hughart, Chief Financial Officer.

Lisa Lepsch, School Psychologist.

USDA Non Discrimination Statement

In accordance with Federal civil rights law and US Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint filing cust. html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) MAIL: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; (2) FAX: (202) 690-7442; or (3) EMAIL: program .intake@usda.gov. This institution is an equal opportunity provider.

Review date: Presidential election year

Barbour County File 1100

BARBOUR COUNTY SCHOOLS
MISSION and CORE BELIEFS POLICY

1.0 Purpose.

The Barbour County Board of Education recognizes the need to proactively plan and prepare for the future educational needs of the children of Barbour County. In order to proactively facilitate this process, it is appropriate for the Board to determine its educational mission and illuminate its core beliefs that provide the framework of its educational mission. In that spirit of being proactive, Barbour County Schools will implement and comply with the responsibilities and guidelines promulgated in Chapter 3, Planning for Policy Implementation, of *Expected Behavior In Safe and Supportive Schools (Policy 4373)* as related to: Conceptual Framework, Responsibilities of the WVBE and WVDE, Responsibilities of the RESAs, Responsibilities of County Boards of Education, and Responsibilities of Schools.

Barbour County Schools will provide leadership for continuous school climate/culture improvement planning and implementation. The county responsibilities for school climate/culture improvement include:

1. By July 1, 2012. Barbour County Schools Board policies will address and adhere to all applicable federal and state laws sited within policy 4373. County board policies and procedures include guidelines for school level implementation and safeguards to protect the safe and supportive environment of the school. These safeguards shall include but not be limited to:

    - education, communication and enforcement provisions;
    - identification, intervention and referral of students with behavioral and substance abuse issues;
    - no advertisement of tobacco or alcohol products
    - minimal marketing of other foods and beverages
    - school facility use agreements; and
    - public announcements regarding the policy for events during non-instructional time.

2. Partnership Development: form informal and formal partnerships with community agencies/organizations that can support safe and supportive school efforts within the county. Procedures will be developed to approve formal partnership agreements when partners will interact directly with students.

3. Policy Dissemination and Training: develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

    - ensure that all schools provide appropriate policy training.

- review the policy at least bi-annually for compliance with federal and state law and WVBE policy.
- Make the county policy readily available to the public (written or electronic).

4. Implementation Plan: address school climate/culture within the Student Support Goal of the county strategic plan with objectives for policy implementation that ensures each school incorporates the following:

   - use of pro-active strategies to develop and support positive behavior;
   - application of data-driven continuous school climate/culture improvement activities; and
   - application of appropriate/consistent interventions for inappropriate behaviors.

5. Evaluation of Effectiveness: annually review data related to this policy including:

   - summary data for incidents of inappropriate behavior and intervention responses to incidents;
   - required LSIC reports;
   - trend analysis from school climate/culture survey tools (as available);
   - impact data related to school climate/culture improvement strategies within county and school strategic plans; and
   - impact data from training and staff development offered by the county, RESA and/or WVDE.

West Virginia Code Requirements for County Boards of Educations:

§18-2C-1 et seq. Establish policy prohibiting harassment, intimidation or bullying §18-5A-2Review and file Local School Improvement Councils (LSIC) discipline reports

§18-9F-1 et seq. Submit School Access Safety Plans to the School Building Authority

§18-9F-9 Collect all school crises response plans by August 1, 2013

§18A-5-1 Responsibility for the administration of proper discipline in the public schools

§18A-5-1a Disciplinary action requirements and due process procedures for Safe Schools Act violations (possessing deadly weapons, possessing a controlled substance, assaults and batteries upon teachers or other school personnel; sale of narcotic)

§61-7-11 a Authorization for the possession of deadly weapons on school property and reporting requirements for unauthorized possession of deadly weapons

2.0 Administrative Procedures.

2.1 During presidential election years, the Superintendent will present this policy to the BOE for its review. At that time, the BOE may determine the following:

2.1.1 The policy is appropriate as written; maintain as is;
2.1.2 The policy needs to be revised; request the Superintendent to get input from all appropriate community and educational system stakeholders; submit said input in writing to the BOE for their consideration; revise the policy as appropriate, following all set protocols for policy revision/adoption.

3.0 Mission Statement.

The mission of Barbour County Schools is to provide educational excellence with **commitment to learning for all** in preparation for the challenges of the 21st century.

4.0 Core Beliefs.

4.1 We believe . . .
4.1.1 our highest priority should be to proved an accessible, clean, safe environment in which students can maximize their learning potential.
4.1.2 our schools should embrace a positive school culture and should promote academic, professional and personal integrity.
4.1.3 the education of our students is a partnership among community, schools, parents and students.
4.1.4 clear communication is vital to the success of the system.

Adopted: 05/27/08

Revised: 07/30/12; 04/23/12

Source: Board Minutes

Legal Ref: WV Code 18-2E-5; WVDE Policy 2320; WVDE Policy 2510; WVDE Policy 4373

BARBOUR COUNTY 2300

RACIAL, SEXUAL, 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 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 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. 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:

4.3.1. 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. 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:

4.4.1. 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.

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

4.6. 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.

4.7. Assault - Assault is:

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

4.7.2. 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 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 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, RESA executive director 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, RESAs have 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 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 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 Superintendent or her designee (ex: Principal, Title IX Director) shall determine whether the alleged conduct constitutes a violation of this policy.

6.4. 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.

6.5. 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 religious/ethnic, racial or sexual harassment or violence.

6.6. 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.

6.7. 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;, or, if the superintendent is the subject of the complaint, by the Barbour County Board of Education president.

6.8. 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. 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 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 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.

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: 07/23/07; 10/13/97; 4/4/95; 1/5/94

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 92
WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY AND PROCEDURES MANUAL (4336)

§126-92-1. General.

1.1. Scope. -- This legislative rule provides regulations for school transportation in the form of a policy and procedures manual.

1.2. Authority. -- W. Va. Const., Art. XII, §2, W. Va. Code §§17C-12-3, 17C-14-12, 18-2-5, 18-5-13, 18-8-1, 18A-4-8e; and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, (42 U. S. C. 11431, et seq.

1.3. Filing Date. -- December 6, 2017.

1.4. Effective Date. -- January 8, 2018.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. §126CSR92, West Virginia Transportation Policy and Procedures Manual (Policy 4336) filed April 11, 2013, and effective July 1, 2013, with the exception of appendices that consist of other legislative rules.

§126-92-2. Incorporation by Reference.

2.1. These regulations shall be read in conjunction with other West Virginia Board of Education (WVBE) policies referenced herein, including W. Va. 126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373); W. Va. 126CSR162, Policy 5902, Employee Code of Conduct (Policy 5902); W. Va. 126CSR25A, Policy 2422.7, Standards for Basic and Specialized Health Care Procedures (Policy 2422.7); W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419); W. Va. 126CSR51, Policy 2423, Health Promotion and Disease Prevention (Policy 2423); W. Va. 126CSR4, Policy 1340, Rules of Procedure for Administrative Hearings and Appeals (Policy 1340); W. Va. 126CSR89 Policy 4334, Minimum Requirements for Design and Equipment of School Buses for West Virginia (Policy 4334); W. Va. 126CSR150A, Policy 5500.02, County Service Personnel Staff Development Councils (Policy 5500.02); W. Va. 126CSR28, Policy 2525, West Virginia's Universal Access to a Quality Early Education System (Policy 2525).

§126-92-3. Severability.

3.1. 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.

WEST VIRGINIA SCHOOL BUS TRANSPORTATION POLICY AND PROCEDURES MANUAL

1. Introduction

1.1. West Virginia Motor Vehicle Code, §17C-14-12(a), School Bus Rules, provides that the WVBE by and with the advice of the Motor Vehicle Commissioner shall adopt and enforce rules to govern the design and operation of all school buses.

1.2. The Executive Director of the Office of School Transportation (State Director), West Virginia Department of Education (WVDE) serves as the liaison with county school systems in the implementation of this policy.

1.3. The object of this manual is to provide guidelines to county school bus transportation systems to insure safe, high quality programs for the students transported to the public schools in West Virginia. The county shall ensure that this policy and all attachments are readily available to all bus operators and maintenance staff members.

2. Inspection and Maintenance of School Buses

At no time shall any other vehicle maintenance take priority over school bus maintenance.

2.1. Pursuant to W. Va. Code §17C-16-2, Inspection by Department of Public Safety, any member of a department of public safety may stop and inspect a school bus at any time.

2.2. Qualified bus inspectors employed by the WVDE, Division of Finance and Administration, Office of School Transportation may also inspect a school bus at any time without prior notice

2.3. All school buses transporting students to school and/or school related events shall be inspected a minimum of one (1) time annually beginning July 1 and ending June 30 by a qualified bus inspector employed by the WVDE. The State Director may require additional and random inspections of school buses.

2.4. The State Director shall supervise the scheduling of the school bus inspections.

2.5. Vehicle Inspection

2.5.1. School bus operators may be required to present to the bus inspector a valid commercial drivers license, a first aid certificate, and a State of West Virginia certification card.

2.5.2. All school buses transporting students shall be inspected and display the inspection certificate.

2.5.3. All school buses used to transport students shall be inspected by WVDE bus inspectors and approved for use after an accident which causes damage to any steering component, front axle or frame, or any major structural damage requiring the bus to be towed.

2.5.4. Any seat belts (driver's seat belt, seat belts anchoring child restraints, wheelchair restraints, etc.) in use at the time of a moderate to severe accident shall be replaced. Additionally, the Child Safety Restraint Systems (CSRS) shall be replaced following a moderate to severe accident. CSRS do not

automatically need to be replaced following a minor accident. A minor accident is one in which ALL of the following apply:

2.5.4. a. The vehicle was able to be driven away from the crash site.

2.5.4.b. The area of the vehicle nearest the CSRS was not damaged.

2.5.4.c. None of the passengers in the vehicle sustained any injuries in the crash.

2.5.4.d. If the vehicle has air bags, they were not deployed during the accident.

2.5.4.e. There is no visible damage to the CSRS.

2.5.5. Any school bus used to transport students which is declared unsafe is to be marked with the appropriate rejection sticker.

2.6. County School Bus Maintenance

2.6.1. The county school system shall establish a school bus maintenance program. It may be delivered by the county school system or through a private contractor.

2.6.2. The maintenance program shall employ mechanics and service employees skilled in bus maintenance.

2.6.3. The county school system shall ensure that the maintenance staff members receive at least eighteen (18) hours of professional development in school bus maintenance and repair annually.

2.6.4. An inventory of the bus vehicle parts shall be completed annually and made available at the county maintenance center.

2.6.5. Maintenance records for buses shall be current and made available at the maintenance center.

2.6.6. Preventive maintenance shall be performed on all school buses ideally every month (or every 20 operating days) but at least every two months (or every 40 operating days) during the school year and shall include spare buses. A preventive maintenance schedule for each school bus shall be posted in the service center, made available to the bus operator, and to the WVDE bus inspector upon request.

2.6.7. All county owned facilities including school bus maintenance centers are subject to inspection by the Office of School Facilities staff per W. Va. Code §18-9D-16(c) only if facilities have received funding from the School Building Authority (SBA) or WVBE.

3. School Bus Passenger Regulations

3.1. The school bus operator shall be in charge of any passengers riding the bus. The school bus operator shall follow Policy 4373 to provide discipline on school buses.

3.2. County boards of education will provide training on Policy 4373 to all bus operators upon initial employment with the county, and any time Policy 4373 is revised.

3.3. Enrolling or enrolled students, employees, or persons approved previously by a county board of education are the only passengers eligible to be transported by the county school transportation system. Under no circumstances is a student to be left at a school bus stop unattended. School bus operators shall follow the county's ridership procedures.

3.4. All students living greater than two miles from their assigned school or nearest bus route will be eligible for school transportation services. Transportation services are not recommended on streets, roadways; private property developments which are not maintained by the West Virginia Department of Highways or a public municipality; a private property development in which law enforcement agencies may not respond to an accident; or anywhere visibility, sight distances, or adequate space to maneuver the bus may be in question. It shall be the responsibility of the County to develop a policy to address these issues and to determine if these conditions exist prior to establishing a bus route.

3.5. At least twice (and three times for pre-K students) annually, students shall participate in emergency evacuation drills. The first drill is to be completed by October 31 and the second by April 30 of each year.

3.6. It is recognized that compartmentalization, the passive safety restraint systems required in school buses under Federal Motor Vehicle Safety Standards (FMVSS) 222, provides a higher level of safety to children over 40 pounds, however, if a child of forty (40) pounds or under is transported, the following guidelines should be considered. All passengers under the age of five (5) should be secured in a CSRS and if secured, shall meet the following:

3.6.1. Each child shall be transported in a CSRS (suitable for the child's weight, age, height or specialized need) that meets applicable Federal Motor Vehicle Safety Standards (FMVSS).

3.6.2. Each child shall be properly secured in the CSRS.

3.6.3. The CSRS shall be properly secured to the school bus seat, using anchorages that meet applicable FMVSS.

3.6.4. The seat directly behind a child transported in a CSRS shall remain unoccupied unless occupants in that seat are in a CSRS as well, or unless the seats are of an integrated type.

3.6.5. Children under the age of five (5) shall be seated in the front of the bus away from other passengers.

3.6.6. Ideally, the services of a bus aide should be considered to assist the bus operator.

3.6.7. Lap belts shall only be used to secure a CSRS, not a child. If lap belts are used to secure a CSRS, the bus seat(s) shall be seat belt ready.

3.6.8. Any use of lap/shoulder belt combinations shall meet all Federal and State regulations.

4. Regulations for Students Transported on School Buses

4.1. Responsibilities of parents. Parents shall:

4.1.1. Provide written guidance regarding any special care a student may need while riding the bus.

4.1.2. Parents are responsible for providing supervision for all K-3 students at all bus stops until the bus arrives for both pickup and delivery.

4.1.3. The county school system may terminate bus transportation service if a parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.

4.2. Responsibilities of students. Students shall:

4.2.1. Walk on the left side of the road facing traffic.

4.2.2. Wait on the bus at the designated stop in an orderly manner.

4.2.3. Board the bus in an orderly manner.

4.2.4. Follow the school bus operator's/aide's instructions at all times.

4.2.5. Comply with Policy 4373.

4.2.6. Be responsible for vandalism that occurs on a seat in which they ride.

4.2.7. Change seats only with permission of the school bus operator when the bus is not in motion.

4.2.8. Avoid unnecessary conversation with the school bus operator.

4.2.9. Keep heads and arms inside bus windows at all times.

4.2.10. Report any open exit or released hatch to the school bus operator immediately.

4.2.11. Provide enrollment information to the school bus operator.

Students shall not:

4.2.12. Eat, drink, or place objects in their mouth that may cause a choking hazard while on the bus except for medically necessary foods or medications according to Policy 2422.7.

4.2.13. Ride in stepwell or forward of front row seats.

4.2.14. Stand at any time while the bus is in motion.

4.2.15. Throw, or pass, any object of any nature into or from the bus through a door or window.

4.2.16. Use profane or obscene language or gestures.

4.2.17. Open emergency exits, except during emergencies, unless directed by the school bus operator.

4.2.18. Wear headphones or any type of earpiece that may prevent hearing a warning signal or horn

while loading or unloading from the bus.

5. Regulations for Transporting Students with Disabilities Requiring Special Transportation

5.1. Students with disabilities' Individualized Education Plans (IEP), individualized health care plans, and 504 Plans shall specify the bus modifications and support required for transporting the student when appropriate.

5.2. When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.

5.3. Vehicle requirements for use in transporting students with disabilities shall be guided by Policy 4334.

5.4. The school bus operator and/or the bus aide, when appropriate, shall:

5.4.1. Assist and supervise students with disabilities.

5.4.2. Complete first aid and Cardiopulmonary Resuscitation (CPR) training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section I of the West Virginia School Bus Operators Training Manual.

5.4.3. All school bus operators including substitutes and any school bus operators who transfer to a bus transporting students with special healthcare needs shall receive six (6) hours initial and one (1) hour of refresher training annually for the transportation of students with special health care needs including the requirements Policy 2422.7.

5.4.4. All bus aides shall be trained in the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures for students with special healthcare needs. A minimum of (1) hour of refresher training shall be completed annually

5.4.4.a. The school bus operator should remain inside the bus, receive the student from the lift, and properly secure the wheelchair. Bus aides shall assist the school bus operator as necessary. (See 13.8.)

5.4.5. Any school bus operator who normally does not operate a bus that transport students with special healthcare needs and accepts an assignment to transport those students, such as a field trip, shall at a minimum have refresher training in the proper operation of the lift, restraints, emergency equipment, emergency procedures and proper loading and unloading procedures of students prior to beginning that assignment.

5.5. The special education director designee and/or school nurse shall provide the following information to the transportation director or designee as specified in Policy 2422.7:

5.5.1. Student's name and address.

5.5.2. Parent's name, address, home, and work telephone numbers.

5.5.3. Emergency health care plan information and/or individualized health care plan.

5.6. When the IEP, individualized health care plan, or 504 Plan requires that medicine is to be administered to a student with disabilities while being transported, the procedures shall be in accordance with Policy 2422.7.

5.6.1. The school nurse shall delegate to and train the bus aides in medication administration or in the delivery of medication and other basic or specialized health care procedures as specified in Policy 2422.7.

5.7. Parents/guardians of students with disabilities shall assist in the transportation of their child by:

5.7.1. Providing documentation on the special care needed.

5.7.2. Bringing the student to the bus stop and providing the necessary supervision.

5.7.3. Picking up the student at the designated time at the designated bus stop.

5.7.4. Contacting the school bus operator if the child is to be absent.

5.8. The school transportation system shall implement Policy 4373 in conjunction with Policy 2419.

6. Regulations for Transporting Homeless Students

6.1. County boards of education shall ensure compliance with Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq. (McKinney-Vento Act) when addressing the needs of homeless children. If a homeless child or youth continues to live in the area served by the local education agency (LEA) in which the school of origin is located, that LEA shall provide or arrange for the child's or youth's transportation to and from the school of origin.

6.2. If the homeless child or youth continues his or her education in the school of origin, but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living shall agree upon the method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

7. Procedures for Disciplining Students Transported by School Buses

7.1. The school bus operator shall immediately notify the school principal when any transported student has violated Policy 4373. Written notification shall be completed by the school bus operator as soon as possible.

7.1.1. Student discipline is the responsibility of the principal together with the bus operator. The student to be suspended from the bus shall be notified by the principal/designee, with the bus operator's assistance. The parents/guardians of the student shall be notified by the school principal/designee.

7.1.2. All students shall be transported until the parent/guardian has been properly notified about the suspension.

7.1.3. A suspended student shall be readmitted to the bus only after the principal/designee notifies the school bus operator that the student may be readmitted. Parents/guardians will also be notified by the

school principal/designee when their child may resume riding the bus.

7.1.4. If a student has been recommended for discipline three times in one year by the school bus operator, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present with the school bus operator and the principal/designee. If the inappropriate behavior persists, the student's rights to transportation services may be suspended for the remainder of the year, to the extent feasible.

8. Student Conduct on School Buses

8.1. The school bus operator shall display the following major precepts of Policy 4373 in his/her school bus.

8.1.1. All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

8.1.2. Students shall help create an atmosphere free from bullying, intimidation, harassment or any other inappropriate behavior.

8.1.3. Students shall demonstrate honesty and trustworthiness.

8.1.4. Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.

8.1.5. Students shall demonstrate responsibility, use self-control and be self-disciplined.

8.1.6. Students shall demonstrate fairness, follow rules, and not take advantage of others.

8.1.7. Students shall demonstrate compassion and caring.

8.1.8. Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

8.1.9. Students shall have proper approval to exit the school bus other than at their regularly assigned bus stop.

9. Medical Exclusion of Students from a School Bus

9.1. The school nurse or administrator, as per Policy 2423, and W. Va. Code §18A-5-1 and §18-5-22, shall notify the bus operator when a student shall be excluded from the school bus due to an infectious disease.

9.2. The student will be returned to the bus transportation program when the appropriate medical official has given the student a written statement signifying that the student may again be transported with other students.

10. School Bus Stop Locations

10.1. Ideally, bus stops should be located out of the traffic stream at least 2/10 of a mile apart. School bus operators should avoid stopping at intersections whenever possible.

10.2. For bus stop locations near a railroad crossing, consideration should be given to the traffic flow in the area and to assure that adequate distance is allowed for traffic to clear the railroad tracks. The safety of the general motorists should be considered.

10.3. With irregular terrain, the highest priority in establishing a bus stop location should be the safety of the students. Every effort should be made by county school officials to select a safe bus stop location with ample waiting areas for students.

10.4. The minimum sight distance should be related to the approved speed of traffic. The approved speed is the posted speed limit, advisory speed limit, or a value judged to most accurately represent the prevailing speed at a specific location.

10.5. Sight distance needed on a level grade for essential speeds is as follows: EXCEPTION: When a bus stop is near the crest of a hill or a curve, the view of approaching traffic is obstructed, or traffic speed is thirty-five (35) mph or less, the sight distance shall be a minimum of two hundred (200) feet.

Speed (mph)	Recommended Sight Distance	Minimum Sight Distance
25	300 feet	139 feet
30	360 feet	176 feet
35	420 feet	219 feet
40	480 feet	263 feet
45	540 feet	314 feet
50	600 feet	369 feet
55	660 feet	432 feet

10.6. The West Virginia Division of Transportation (DOT) and District Traffic Engineers will provide assistance in the selection and the use of school bus STOP signs which warn motorists of the presence of students at a bus stop. The county shall request assistance from the DOT if needed.

10.7. Bus stops should be located to minimize students walking along unsafe highways.

10.8. Wherever possible, stops should be located to minimize the need for students to cross the highway.

10.9. A school bus operator shall contact the county transportation director when a bus stop is determined to be potentially unsafe. The county transportation director shall evaluate and take action to relocate the stop to a safer place, if necessary.

10.9.1. The County Director/Supervisor may request the Executive Director of School Transportation/designee to assist in evaluation of bus stop locations, but the final decision shall remain the responsibility of the county.

10.10. School bus operators are to pick up and discharge students only at the designated locations. Any transfer points should be conducted off highway, with a preference given to transferring on school property.

11. Loading and Unloading of Student Passengers (See the WVDE Office of School Transportation's Manual of Operating Procedures (MOP), which may be obtained from every county transportation director/supervisor.)

12. Idling of School Buses at Schools and School Functions (W. Va. Code §17C-12-7)

12.1. In normal weather, a school bus operator shall not idle the bus while waiting for or loading students.

12.2. Buses will be permitted to idle when the temperature is 40 degrees Fahrenheit or colder, when the driving windows need to be defrosted, when the safety and comfort of the students is in question, or when emergency dictates.

12.3. School bus operators are prohibited from idling the buses for more than ten (10) minutes unless defrosting of windows is needed; in this case, idling shall be limited to thirty (30) minutes.

12.4. Counties shall develop a policy to address violations of this section.

13. General Operating Procedures

13.1. The school bus operator shall wear a seat belt correctly as designed anytime the vehicle is in motion.

13.2. Transportation employees are professionals and should conduct themselves in a professional manner, per Policy 5902, section 4.2. Additionally, all drivers and aides shall wear non-skid shoes. Heels of more than two (2) inches in height, sandals, clogs, open toed or open heeled shoes, and wooden soled shoes shall not be permitted.

13.3. The school bus operator shall not knowingly operate an unsafe bus and shall perform all inspections and duties set forth in MOP and any additional inspections and duties required by the county.

13.4. The school bus operator shall possess, in the operator's compartment, a copy of this Policy 4336 and a current school bus schedule (by the end of the first school month).

13.5. The school bus operator shall not permit any unauthorized person to occupy the driver's seat or tamper with the bus at any time.

13.6. The school bus operator shall observe all speed limits. Truck speed limits apply to school buses. Adverse weather conditions require reduced speeds.

13.7. School bus operators shall use proper signals as required by law when operating a school bus.

13.8. The school bus operator shall not leave the bus when it is running and has students onboard unless the bus is equipped with a lift and with safety interlocks for FMVSS 403 and 404 lift equipment and the driver

is assisting the loading or unloading of a student with the lift.

13.9. When the school bus operator leaves the bus, the emergency brake shall be engaged and the keys shall be in the possession of the operator with the exception referred to in 13.8.

13.10. The school bus operator shall not drive the bus in reverse while at the school or while loading or unloading students except in an emergency. The school bus operator shall use the assistance of a school official or another adult when the situation requires such a movement.

13.11. The school bus operator shall use the route as specified by the County Director/Supervisor of Transportation, unless an emergency authorized by county administrators necessitates a change. The County Director/Supervisor shall conduct a "Potential Hazard Audit" annually prior to the first day of school.

13.12. All bus schedule changes made by the County Director/Supervisor of Transportation shall be communicated to the parents and students as quickly as possible.

13.13. In case of an accident or a mechanical failure while students are being transported, the school bus operator shall provide for the safety of the students and request assistance as soon as possible.

13.14. The school bus operator should only disengage the clutch while making a complete stop or shifting gears.

13.15. The school bus operator shall conduct and supervise emergency exit drills at least twice a year, according to Federal Highway Safety Standard No. 17, Section E (1), (three times for Pre-K students).

13.15.1. Drills are to be conducted on county school property whenever possible. If drills are conducted on non-school property, care shall be taken to provide for the safety of students.

13.15.2. School officials shall assist in the drills when conducted on school property.

13.15.3. The drills shall include students exiting through the front and rear door, instruction on the proper use of exit windows, roof hatches, and other instruments used to assist with emergencies.

13.15.4. Wheels shall be chocked during the drill.

13.15.5. Upon completion, the date of the drills shall be reported to the County Director/Supervisor of Transportation.

13.16. Signage including but not limited to advertisements, banners, photos, stickers, and posters, except those approved by the WVDE, are not permitted to be displayed in or on the school buses.

13.17. Only certified service animals are permitted on a school bus.

13.18. Only property of students, county property, or school property may be transported.

13.19. Baggage and other items transported in the passenger compartment shall be stored and secured so that the aisles are kept clear and the door(s) and emergency exit(s) remain unobstructed at all times.

13.20. Highly flammable materials, firearms, explosives, and all deadly or dangerous weapons including aerosol cans are prohibited. Aerosol cans such as windshield de-icer shall be stored in an outside storage box on the school bus. Labelled spray bottles may be stored inside the bus, but must be stored out of sight in a secure location.

13.21. Medical support equipment and special adaptive/assistive equipment such as oxygen bottles may be transported as follows:

13.21.1. Oxygen bottles should be no larger than thirty-eight (38) cubic feet of compressed gas.

13.21.2. Tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents, or other heat sources. Stationary tanks shall be properly mounted with OEM approved mounting devices.

13.21.3. Oxygen bottles of a non-stationary type, medically prescribed for a student by a physician, shall be in a padded carrier designed for personal use and protection, and shall be in the possession of the passenger. Documentation of prescribed need should be on file.

13.21.4. Drivers and aides shall be trained in the proper transportation of special adaptive/assistive equipment such as oxygen bottles.

13.22. Bus Safety Equipment

13.22.1. Approved bus directional triangles shall be carried on each bus and used as a warning device during emergencies.

13.22.2. Bus flashing lights (4-way hazard lights) should be used only in emergencies and rail-road crossing procedures.

13.22.3. Link-type bus tire chains shall be used when emergency weather conditions dictate or when directed by the county director/supervisor of transportation. School bus operators shall be trained in the installation and use of chains. Automatic tire chains shall not take the place of regular chains.

13.22.4. Fire extinguishers shall be charged and available for use in all school buses.

13.22.5. First aid/body fluid cleanup kits and belt cutters shall be readily available in the school bus. Belt cutters shall be securely mounted and within reach of the driver.

13.23. General Reports

13.23.1. Drivers shall be monitored and evaluated at least annually for driver performance by a county transportation director/supervisor. Evaluations should include verbal discussions with the driver, ride along with the driver, review of bus video or any combination thereof.

13.23.1.a. A bus video may be reviewed at any time by the WVDE State Director, a WVDE School Bus Inspector, WVDE Investigator, WVDE and/or County Attorney, a County School Bus Operator, the County Superintendent, or a County Transportation Director/Supervisor for reasons including but not limited to: safety violations or misconduct, violation of policies and procedures, driver evaluation, periodic review of

student conduct, etc. Viewing of the bus video for student misconduct shall meet the Family Educational Rights and Privacy Act (FERPA) regulations. The bus video may be viewed by the school bus with permission or consent of the County Transportation Director/ Supervisor or a designee approved by the County Superintendent.

13.23.1.b. Transportation directors/supervisors who perform evaluations shall be trained in proper evaluation procedures.

13.23.2. School bus operators are to compile monthly reports and submit them to the County Director/Supervisor of Transportation no later than three (3) working days following the last day of the school month.

13. 23.3. The County Director/Supervisor of Transportation shall submit, state reports through the West Virginia Education Information System (WVEIS) no later than ten (10) working days following the last day of the school month.

13.23.4. The Bus Fleet Report shall be submitted through WVEIS by June 30th of each year.

13.23.5. All students transported to and from school shall have their transit times entered into WVEIS by the end of the second month of school and updated as necessary.

13.23.6. Road hazards are to be reported immediately to the County Director/Supervisor of Transportation.

13.24. Accident Reports

13.24.1. A school bus accident is to be reported to the County Transportation Director/Supervisor when the bus bumps or touches another vehicle, person, or object and causes damage.

13.24.1.a. A verbal report is to be given as soon as possible and a written report provided on the next business day to the County Director/Supervisor of Transportation. Bodily injuries should be reported as per county procedure or policy.

13.24.2. All bus accidents involving bodily injury, a fatality, extensive property damage, or structural damage to a school bus shall be reported immediately via phone to the State Director. A written report is to follow to the State Director within one (1) week.

13.25. Cellular Phones

13.25.1. The use of ear pieces, ear buds, headsets, cellular phones or other portable electronic devices, even those equipped with hands-free technology, is prohibited by school bus operators while operating the school bus and by aides while students are present.

13.25.2. The use of cellular phones while supervising the loading and unloading of students is prohibited.

13.25.3. If communication with the Transportation Department is necessary, the bus must be halted in a location where the school bus can safely remain stationary -.

Barbour County Policy: 7200

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 & Barbour County Schools' Content Standards and Objectives.

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 Content Standards and Objectives that relate to the essential elements for grade level subjects and courses.

2.1 The Content Standards and Objectives 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
Board of Education Minutes

ADOPTED: 9/18/1979
REVISED: 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

Enacted July 1, 2019
Procedures: 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 – 5 will use the reporting system designated below:

Pre-K –K	1-5
AM = Above Mastery	A = Excellent
M = Mastery	B = Good
PM = Partial Mastery	C = Average
N = Novice	D = Below Average
	F = Failing

The performance descriptors are consistent with the descriptors provided in the West Virginia Content Standards and Objectives. The standard deviation between each level is consistent with current practice and provides the objectivity required.

Above Mastery:	Exceeds grade level expectations; above average performance;
Mastery:	Meets grade level expectations; average performance
Partial Mastery:	Inconsistent performance on skills taught; below average performance
Novice:	Little or no understanding of skills taught; poor performance

Performance Measures

PK-K		1-5
Above Mastery =	90 - 100	A = 90 – 100
Mastery =	80 – 89	B = 80 – 89
Partial Mastery	60 – 79	C = 70 – 79
Novice	0 –59	D = 60 – 69
		F = 0 - 59

2.1 No plus or minus indicators shall be included on any grade 6-12 report card.

2.2 Pre-K – 5 report cards may include +/- indicators in areas such as fine arts, physical education and work habits/self management. Progress in these designated areas may be reported using the following indicators in grades Pre-K – 5:

+ = Consistently observed (strength at this time)
X = Showing progress
- = Needs more time and practice (weakness at this time)

Enacted July 1, 2019
Procedures: 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

3. Middle school and high school (grades 6 – 12) will use a traditional letter grade reporting system.

3.1 Certain courses at the high school level will be weighted given their formidable academic rigor.

Percentage	Letter		Regular Honor Points	Weighted Honor Points
90 – 100%	A		4.0	5.0
80 – 89%	B		3.0	4.0
70 – 79%	C		2.0	3.0
60 – 69%	D		1.0	2.0
0 – 59%	F		0.0	0.0
	I	Incomplete	0.0	0.0

3.2 A Weighted Course List will be reviewed, revised and adopted in the following manner:

3.2.1 The Curriculum Committee will meet at minimum in September of a presidential election year to review the current Weighted Course List. If determined appropriate, the department chairs will revise the Weighted Course List.

3.2.2 The Curriculum Committee will then submit the current or revised Weighted Course List to the faculty senate for their review no later than October 31.

3.2.3 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.

3.2.4 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 November 30.

3.2.5 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 January 15.

3.2.6 The superintendent will provide a copy to the BOE for review.

3.2.7 Incoming freshmen will follow the Weighted Course List that was adopted for their freshman year throughout their academic career.

3.2.8 The Weighted Course List will be attached to the synopsis of these procedures and be published in the student and faculty handbooks.

3.3 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.

3.3.1 The student **will** receive a semester grade but **will not** receive credit on his/her transcript.

3.3.2 Repeating the course **will not** expunge the grade of D earned in the same class taken previously.

3.3.3 High school students who have failed a course may repeat the course as necessary to attain a passing grade and earn credit for the course.

3.3.4 Students who have been absent from school have the right to make up, without penalty, all work missed during their absence.

3.3.4.1 It is the student's responsibility* to request all makeup work within two instructional days of returning to school.

3.3.4.2 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.

3.3.4.3 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.

3.3.4.4 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.

* (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.

Enacted July 1, 2019
Procedures: 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

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. Online coursework must be taken on campus during the regular instructional day and will be supervised. Course will only be accepted from the West Virginia Department of Education or West Virginia Institutions of Higher Education.

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 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

Enacted July 1, 2019
Procedures: 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

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. Students with a 3.0 will be grandfathered in for the 2017-2018 school year only.

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.

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.

Enacted July 1, 2019
Procedures: 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

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 may opt to send progress reports home for all students regardless of whether the student is experiencing academic difficulty.

9.8 The principal of each school will advise the superintendent in writing by August 15th of each school year whether or not the school will be sending progress reports home to all students or only those in academic difficulty.

9.9 All teachers are required to send progress reports on all students as denoted by the school-wide decision.

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.

Enacted July 1, 2019
Procedures: 7200.P

Barbour County Schools
STUDENT GRADING SYSTEM PROCEDURES

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 Middle and high school 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: 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

7210.p

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

BARBOUR COUNTY 7220

HONORS AND ADVANCED PLACEMENT EDUCATION POLICY

1.0 Purpose: Honors and Advanced Placement Education programs shall be provided to meet the needs of students who have been determined to have the potential and desire to complete curriculum more demanding than that offered in the regular classroom.

2.0 Responsibility: Curricula, which provides students with Honors and Advanced Placement Education programs in grades 9-12, shall be developed to determine to meet the requirements of the WVDE. Honors and Advanced Placement Education programs shall be provided for eligible students as determined by eligibility criteria.

3.0 Definitions:

3.1 Honors Education is an expansion of the depth of knowledge of academic learning experiences within a program of study at the student's grade level.

3.2 Advanced Placement Education is an academic learning experience characterized by content and performance expectations beyond those normally available for the age/grade level of the student which will lead to advanced standing in postsecondary education and can be generate college credit.

4.0 Honors Education Curriculum: It shall include, but is not limited to, the following enrichment strategies to increase student depth of knowledge:

a) Research and project based learning;
b) In-depth studies;
c) Mentorships;
d) Content-focused seminars;
e) Extended learning outcomes

5.0 Advanced Placement Education Curriculum: It shall include, but is not limited to, the following courses:

a) College Board Advanced Placement (AP);
b) Classes offered by postsecondary institutions; (Dual Credit or College Release)
c) Other classes that lead to advanced standing in college;
d) Advanced courses offered via distance learning

BARBOUR COUNTY: 7220

HONORS AND ADVANCED PLACEMENT EDUCATION POLICY
(continued)

6.0 Distance Learning Programs – Distance learning courses may be used when finances permit and upon approval of the principal and when the course is not currently offered that tem to the student at the high school.

7.0 Program Availability: Courses may or may not be offered/taught from one school year to the next depending on student need and staff available.

8.0 Grading: Grading for honors, distance learning, and advanced education classes will be in accordance with the Barbour County Schools Grading System Policy, 7200.

Source: State Board Policy 2510, Barbour County Policy Student Grading System: 7200

Adopted: 09/04/90

Revised: 08/10/09; 10/15/91

Barbour County 7230

Embedded Credit Policy

Scope of Policy – to establish procedures for the awarding of embedded credits at the secondary level in Barbour County, as authorized by WVBE Policy 2510: Assuring the Quality of Education: Regulations for Education Programs, Section 5.4.f.1.B. *County boards of education are encouraged to establish policy which permits a student who masters the approved content standards for a credit bearing high school course that are embedded within a second course to receive credit for both courses.*

The intent of this policy is that by implementing embedded credit courses, students in Barbour County will (1) have continued opportunities to complete both a rigorous academic and career technical education courses/concentrations, and (2) be prepared for college and career by improving their achievement.

The intent of embedded credit is not to create a time-shortened high school experience but rather to provide opportunities for students to participate in advanced academic and/or career/technical education courses without having to choose one over the other.

Definitions:
Embedded Credit Course – incorporates content standards and objectives for an embedded credit from one credit bearing high school course into another (host) course(s) and allows students to earn credit for both.

Embedded Credit – the approved content standards and objectives for a credit bearing high school course that are embedded within a second course or courses to receive credit for both courses. Embedded credit does not allow for two courses in the same content area (e.g., Math III TR and Math IV TR) to be embedded into one course.

Embedded Credit Courses will be:
Transitional Math for Completers/Electrical Technician
Transition Math for Completers/Carpentry
Transition Math for Completers/Welding Technology
Transition Math for Completers/Automotive Technology

Proposed depending on employment of an English teacher:
Transitional English Language Arts (ELA) for Completers/Therapeutic Services

Content Alignment – The teachers of both content areas shall collaboratively determine alignment of the content standards and objectives from both content areas when developing embedded credits/courses. In the case of alignment where the host is a career/technical course and the career/technical center has a language arts-in-career technical education (CTE) instructor or a math-in-CTE instructor, that instructor shall be deemed the high school credit bearing course instructor and shall be part of the collaborative alignment team. The alignment document must clearly identify (1) which embedded course standards and objectives align strongly with the host course standards and objectives; and (2) which embedded course standards and objectives do not align strongly with the host course standards and objectives. Furthermore, the content alignment shall include the following:

Barbour County 7230

Embedded Credit Policy

- An alignment document showing a minimum of 80% alignment of the embedded credit course standards and objectives with the host course standards and objectives
- A list all academic standards and objectives that are missing but are needed to warrant the awarding of an embedded credit.
- Explanation of how those weak or missing academic standards will be addressed for credit.

Notwithstanding there may be embedded course standards and objectives that do not align strongly with the host course standards and objectives, students will nevertheless receive high quality instruction that will allow them to work toward mastery on 100% of the content standards and objectives for all embedded credit courses approved by the county and submitted for approval to the West Virginia Department of Education.

Delivery - To the greatest extent possible, content standards and objectives or career/technical content skill sets shall be integrated into class time or workshop/lab time. Those content standards and objectives or career/technical content skill sets that cannot be integrated into class time or workshop/lab time will be addressed through additional time allotted for alternative methods of delivering instruction such as minimal pull-out instruction, homework, extended projects, on-line modules and other similar methods of delivery; however, no alternative method of delivery for the content standards and objectives or career/technical content skill sets shall infringe upon the integrity of any such academic course or career/technical course. The purpose of this policy is not to alter content standards and objectives or career/technical content skill sets for any particular academic course or career/technical course but to enhance only those content standards and objectives or career/technical content skill sets that are already inherently present in any such academic course or career/technical course.

Assessment – Validation shall be accomplished by an end-of-course assessment, portfolio, project-based performance assessment, or other methods (e.g. KeyTrain or WIN post-testing) for the student to demonstrate mastery of the embedded credit.

Awarding credit – Credit shall be awarded at the end of the concentration where the credit is embedded. Embedded math or English credit will be awarded only to students who complete the designated career/technical programs. No embedded credit shall be awarded to any student in a career/technical program of study who does not complete the program. The CTE/academic teacher (English or math) will be the teacher of record for the academic credit. The CTE/academic teacher, in collaboration with the host CTE course teacher(s), will maintain a record of all assignments and grades relevant to awarding embedded academic credit completed during each CTE course in the designated CTE program concentrations. Students enrolled in the final course for CTE program completion will also be enrolled in the related senior Transition course (Transition Math or Transition English) with the CTE/academic teacher being the teacher of record. Upon a student's successful completion of the CTE program (i.e. a "completer"), the CTE/academic teacher will assign a final grade for the embedded course based on the average of grades compiled for academic assignments/assessments throughout the four courses of the CTE host program.

Barbour County 7230

Embedded Credit Policy

Limitations on number of embedded credits - A student may not earn more than two (2) units of *required* graduation credits through embedded credit.

Academic Progress and Credit Recovery – A review of student progress must be made at least once every twenty (20) school days in order to properly document that the student is making adequate progress toward completing an embedded credit. In the event any review of student progress discloses inadequate progress toward completing an embedded credit, the student shall be timely transferred from the host course and enrolled in the respective credit bearing high school course, or alternatively, the student must participate in a credit recovery program of that course credit.

What is not embedded credit – Two courses in the same content area are not eligible for embedded credit. For example, Math I Lab cannot be embedded into Math I because it is the same content; the purpose of Math I Lab is to allow students two class periods per day to master the concepts of Math I. These two courses were created to allow students extended time to master the content without losing a credit. By the same reasoning, Math III TR and Math IV TR are not eligible for embedded credit.

Participation in Statewide Assessment – Students in grades 9, 10, and 11 who participate in an embedded credit course that contains content that is assessed by the statewide assessment shall participate in the state assessment.

Implication for Educator Evaluation – When the embedded credit is an English or mathematics course, the results of the statewide assessment shall become part of the teacher evaluation for the teachers of the embedded credit course.

Teacher of Record and Course Coding – The credit bearing high school course teacher and the host teacher shall collaborate when determining which credits can be embedded. Embedded credits/courses shall be developed by the teachers of both content areas and the respective teachers must work collaboratively to determine alignment of the content standards and objectives from both content areas. The teacher of record for the embedded credit shall be the credit bearing high school course teacher. Where the host is a career/technical course and the career/technical center has a language arts-in-CTE instructor or a math-in-CTE instructor, that instructor shall be deemed the high school credit bearing course instructor.

Careful consideration shall be given to coding the embedded credit course for WVEIS purposes. For example, if only one teacher is involved in the delivery of the embedded credit course, the course must be carefully coded using the code "B" in the fifth (5^{th}) digit of the WVEIS course code to indicate the teacher is not considered Highly Qualified (HQ) without being properly credentialed in both content areas; however, if two teachers are collaborating to deliver the embedded credit, it is very important that courses be properly entered into WVEIS to ensure the course is identified with a HQT and is documented on transcripts in such a way that it will be recognized by a two or four year college/university. In this situation, each teacher would be assigned the fifth (5^{th}) digit "C" to indicate a collaborative embedded credit environment is

occurring.

Communication with students and parents – Any student, as well as the student's parents and/or guardian, who desires to avail himself/herself of the opportunity to be awarded embedded credit shall be counseled regarding the provisions of this policy and shall execute a written statement that the provisions of this policy have been fully explained to them; that they understand the provisions of this policy; and that they agree to abide by the provisions of this policy. The student and his/her parents/guardian shall especially be counseled regarding the student's opportunity to recover credit if embedded credit is not awarded.
A Written parental consent form shall be maintained in the student's permanent record and shall contain:

(1) A statement to be signed and dated by the parents to consent to their child's substitution of another course for a required major course and the course titles of the required major course and the substitute course;
(2) A statement to be signed and dated by the parents to consent to their child's substitution of another course for a recommended elective course and the course titles of the recommended elective course and the substitute course; and
(3) A statement to be signed and dated by the school advisor certifying that the school advisor advised the parents of the impact of the substitute course on the student's preparation for college, other post-secondary education or employment in the student's major field of study and the student's certificate of proficiency will not indicate that the student completed a program of major study unless such substitute courses are related to the major field of study selected by the student.

Severability – The terms of this policy are independent of each other and if any term or provision of this policy or the application thereof or circumstance shall be found to be invalid or unenforceable, the remaining terms, provisions or applications of this policy shall not be affected but shall remain in full force and effect. Any term or provision of this policy or the application thereof or circumstance that is found to be invalid or unenforceable shall be deemed to be replaced by a term or provision that is valid and enforceable and that comes nearest to expressing the intention of the invalid or unenforceable term or provision.

Adopted: 03/23/15

Revised: 03/27/17

BARBOUR COUNTY FILE: 7300

REQUIREMENTS FOR GRADUATION

1.0 Purpose Barbour County Schools provides students the 21st century knowledge, skills, and capabilities needed for adulthood.

1.1 Adolescent education at the high school level provides a rigorous course of academic study to enable students to achieve high levels of competence so that they can complete graduation requirements and be prepared to successfully enter and compete in the work place and post-secondary education.

2.0 Responsibility To graduate from high school, a student must earn a minimum of twenty-two (22) credits, including the successful completion of course requirements as specified in WV Policy 2510.

2.1 A non-credit Senior Project (experiential learning) is required of all graduating students.

2.2 In order to graduate, students will complete 6 hours of approved experiential learning.

2.3 Credits for courses will be awarded based upon demonstration of mastery of the WV Content Standards and Objectives/College and Career Readiness Standards. Students demonstrating mastery of WV Content Standards and Objectives/College and Career Readiness Standards in the subjects will be provided the opportunity to advance to the next grade level objectives.

2.4 All students shall be scheduled for a full instructional day during each of the four high school years. Students may apply and earn dual credit college courses according to procedures. The principal will make all final determinations regarding student's graduation or credit status at the school level.

3.0 Transfer of Credits –

3.1 Credits will not be awarded or accepted from the home school learning environment unless the credit requested is in compliance with section 6.0 of this policy.

3.2 Credit from private schools will only be accepted if the school is accredited and the course complies with the requirements of WVDE Policy 2510.

4.0 Participation in Graduation Exercises –

4.1 Only those students who have successfully completed all of the requirements for graduation prior to the date set for commencement exercises shall be permitted to participate in the graduation ceremonies. All fees, fines, and charges will be paid before a student is allowed to participate in graduation exercises.

BARBOUR COUNTY FILE: 7300

REQUIREMENTS FOR GRADUATION (continued)

5.0 **Personalized Education Plan–** In accordance with West Virginia Department of Education requirements, a Personalized Education Plan (PEP) shall be prepared and periodically reviewed and updated for each secondary student in grades 8-12. Students will follow a multi-faceted approach such as career investigation and self-discovery activities (interest, work values, inventories), as part of the plan which will guide selection of coursework.

6.0 **Testing Out of Required or Prerequisite Offerings –** A student may "test out" of a required or prerequisite course by taking an approved examination to demonstrate mastery in the WV Content Standards and Objectives/College and Career Readiness Standards for the content area as per the requirements of WVDE Policy 2510.

6.1. The student's records will indicate that completion of the area of study occurred through the exam process.
6.2 The criteria for approval of the testing out of a high school course will follow the county's guidelines.

7.0 **Early Graduation -** Early graduation is defined as graduation from high school one full year prior to the class the student entered the ninth grade with.

7.1 In order to be eligible for early graduation, a student must petition the Barbour County Board of Education one semester in advance of the junior year.
7.2 The petition for early graduation must be supported by three letters of recommendation from teachers and a letter of recommendation from the principal.
7.3 The petition must also have a letter of pending acceptance from a post-secondary school.
7.4 Petitions will be decided upon by the Board of Education on an individual basis.
7.5 For classification purposes, early graduation students remain a member of their original cohort. For example, students will participate in school activities as a junior not a senior such as General Summative Assessment, class tournaments, prom, class trips, senior privileges, etc…
7.6 Students will not be ranked for recognition purposes.

8.0 **Graduation Honors System -** All students in a class, except foreign exchange students, shall be included in the determination of rank-in-class. The **final class rank** will be determined at the completion of the end of the seventh semester of the graduation class.

8.1 At the end of the seventh semester of the graduation class, students will be ranked in the following classifications:

- Summa Cum Laude: 4.0+
- Magna Cum Laude: 3.75 – 3.99
- Cum Laude: 3.5 – 3.749

8.2 Grade point averages will not be rounded.

8.3 For "top" graduate recognition purposes, students must have achieved Summa Cum Laude status.

Source: **Board of Education Minutes**
Philip Barbour High School Student Handbook

Adopted: **1978/79**
Revised: **02/26/18; 08/26/13; 05/21/12; 06/22/09; 03/12/01; 08/04/87; 09/16/86; 1985; 1984; 1983; 05/06/80; 07/07/81**

Legal Reference: **State Board Policy 2510**

Barbour County 7510

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), schools, 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 WVDE, BCS, and schools will use electronic resources as a powerful and compelling means for students to learn core and elective subjects and applied skills in relevant and rigorous ways to advance learning as referenced in W. Va. Code §18-2e-7 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. The International Society for Technology in Education (ISTE) has produced materials in the book, *"Digital Citizenship in Schools"* that describes nine elements of digital citizenship.

4.3.1 Digital Access - full electronic participation in society.

4.3.2. Digital Commerce - the buying and selling of goods online.

4.3.3. Digital Communication - the electronic exchange of information.

4.3.4. Digital Literacy - the capability to use digital technology and knowing when and how to use it.

4.3.5. Digital Etiquette - the standards of conduct expected by other digital technology users.

4.3.6. Digital Law - the legal rights and restrictions governing technology use.

4.3.7. Digital Rights and Responsibilities - the privileges and freedoms extended to all digital technology users, and the behavioral expectations the come with them.

4.3.8. Digital Health and Wellness - the elements of physical and psychological well-being related to digital technology use.

4.3.9. Digital Security - the precautions that all technology users must take to guarantee their personal safety and the security of their networks.

4.4. Digital/Network Etiquette:

4.4.1. Users are expected to abide by the generally accepted rules of digital/network etiquette. These include, but are not limited to, the following:

4.4.1.1. Be polite. Do not write or send abusive messages to others.

4.4.1.2. Use proper English and appropriate language; avoid "Netspeak." Do not swear; do not use vulgarities or other inappropriate language.

4.4.1.3 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.

4.4.1.4. Do not reveal, on any electronic medium, personal information about another individual.

4.4.1.5. 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).

4.4.1.6. Keep educational files and e-mail messages stored on servers to a minimum. (Also see section 5.6.22.)

4.4.1.7. Activate the appropriate automatic reply message and unsubscribe to listservs if account is to be unused for an extended period of time.

4.4.1.8. 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.)

4.4.1.9. Notify the appropriate school authority of any dangerous or inappropriate information or messages encountered.

4.5. Digital Security:

4.5.1. Users who identify a security problem on the system must notify a system administrator.

4.5.2. Users must not demonstrate the problem to other users.

4.5.3. 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.

4.5.4. 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.)

4.5.5. 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, RESAs, 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 "access.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. RESA responsibilities include supporting the WVBE and WVDE in carrying out state and federal contracts, policies and legislation relating to electronic resources, technologies and the Internet, such as, but not limited to:

5.5.1. RESAs may support respective counties served in providing professional development to implement Policy 2520.14.

5.5.2. RESAs will provide timely and appropriate repair, telecommunications assistance, West Virginia Education Information System (WVEIS) support and other services addressed in state policies and statutes.

5.6. The Barbour County Board of Education responsibilities:

5.6.1. 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.

5.6.2. 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.

5.6.3. 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.

5.6.4. 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.

5.6.5. The BCBOE shall provide professional development in the use of technology and its application in the teaching and learning process.

5.6.6. 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.

5.6.7. 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.

5.6.8. 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.

5.6.9. 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.

5.6.10. 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.

5.6.11. 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.

5.6.12. The WVDE and approved service provider(s) can monitor only the e-mail accounts issued to the "access.k12.wv.us" server, which is administered by WVDE and approved provider(s). Non-"access.k12.wv.us" e-mail accounts should not be used for school/educational purposes. All liability for any non-"access.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.

5.6.13. 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.)

5.6.14. 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.

5.6.15. 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.

5.6.16. 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.

5.6.17. 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.

5.6.18. BCS/school equipment that is used off site is subject to the same rules as when used on site.

5.6.19. 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.

5.6.20. 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:

5.6.20.1. Using personal devices to gain or give an advantage in a testing situation.

5.6.20.2. 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).

5.6.20.3. Downloading and installing BCS licensed software on personal devices unless specifically allowed by the licensing agreement.

5.6.20.4. Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.

5.6.20.5. Using personal devices for violations related to cyber bullying and harassment.

5.6.21. BCS/schools will provide professional development and classroom teaching regarding the compliance of copyright laws.

5.6.22. 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.

5.7. School Responsibilities:

5.7.1. 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.

5.7.2. 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.

5.7.3. 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.

5.7.4. The Five-Year Online Strategic Plan will include necessary professional development to enable teachers to incorporate technology into the classroom.

5.7.5. 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, RESA VII, and WVDE educational systems is not abused.

5.7.6. 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.

5.7.7. Schools must follow the guidelines of CIPA and the Children's Online Privacy Protection Act federal statutes (COPPA).

5.7.8. 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).

5.8. Educator, Service Personnel and Staff Responsibilities:

5.8.1. 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.

5.8.2. 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:

5.8.2.1. 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.

5.8.2.2. 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.)

5.8.2.3. 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.

5.8.3. 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.

5.8.4. 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.

5.8.5. 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.

5.8.6. Staff members should be careful not to use copyrighted material in a manner that violates copyright law.

5.8.7. 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 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/Plans,%20Policies%20and%20Procedures.htm

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/technology/techplan/index.php.

12.3 E-rate Compliances. A list of E-rate compliances will be provided at http://wvde.state.wv.us/technology.

12.4 Guidance procedures to address definitions, technological changes, best practices and FAQs. See: http://wvde.state.wv.us/technology/policy2460.php.

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**

Policy 8200

Barbour County Schools

SCHOOL ATTENDANCE AREAS

1.0 Each school in the county has been zoned by the Board of Education for attendance purposes.

2.0 For school enrollment purposes, residency refers to domicile, or the parent's or legal guardian's and student's true, fixed, permanent home and place of habitation.

2.1 Owning property does not constitute residency. Student residency will be determined by where they sleep, the greatest percentage of school nights, Sunday thru Thursday, over the period of a month.

2.1.1 If the identified percentage is equal.

2.1.1.1 The parents will mutually agree to the school to attend for the full year, or

2.1.1.2 If mutual agreement cannot be reached, the student will attend the school that they attended in the county the previous year, or

2.1.1.3 If the student did not attend Barbour County Schools the previous year, a drawing will be held to determine the school that the student will attend for the full year.

2.2 The board shall reserve the right to require written documents, affidavits, verifications, or other evidence deemed necessary to establish domicile of a student and family.

2.3 The burden of establishing domicile to gain feeder area status is upon the student's parent or legal guardian.

2.4 Property tax receipts, utility bills, current driver's license, a legitimate lease, passport, etc., may be used to establish domicile.

2.5 Any family providing false or misleading information regarding domicile shall be denied enrollment as an out-of-attendance area (zone) student.

3.0 The approved attendance areas for Barbour County schools are as follows:

3.1 **Belington Elementary School** – South to and including Rock Run Road (904) and includes city limits of Belington. North to entrance of Midway Road (9), includes Midway Road, Point Pleasant Road (250/10) and Marysville Road (10) areas. North on Route 92 to Meadowville. East on 4-H Road (9) to N 39°06.90' W 79°55.066'. East to Laurel Mt. area (15)then Northeast to include Stringtown(48) & (48/2),, Mud-Run (92/14) and Hunters Fork (40) & (40/8). west to Middle Fork River on the Audra Road including Chestnut Flats (54) and Dogtown Road (11/16) & (11/13). West on the Talbott Road (17) to the Randolph and Upshur County lines including county routes (19) and (17/2) as well as Trinity.

3.2 **Belington Middle School** – The attendance areas defined for Belington and Junior Elementary Schools.

3.3 **Junior Elementary School** – South of Rock Run Road (904), to the Randolph County line; including the Westside of Junior (52), both directions along the river, the towns of Junior, Weaver, Dartmoor and Tyview Area. From West Junior to the top of the hill near Trinity Church.

3.4 **Kasson School** – South to Meadowville on Route 92, including White Oak (92/13). East of Meadowville along Route 9 to Randolph County line including the Teter Lake (26) and Pleasure Valley areas (9). West off 92 to the Eastside of Stalnaker Road (92/12), (5/8), & (40/1). North off of the Stalnaker Road along Sunshine Ridge Road (5/7) and the Bootjack area (24) to the Northeast side of Chestnut Ridge

on the Laurel Creek (Route 24) Road, including. Route 38 east of Tacy. East on 38 to Tucker County line including the communities of Kasson, Valley Furnace, and Nestorville. County Route 10 west of Tygart Valley River including Moatsville area. North from Moatsville to Mt. Morris Community (2/4) then West to Taylor County line (1) & (1/1). North 92 to Preston County line then SE to the Colebank Community at County Route 4.

3.5 **Philip Barbour High School** – Philip Barbour High School includes all of Barbour County.

3.6 **Philippi Elementary School** – North on Route 250-119 to Taylor County line. East to Pleasant Creek Recreation Park (10); West off Route 250, Upper Pleasant Creek area (10), South to Philippi including Norris Ridge (119/5) and Alderson-Broaddus College along the road back of the campus (119/20). All of the City of Philippi and Mansfield Addition. Shooks Run (7/7) and Cherry Hill (7) area West of the school. From the Harrison County line on Route 57 which includes the Indian Fork area (32), Shooks Run (57/12), Brushy Fork (7), and Stuarts Run (18), North of Route 57 to Harrison County line. On Route 119 west to Mt. Vernon Church. ON Route 250 from Midway Road (9) North to Philippi including 4-H Road (250/5), (40/5), & (40/4) to N 39°06.90' W 79°55.066', Old Route 250 (23), Sand Run Road (40/3) & (40/4), Silent Grove (250/3) and Hanging Run (12/6) , Olive Hill (5), Meriden (24), and Morrell (24/2) into Philippi. West on Route 38 from, but not including, Boot Jack Road (24) and Sunshine Ridge Road (5/7). The Railroad Grade (12/4), (12/7), (12), & (12/8) through Arden to the Moatsville Bridge, West to intersection with 250-119. From city limits at Chestnut Street Southwest and East to include Grabanickel (30), Independence (30), Union (30/3), (30/6), & (30/7) and Mt. Liberty (30) & (21) areas to Route 250. Arden Road (6) & (12), Clemtown to Moatsville Road (10) to the Moatsville Bridge including Center Hill(6), Prichard-Mt. Beulah(6/6), (6/3), & (10/7) areas. From the intersection of Route 76 into Route 119 and 250 at Corders Crossing then West on Route 76 to junction of Route 16 into Brownton, Bear Mountain, and Greer Gas area (16). On 76 North to Taylor County line then West on (77/8) to Barbour Corner and Camp Run (77/1) area off 76 and Galloway. Beginning with the Mt. Vernon Church and including the areas along 119 west. East of 119 on the Carrolton-Mt. Hebron Road (34) & (36) to the intersection with the Audra-Volga Road (11/6) & (11). To the Middle Fork River (36) at Audra State Park, southwest to the Upshur County line. West off the Audra-Volga Road (11) to Hall (46). Off 119 west to Century No. 1(119/16) including the Peel Tree {20} and Century No. 2 (34) & (119/15) areas.

3.7 **Philippi Middle School** – The attendance area defined for Philippi Elementary School.

4.0 All students are required to attend school in the attendance area of their residence, with five exceptions, as follows:

4.1 Administrative Transfer

4.1.1 This is a transfer that is initiated by Barbour County Schools.

4.1.2 This transfer is necessitated when there are students in excess of the guidance of WV Code §18-5-18a.

4.1.3 Barbour County Schools will provide appropriate bus transportation for students transferred within this section.

Barbour County Schools
SCHOOL ATTENDANCE AREAS

4.2 A student who changes residence to a new attendance area (in county) during the second semester may be allowed to complete the school term at the school he/she attended before moving if the principals and attendance director agree;

4.3 A student may, because of justifiable circumstances, be transferred to another school in consultation with the principals and on the superintendent's recommendation/ Board approval provided:

4.3.1 Parents who request a transfer from the student's home attendance area to another attendance area must complete the request of transfer procedure as outlined in **In-County Out-of-Zone Request for Transfer Procedures 8210.P.**

4.3.2 Room is available in accordance with the homeroom size listed below or by a similar method:

Pre-Kindergarten	10 students per homeroom w/o aide
	20 students per homeroom w/ aide
Kindergarten	10 students per homeroom w/o aide
	20 students per homeroom w/ aide
Grades 1 through 6	25 students per homeroom
Grades 7 through 12	28 students per homeroom

4.3.3 Parents or legal guardians provide transportation for the student unless the student can board the bus at regularly scheduled stops, which would cause no deviation from the regular bus run and provided the bus has not already reached seating capacity. No bus transfers of students below 7th grade will be approved.
Parental transfer requests must meet the approval of both principals involved, as well as have the superintendent's recommendation and board approval.

4.3.4 Parental Transfer Requests must be made in writing per Procedure 8210P

4.4 The Attendance Director has determined a student to be "Homeless" per WVDE Policy 4110 and Subtitle B, Title VII McKinney-Vento Homeless Assistance Act;

4.5 For reasons affecting the best interests of a school (i.e., school safety, fiscal concerns, pupil/teacher ratio, etc.) the superintendent may recommend student transfers to the board for approval.

5.0 The following guidelines apply to all transfer students:

5.1 When class size exceeds;

5.1.1 the guidance provided in WV Code §18-5-18a, the last student to enroll in a class will be the first student to be administratively transferred, etc.

5.1.2 the guidance in 4.3.2 above, the last transfer received will be the first transfer to be revoked, etc.

5.2 Transfers will be processed by the date received. When there is limited space available for all enrollment/transfers received on the same date, a drawing will be held to establish the prioritization of each student. All involved parties will be invited to attend the drawing.

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5.3 Students who attend school out of their attendance area must comply with the terms of the agreement of the transfer (i.e., discipline, attendance, enrollment figures, and academics).

5.4 A student who changes residence to a new attendance area during the second semester may complete the school term at the school term he/she attended before moving provided he/she complies with the contents of this policy, and the request is made by the parent or legal guardian, in writing, to the principal as soon as possible after the change in residence occurs. Students who have transferred will be required to enroll in their home school if the teacher-pupil ratio is exceeded or causes an additional financial burden upon the school system.

5.5 All students who reside in a particular school attendance area and desire to attend school in that attendance area but do not live with their parents or legal guardian must request and receive board permission to attend the school in that attendance area in compliance with the contents of this policy. Principals shall require notarized Acknowledgement of Responsibility signed by the parent/legal guardian and the head of household in which the student resides. This does not apply for students 18 and older.

5.6 During the 9^{th} – 12^{th} grades, a student shall be entitled to one transfer into the public high school regardless of from where in the state the student is transferring. A student shall be entitled to transfer back to a non-public high school if said student had been enrolled in said non-public high school 365 day prior to enrollment in the 9^{th} grade. Any student transferring under the provisions of this rule will not become eligible for extra-curricular activities as defined by the WVSSAC until completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season. Transfer must be completed prior to the first instructional day of the new school year. (WVSSAC Provision 127-2-7.2.9 governs athletic eligibility.)

5.7 All current, applicable rules and regulations of the WVSSAC concerning transfer and athletic eligibility will be followed.

5.8 The board may consider out-of-county (non-resident) transfer requests, provided parents/guardians complete **Out-of-County Parental Request for Transfer Procedures 8200.2.P**. Appropriate documentation shall support the following:

- 5.8.1 The school district in which the pupil is a bona fide resident approve the transfer AND shall pay to the board of the school district in which the student is transferred a tuition that is agreed upon by both boards.
- 5.8.2 If said boards cannot agree on a tuition fee, such tuition shall be equal to the difference between the state aid per pupil received by the county to which the pupil is transferred and the county cost per pupil in the county to which said student is transferred.

5.9 Parents may request that their child be transferred from Barbour County to another county, provided parents/guardians **complete In-County to Out-of County Parental Request for Transfer Procedures 8200.3.P** Stipulations 5.8.1 and 5.8.2 also apply.

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5.10 All transfer requests must be renewed annually.
5.11 Any aggrieved person may appeal the decision of the superintendent through the Citizen's Appeal process.

Source:	BOE Minutes
References:	42 USC 11431 et seq. WV Code 18-3-19b, 18-5-39, 18-5-16, 18-5-16.a WVDE Policy 4110
Adopted:	1974
Revised:	11/27/17; 09/26/11; 5/21/09; 2/25/08; 8/22/95; 8/15/89; 1985; 1983; 7/21/81; 8/19/80; 8/05/80; 9/18/79

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1 Rationale and Philosophy -

1.1 The Barbour County Board of Education recognizes that a direct relationship exists between daily school attendance and student academic performance, graduation and good work habits. The board believes that regular attendance establishes the opportunity to meet the individual needs of students in order to help them reach their potential. Since programs of study are planned and content standards of instruction are taught daily so that each day's work builds on work previously completed, all students are expected to attend school regularly and be on time for classes. A direct relationship exists between good attendance and student academic performance, graduation and good work habits in the marketplace. The board encourages schools to implement and maintain a climate conducive to learning, encourages student responsibility and self-discipline, and promotes the development of good work habits. The board believes that parental support and cooperation is necessary to achieve regular attendance.

1.2 It is the intent of the Barbour County Board of Education to increase attendance by encouraging schools to:

1.2.1 Create a positive school climate conducive to learning.

1.2.2 Help students develop responsibility, self-discipline and good work habits.

1.2.3 Develop a system enlisting parental support for regular school attendance.

2 Principles of Operation -

2.1 Dropouts shall be reported on the WVEIS computer system.

2.2 All children who are enrolled in school will be expected to attend each day that school is in session.

2.3 A Handicapped student's absences should be addressed in accordance with policy 2419, Regulations for the Education of Exceptional Students.

2.4 Students who are enrolled in a private school or who are receiving home instruction in accordance with provisions of the West Virginia Code and policies of the West Virginia Board of Education are, by the nature of their instruction, exempt from attendance at public school.

2.5 Compulsory school enrollment shall begin with kindergarten during the school year in which the fifth birthday is reached prior to July 1. and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday. Preschool enrollment may begin when a child is 4 years old prior to July 1. A child may be removed from a pre-kindergarten program when the principal and guardian concurs that continued attendance in such pre-kindergarten program is not in the best interest of the child. In the event that the principal, teacher and parent do not concur

regarding the feasibility of the child's continued attendance in the pre-kindergarten program, the principal, following consultation with the county superintendent shall make the final determination with regard to continued attendance.

2.6 As long as a person eighteen years of age or older continues to be enrolled in a school system, attendance laws, rules and regulations shall be enforced against that person directly rather than the parent, guardian or custodian of such person. When doubt exists concerning the age of a child who is absent from school, the attendance director shall have authority to require a properly attested birth certificate or affidavit certifying the child's age from the parent, guardian or custodian of the child.

2.7 The Barbour County Board of Education affirms the following exceptions to the unexcused absences: Students who are eleventh or twelfth graders may be excused from school to visit postsecondary institutions provided that, upon their return, they present to the high school principal a letter from the institution visited, signed by an appropriate official of that institution, affirming the student's visit and the date thereof.

2.8 Students leaving school after their initial arrival be signed out in the office by their parents. Every effort will be made to inform students and their parents that students should not be taken from school for any reason other than an emergency situation.

2.9 According to West Virginia Board of Education Policy 2510, all students shall be scheduled for the full instructional day for all four years of high school. Barbour County Schools.

2.10 Persons charged with reporting students' attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Board of Education.

2.11 Students may not be suspended solely for failure to attend class.

2.12 If one parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the non-custodial parent. In the absence of such notice, the school will presume that the student may be released into the care of either parent.

3 Definitions.

3.1 Absence - Not being physically present in the school facility for any reason.

3.2 Allowable Deductions for Schools – Absence types used by the WVDE to compute attendance rates.

3.3 Attendance - For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in §126-81-4.3.a and §126-81-4.3.b.

3.3.1 Full-day attendance means being present at least .74 of the school day.

3.3.2 Half-day attendance means being present at least .50 of the school day.

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3.4 Attendance Rate - The number of days present divided by the number of days of membership, multiplied by one hundred, equals attendance rate for students on the attendance registers in grades K-12.

3.5 Awaiting Foster Care Placement - Any child or youth who: 1) is in the custody of the West Virginia Department of Health and Human Resources, 2) has been placed in out-of-home care, and 3) is not in a permanent placement. This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care, or in a residential group home.

3.6 Dropout - A dropout is an individual who:

3.6.1 was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or

3.6.2 was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and

3.6.3 has not graduated from high school, obtained a Test Assessing Secondary Completion (hereinafter, TASC) diploma, or completed a state- or district-approved education program; and

3.6.4. does not meet any of the following exclusionary conditions:

3.6.4.1 transfer to another public school district, private school, home school, or state- or district-approved education program;

3.6.4.2 temporary school-recognized absence due to suspension or illness; or

3.6.4.3 death.

3.7 Dropout Date - The school day after the student's last day of attendance.

3.8 Enrollment - A student is officially enrolled when one of the following conditions occur:

3.8.1 student was enrolled the previous year;

3.8.2 student appears at school to enroll with or without a parent/guardian; or

3.8.3 student and/or parent/guardian appears at school to enroll with or without records.

3.9 Enrollment Count - A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education (hereinafter WVDE).

3.10 Excused Student Absences – Excused Student Absences include:

3.10.1 Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan and other county board approved excused absences.

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3.10.2 Personal illness or injury of the student. Verification by parent notes limited to 5 days per semester.

3.10.3 Personal illness or injury of the student's parent, guardian, custodian, or family member, provided, that the excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family.

3.10.4 Medical or dental appointment with written excuse from physician or dentist.

3.10.5 "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. For phobias and psychiatric issues, the documentation must be provided by a psychiatrist and include the current treatment plan. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team (See §126-81-5.3).

3.10.6 Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrants home or hospital confinement.

3.10.7 "Documented disability" means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. For phobias and psychiatric issues, the documentation must be provided by a psychiatrist and include the current treatment plan. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See §126-81-5.3.c.4).

3.10.8 Calamity, such as fire or flood.

3.10.9 Death in the family.

3.10.10 Judicial obligation or court appearance involving the student.

3.10.11 Military requirements for students enlisted or enlisting in the military.

3.10.12 Personal or academic circumstances approved by the principal, More specifically; Leaves of educational value adhering to these stipulations: 1) prior submission using Barbour County 'Request for Educational Leave' (available on the Barbour County Schools web-site) and approval, by the school principal, of an educational plan detailing objectives and activities to be gained during the identified leave; 2) leave for up to 4 days for the year may be approved by the principal; 3) verification of implementation of the educational plan upon student's return, the day that the student returns or the following school day, must be provided to the school principal in order for the absence from school to be finalized as excused, and 4) leave in excess of four days for the year requires county board approval. All requests of this nature must be approved by the building principal and be delivered to the central office four (4) weeks prior to the date of the leave. No leave shall occur without prior board approval in order

to be recorded as excused leave. 5) For all educational leave requests, students must have no more than three unexcused absences in the current school year and must be passing all coursework at the time of the request. These requirements shall be maintained until the approved leave begins or the approval shall be revoked.

3.10.13 Such other situations as may be further determined by the county board: *Provided,* That absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith.

3.11 Unexcused absence shall be any absence not specifically included in the definition of "excused absence".

3.11.1 All documents relating to absences shall be provided to the school not later than three (3) instructional days after the first day the student returns to school.

3.11.2 Parents notes exceeding 5 days per semester will be recorded as unexcused days; "parent notes in excess of policy."

3.12 Homeless Children and Youths - as defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

3.12.1 children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;

3.12.2 children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

3.12.3 children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

3.12.4 migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

3.13 Membership Days - The days present plus the days absent.

3.14 School of Origin - As defined in the McKinney-Vento Act is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

3.15 Transfer - A process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out-of-state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

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4 Responsibility/Implementation -

4.1 The Barbour County Board of Education has the responsibility to encourage student attendance, motivate daily attendance, and specify components by the respective schools to implement this attendance policy. The Barbour County Board of Education shall employ a certified county director of school attendance as required by West Virginia Code §18-8-3. The director of attendance has the responsibility to implement WV Code § 18-8-4, State Board Attendance Policies and County Attendance Policies through the following actions.

4.1.1 Implement the county attendance policy in accordance with procedures specified under West Virginia Code §18-8-1, §18-8-9 and WV Board of Education Policy 4110.

4.1.1.1 The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to attend school regularly.

4.1.1.2 In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant may serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

4.1.1.3 In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

4.1.1.4 In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has

committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

4.1.1.5 When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

4.1.1.6 The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in W. Va. Code §50-1-8, shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

4.1.1.7 When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

4.1.1.8 The attendance director, when hired for more than two-hundred days (200), may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

4.1.1.9 In addition to those duties directly relating to the administration of attendance, the county attendance director also shall perform the following duties: 1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) Confer with principals and teachers on the

comparison of school census and enrollment for the detection of possible non-enrollees; 3) Cooperate with existing state and federal agencies charged with enforcing child labor laws; 4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct; 5) Participate in school teachers' conferences with parents and students; 6) Assist in such other ways as the county superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive unexcused absences as provided above, or if requested by the chief administrator, principal, or assistant principal.

4.1.2 The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code §18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:

4.1.2.1 ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services;

4.1.2.2 ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;

4.1.2.3 ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;

4.1.2.4 help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision;

4.1.2.5 immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;

4.1.2.6 ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

4.1.2.7 ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

4.1.2.8 ensure that homeless families, children, and youths Receive educational services for which such families, children, and youths

are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services; and

4.1.2.9 ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

4.1.3 Monitor absenteeism reporting through the WVEIS system for the purpose of maintaining an accurate account of daily attendance.

4.1.4 File with the superintendent and county board of education at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W.Va. Code §18-8-4.

4.1.5 Prepare attendance reports and such other reports as the county superintendent may request.

4.1.6 Serve as representative to the Investigative Multi-Disciplinary Team (MDT) chaired by the Prosecuting Attorney and consisting of representatives of local human service agencies, legal services, law enforcement and juvenile probation services.

4.1.7 Serve as liaison for the Barbour County School System and the Barbour County Juvenile Justice System.

4.1.8 Assist in directing the taking of the school census assuring that it is taken at the time and in the manner provided by law.

4.1.9 Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees.

4.1.10 Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct.

4.1.11 Participate in school teachers' conferences with parents and students.

4.2 Each principal is required to implement WV Code, State Board Attendance Policies, and County Attendance Policies through the following actions as defined in W. Va. Code §18-8-5:

4.2.1 Ensure the county attendance policy will be printed in the school handbook or distributed directly to students and parents.

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4.2.2 Appointment of designated school attendance coordinator, principal, or designee who will collect classroom attendance data, enter data into WVEIS, and make appropriate referrals to the county director of attendance.

4.2.3 Provide students and parents with a copy of appropriate attendance policies.

4.2.4 Appoint a school based Student Assistance Team, which shall include the principal or designee, teachers, and counselors as appropriate. The Student Assistance Team may serve in this function.

4.2.5 Maintain current and accurate attendance records and related documentation which include:

4.2.5.1 record of attendance for every student (WVEIS);

4.2.5.2 documentation of absent reasons;

4.2.5.3 procedures for communication with parents;

4.2.5.4 timely referrals to the director of attendance.

4.2.6 Report school dropouts to the WV Department of Education (WVEIS).

4.2.7 Comply with provisions of WV Code §18-8-1 regarding the reporting of school enrollment and attendance as a condition of licensing for the privilege of operation of a motor vehicle.

4.2.8 Comply with WVDE Attendance Policy 4110, which requires a student seeking reinstatement of their driver's permit or license to make and maintain satisfactory attendance during the complete semester following the revocation of his/her license.

4.2.9 Develop preventive and educational procedures and incentives to promote attendance. These procedures may include but are not limited to: individual counseling; state attendance certificates; individual and group developmental guidance counseling sessions; dropout prevention programs; student recognition at award ceremonies; individual incentive or award programs and public recognition through news releases. Each school is encouraged to develop positive appropriate incentives and awards as determined by the Faculty Senate, LSIC, PTA, PTO, and business partnerships or other school organizations.

4.2.9.1 Participate in the State provided attendance certificate program at the conclusion of each school year, grades P-K through 8. High school participation is optional.

4.2.9.1.1 Perfect Attendance – no absences other than school sanctioned trips.

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4.2.9.1.2 Faithful Attendance – no more than five absences other than school sanctioned trips.

4.2.10 A student whose educational services are guided by an existing SAT plan, IEP, or 504 plan may warrant special consideration when a pattern of multiple single, or chronic absences exist. The child's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with state and federal laws.

4.2.11 Assist in directing the taking of the school census assuring that it is taken at the time and in the manner provided by law.

4.2.12 Confer with teachers on the comparison of school census and enrollment for the detection of possible non-enrollees.

4.2.13 Promote attendance for your school by compiling data and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent or attendance director may direct.

4.2.14 Participate in school teachers' conferences with parents and students.

4.2.15 In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

4.2.16 It shall be the duty of the principal to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

4.2.17 A student whose educational services are guided by an existing SAT plan, IEP, or 504 plan may warrant special consideration when a pattern of multiple, single, or chronic absences exist. The child's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with state and federal laws.

4.3 Parent/guardian/or custodian involvement and family support must include:

4.3.1 a minimum of two documented face to face conferences annually with each child's parent/guardian/family (Parent-Teacher Conferences).

4.3.2 documented methods of communicating with parents/guardians such as newsletters, child activity reports, phone calls, home visits, e-mail and conferences.

4.3.3 services to children and their families necessary to support the child in his/her transition into, participation in, and transition out of the program.

4.3.4 for children who come from homes where languages other than English are spoken, support services including communication that is comprehensible and supportive of both the native language and English language development.

4.3.5 support services pursuant to WV 126CSR16, WVBE Policy 2419 - Regulations for the Education of Exceptional Students with Exceptionalities (hereinafter Policy 2419) provided in accordance with the needs specified in the child's Individualized Education Program for preschool children with disabilities who are integrated into the program.

4.3.6 opportunities for parents/guardians/family to participate in decision making about their child's education.

4.3.7 classrooms that are open to parents/guardians/families and where parents/guardians/families are encouraged to observe children in the classroom and to participate in classroom activities.

4.3.8 fully cooperating in and completing the enrollment process by providing: immunization documentation (W. Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W. Va. Code §18-2-5c), signed suspension and expulsion document (W. Va. Code §18-5-15), and any other documents required by federal, state, and/or local policies or code.

4.4 Jurisdiction to enforce compulsory school attendance law lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have noncurrent jurisdiction for the trial of offenses arising under W. Va. Code §18-8-4.

5 Instruction Age – Compulsory/Enrollment/Attendance Age –

5.1 Compulsory school enrollment shall begin with kindergarten during the school year in which the fifth birthday is reached prior to July 1, and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday. Preschool enrollment may begin when a child is 4 years old prior to July 1. A child may be removed from a pre-kindergarten program when the principal and guardian concurs that continued attendance in such pre-kindergarten program is not in the best interest of the child. In the event that the principal, teacher and parent do not concur regarding the feasibility of the child's continued attendance in the pre-kindergarten

program, the principal, following consultation with the county superintendent shall make the final determination with regard to continued attendance.

5.2 Students entering pre-kindergarten in Barbour County Schools must be four years of age prior to July 1. Enrollment in an approved participating WV Pre-K program is voluntary; however, once the child is enrolled, attendance must follow W. Va. Code §18-8-1. Students entering kindergarten in Barbour County Schools must be five years of age prior to July 1. Under Barbour County Policy 8220, Early Entrance into Kindergarten, advanced entrance may be provided. Birth records are required for the verification of age. A child may be removed from such pre-kindergarten program when the principal, teacher, parent or guardian concur that the best interest of the child would not be served by requiring further attendance. If a student has not completed an approved kindergarten program at age six, the student shall be placed in the kindergarten program of the school where he or she is enrolled. Nothing herein shall prevent a student from another state from enrolling in a school in such grade as the student was enrolled at the school from which the student transferred.

5.3 Each parent, guardian or custodian shall have the responsibility of fully cooperating in and completing the enrollment process by providing immunization documentation (W.Va. Code 18-2-5), signed suspension and expulsion document (W.Va. Code 18-5-15), and any other documents required by federal, state, and/or local policies or code.

5.4 The Board of Education recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this County. The Board will permit from recognized and approved student exchange programs the admission of exchange students who are residing in this County. Students who enroll as foreign exchange students may, in the event a birth certificate is unavailable, substitute their immigration documents, passports or visas to substantiate identity and date of birth. Upon enrollment all policies of Barbour County Schools will be followed and enforced. The superintendent has the authority to revoke enrollment if an exchange student violates policy dependent on frequency and/or seriousness.

6 Student Absences, Tardiness and Excuses -

6.1 Absence is defined as not being physically present in the school facility for any reason. Each school shall develop a system for collecting, maintaining and entering into WVEIS student excuses. For statistical purposes student attendance will be reported and aggregated in WVEIS to the nearest half day. Full-day attendance is being present at least .74 of the school day and half-day attendance is being present at least .50 of the school day. All documents relating to absences shall be provided to the school not later than three (3) instructional days after the first day the student returns to school. If not received within this time frame, the date(s) of absence will be recorded as unexcused, regardless of the reason. The excuses are to be provided by the parent/guardian or physician. Preventive and educative procedures, which include incentives to maintain and improve attendance, shall be implemented using the following definitions for excused and unexcused absences.

ATTENDANCE

6.1.1 **Excused Absences** – Are defined above in Section 3.10

6.1.2 **Unexcused Absences** – Are defined above in Section 3.11

6.1.3 **Tardy/Early Dismissal –**

6.1.3.1 Tardy shall mean arrival by a student after the appointed time for the commencement of school or an individual class which a student is scheduled to attend.

6.1.3.2 Students who leave prior to the end of the school day will be counted as an early departure.

6.1.3.3 Students must make up work missed for arriving late or leaving early.

6.1.3.4 Students will not be suspended solely for failure to attend class.

7 Make-Up Work

7.1 Students shall follow all BCS BOE policies regarding make-up work. Students are required to complete all missed assignments regardless of the reason for absence.

7.2 Grades will be given based upon mastery of the WV State Content Standards.

7.3 Teachers in grades K-12 will assign make-up work to each student upon their return to school.

7.4 The student shall be allowed the number of days absent to complete the make-up work.

7.5 If the work is not made up in the appropriate time frame, a zero will be recorded and averaged in with all other grades at the end of the grading period.

7.6 Teachers may grant an extension to a student if the request is based upon justifiable reasons, with the approval of the school administration.

7.7 Depending upon the circumstances, students may be expected to report to class early or to stay late to make up exams and other missed assignments.

7.8 If a student has missed a test announced in advance or work assigned prior to his/her absence, the test or work will be made up or turned in on the day that the student returns to class.

7.9 Students who have been absent for an extended period of time may receive an incomplete on their report card until the make-up work timeline, which shall be the number of days absent, has expired. The incomplete shall then be changed to the grade earned.

7.10 Make-up work is not optional. Teachers shall be required to make assignments that are relevant to the material covered for all classes missed.

ATTENDANCE

8 Full Day Enrollment/Early Graduation –

8.1 All students shall be scheduled for a full instructional day with the following exception for early graduation of students meeting the county graduation requirements. In order to be eligible for early graduation, a student must petition the Barbour County Board of Education one semester in advance. Three letters of recommendation from teachers at the high school and a letter of recommendation from the principal must support the petition. The petition must also have a letter of pending acceptance from either a college, technical school or from a full-time employer. Petitions will be handled on an individual basis by the Barbour County Board of Education.

8.2 The need for a shortened day for certain special needs students as outlined in their IEP or 504 documents is addressed in WVDE Policy 2510.

9 Parental Notification Requirements -

9.1 At the commencement of each school year parents and students shall be provided with a copy of the county attendance policy and school procedures. New arrivals during the school year shall also be provided with a copy of the same information. Parents shall be advised of their responsibility to report the absence of their children and their accountability for the regular school attendance of their children. Each day a student is absent a written note with parent signature or any allowable excuse documentation should be sent to the school when the student returns with the reason for the absence. The principal shall contact, by letter, any parent, guardian or custodian of the student and hold a conference with such person and the student when the student has accumulated five unexcused absences. Parents shall be notified, and invited to attend, Student Assistance Team (SAT) meetings wherein a recommendation concerning attendance is to be considered with respect to their child.

9.2 In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant may serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

9.3 In the case of five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

9.4. In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer

authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

9.4.1 When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

9.5 In the case that a high school student, age 18 or greater, is determined to have caused the unexcused absence concern, the attendance director may work in cooperation with the Prosecuting Attorney Office to make complaint against the student before a magistrate of the county or the circuit court of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. Initial service of the summons or warrant issued pursuant to the provisions of this section shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

9.6 When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

10 School Attendance as Condition of Licensing for Privilege of Operation of Motor Vehicle -

10.1 Any student 15 years of age, but less than 18 years of age, who is properly enrolled in a West Virginia public school, or who is a West Virginia resident enrolled in an out-of-state school, or who is properly enrolled in an Exemption A, B, or K non-public school may request from the attendance director or chief administrator of the appropriate school system documentation of enrollment/attendance status. This documentation must be provided on a from approved by the West Virginia Department of Education for presentation to the West Virginia Division of Motor Vehicles when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle.

10.2 Circumstances Outside the Control of the Student – shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student, and for purposes of this policy, shall be considered an unexcused absence.

ATTENDANCE

10.3 Driver's Eligibility Certificate – documentation provided by the county to the student verifying that the student has met the attendance, behavioral and academic expectations set forth by W. Va. Code §18-8-11 that are required to obtain a license or instruction permit to drive a motor vehicle.

10.4 Satisfactory Academic Progress – attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five years or by age nineteen, whichever is earlier (beginning with the completed 2008-09 school year).

10.4.1 This would calculate in the minimum annual earning of five credits to allow graduation in five years based on the graduation requirements set forth in §126CSR42, WVBE Policy 2510: Assuring the Quality of Education, Regulations for Education Programs.

10.4.2 Three of the five credits earned annually must be from the core requirements identified in W. Va. §126CSR42, WVBE Policy 2510: Assuring the Quality of Education, Regulations for Education Programs

10.4.3 Students involved in the Option Pathway Program must show satisfactory progress toward completion of their Option Pathway Plan (Options 1, 2 or 3). Also, Students involved in the Option Pathway Program must maintain a 2.0 G.P.A., in CTE course(s) with no "F" in the Option Pathway Program course(s).

10.5 Withdrawal – for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the county shall deny or revoke a Driver's Eligibility Certificate from any student at least fifteen but less than eighteen years of age:

10.5.1 More than ten consecutive or fifteen total days unexcused absences during a school year.

10.5.2 Suspension pursuant to W. Va. Code §18A-5-1a and §18A-5-1b which include the following behaviors when committed on the premises of an educational facility, at a school-sponsored function, or on a school bus:

a. assault and/or battery on school employees,

b. possessing deadly weapons,

c. possession, sale, or distribution of a narcotic drug,

d. possession, sale, or distribution of medication.

e. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult, and/or

f. unlawful possession, sale, or distribution of a control substance governed by the uniform controlled substances act as described in W. Va. Code §60A-1.1 et seq.

10.6 It shall be the responsibility of the student to contact the county attendance director to request the reinstatement of a suspended license upon the correction of the issue(s) which resulted in the suspension of their license.

10.6.1 Regarding Attendance:

10.6.1.1 Five or fewer days of unexcused absences during first semester of the following school year.

10.6.1.2 Ten or fewer days of unexcused absences during the following school year.

10.6.2 Regarding Academics:

10.6.2.1 During the following school year has earned a minimum of 5 total credits.

10.6.2.2 During the following school year has earned a minimum of 3 core credits.

10.6.3 Regarding discipline:

10.6.3.1 There have been no further suspension issues, during the year following, pursuant to WV Code §18A-5-1a and §18A-5-1b.

11 Dropout –

11.1 A dropout is defined as an individual who falls under the following guidelines.

11.1.1 Was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or

11.1.2 Was not enrolled on October 1 of the previous school year although excepted to in membership (i.e. was not reported as a dropout the year before); and

11.1.3 Has not graduated from high school, obtained a GED diploma, or completed a state or district approved education program; and

11.1.4 Does not meet any of the following exclusionary conditions.

11.1.4.1 Transfer to another public school district, private school, registered home school or state or district approved education program.

11.1.4.2 Temporary school recognized absence due to suspension or illness.

11.1.4.3 Death.

ATTENDANCE

11.2 Students wishing to drop out of school shall initiate the process by requesting a Student Assistance Team meeting in order to discuss all alternative options available. Upon the recommendation of the SAT to follow through with the process, an exit conference with the attendance director must then be scheduled. Their parent, guardian, or custodian who will sign appropriate dropout form shall accompany students who are 16 or 17 years old. Students 18 years of age or older are considered to be adults and may sign the appropriate dropout form on their own. Following the conference the attendance director will forward copies of the dropout form to the principal, counselor, and ABE instructor. The principal or his designee shall have the responsibility of withdrawing the student in WVEIS using the appropriate dropout code. The attendance director shall monitor the reporting of dropouts to the State Department of Education. Schools will make an effort to identify potential dropouts and use all available counseling and academic resources available at the school to ensure that students complete the educational requirements of the school.

11.3 Students who have dropped out of school are encouraged to re-enroll. To better guarantee success the student must return to school within 5 instructional days of a given semester if they are eligible to graduate by age 21. A student may re-enroll mid-semester within 5 instructional days of the last day of attendance. Upon return, the student must maintain good standing (no failing course grades, no Out-of-School Suspension, regular attendance with fewer than 5 unexcused absences.

12 Home/Hospital Instruction -

12.1 The Barbour County Board of Education shall provide home teaching services for children who are homebound due to injury or who for any other reason, as certified by a licensed physician or psychiatrist. Refer to Barbour County Policy 7710.

12.2 In all cases, credit shall be based upon completion of assigned instructional activities and academic performance as defined by established evaluation procedures. Excused or unexcused absences cannot be used to deny credit.

13 Attendance Exemptions –

13.1 The Barbour County Board of Education will exempt students from public school attendance as defined in West Virginia Code §18-8-1.

14 Attendance Appeal Procedure -

14.1 A student or parent may make an appeal of an attendance decision, Barbour County Policy 9200; Citizens Appeal Procedures should be followed.

15 Policy Development -

15.1 The Barbour County Schools attendance policy has been developed with input from the county attendance director, central office staff, principals, teachers, counselors and parents. The Barbour County Board of Education has placed the county attendance policy on comment period for additional parental and community input. An annual attendance review/evaluation will be conducted to determine the effectiveness of this policy. Data collection of current and previous years will be reviewed to determine the effectiveness of

the current policy. Each revision of the county attendance policy will be posted on the county school district's website and readily available to the public.

Source: **Board of Education Minutes**

Adopted: **08/04/87**

Revised: **05/28/19; 11/27/17; 11/28/16; 10/10/16; 12/08/14; 08/26/13; 11/26/2012; 01/23/12; 08/23/10; 11/16/09; 09/28/09; 08/10/09; 09/22/08; 05/12/08; 07/23/07; 12/18/06; 08/18/03**

Legal Reference: **School Laws of West Virginia: §18-2-5; §18-5-15; §18-8-1; §18-8-1a; §18-8-2; §18-8-3;§18-8-9; §18-8-11; §18A-5-1a; §18A-5-1b §17B-2-5; §91-5-12; §60A-1.1; §126CSR42**
WV Board of Education Policy 2510; 4110; 4150
Student Code of Conduct Policy 4373

Barbour County 8300

STUDENT RIGHTS POLICY

1.0 SCOPE: This rule sets the expectation that student and parental rights will be recognized throughout all schools in Barbour County.

2.0 PURPOSE: The Board of Education recognizes that students possess the right to an education and many of the rights of citizenship.

3.0 STUDENT RIGHTS:

3.1 In providing students with a free appropriate public education, the Board shall offer nurture, counsel, and custodial care appropriate to their age and maturity. The Board also recognizes that no student may be deprived of the basic right to equal access to educational programs, or his/her constitutional right to due process and free expression and association as appropriate for the school environment.

3.2 Attendant to the rights afforded to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the county/school. (See Policy 8400 Student code of Conduct)

3.3 The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

3.4 Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

3.5 Student rights can be limited as determined by school officials, to ensure all students have access to uninterrupted quality education in a safe environment.

4.0 PARTENTAL RIGHTS:

4.1 Parents also have the rights to know about their student's educational experience. Those rights may be exercised consistent with the provisions of West Virginia Board of Education Policy 4350 and other pertinent State and Federal law and regulation.

4.2 In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments of any kind.

STUDENT RIGHTS POLICY
(continued)

Parental Rights (continued) -

4.3 The Superintendent or her/his designee shall, develop a procedure addressing the right of parents as described herein and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials.

4.4 This policy shall not supersede any rights under the Family Education Rights and Privacy Act.

5.0 Authority: 20 U.S.C. 1232h; West Virginia Board of Education Policy 4350; FERPA; W.Va. Constitution, Article XII, Section 2, W.Va. Code §18-2-5.

Adopted: 7/75

Revised: 08/10/09

Policy 8400

Expected Behaviors In Safe and Supportive Schools

The Barbour County Schools Board of Education supports and promotes academic, social and emotional learning in all settings. Schools must consistently and persistently work to improve student knowledge, skills and dispositions that convey our nations' core values. Dispositions are the 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 caring, fairness, honesty, responsibility, and social justice. Ideally, the teaching and learning of these valued dispositions should be the shared responsibilities of every employee, student, parent and community member and these stakeholders should be engaged in supporting the development of these dispositions.

Together we are accountable for what we want students to KNOW, how we want them to BEHAVE and what we want them to ACCOMPLISH.

Expected Behaviors In Safe and Supportive Schools
(continued)

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Expected Behaviors In Safe and Supportive Schools
(continued)

Chapter 1

EXPECTED STUDENT DISPOSITIONS

1.0 School and Community Social Skills Standards

1.1 Barbour County Schools supports and promotes social and emotional learning in all settings. The social and emotional learning standards serve as a framework for school-wide student behavior expectations as determined at each school.

1.2 Social and emotional learning is the process through which individuals acquire the knowledge, attitudes and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and handle challenging situations constructively. Socially competent students are skilled in three core areas:

1.2.1 **Self-awareness and Self-management** – students are able to recognize their emotions, describe their interests and values and accurately assess their strengths. They have a well-grounded sense of self-confidence and hope for the future. They are able to manage stress, control impulses and express their emotions appropriately in a wide range of situations. They can persevere in overcoming obstacles as well as set and monitor progress toward the achievement of personal and academic goals.

1.2.2 **Social awareness and Interpersonal Skills** – students are able to take the perspective of and empathize with others and recognize and appreciate individual and group similarities and differences. They are able to seek out and appropriately use family, school and community resources in age appropriate ways. They can establish and maintain healthy and rewarding relationships based on cooperation. They resist inappropriate social pressure; constructively prevent, manage and resolve interpersonal conflict; and seek and provide help when needed.

1.2.3 **Decision-making Skills and Responsible Behaviors** – students consider ethical standards, safety concerns, social norms, respect for others and the likely consequences of various courses of action when making decisions at school, at home and in the community. They apply these decision-making skills in academic and social situations and are motivated to contribute to the well-being of their schools and communities.

1.3 Social and emotional learning is addressed through various Barbour County policies as well as West Virginia Board of Education (WVBE) policies.

1.4 Social and emotional learning is addressed through numerous West Virginia Board of Education and Barbour County Schools policies, procedures and programs. The shaping of student behaviors is not confined to any one subject area or classroom; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in teaching and supporting social and emotional learning skills.

1.5 In order to achieve social and emotional learning standards, Barbour County Schools will address student development holistically and relate it to real-world functioning. Culturally appropriate materials will be selected that respect individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.

1.6 The following social and emotional learning standards, objectives and example behaviors shall be the guide for schools. The example behavior categories are defined as follows:

1.6.1 Individual behaviors – are observable actions that students can demonstrate independently without interaction.

1.6.2 Initiative interaction – are observable actions that require students to purposefully start social engagement.

Expected Behaviors In Safe and Supportive Schools
(continued)

1.6.3 Responsive interaction – are observable actions that require students to engage in reaction to social encounters.

1.6.4 Work skills interactions – are observable actions that require students to demonstrate social skills and dispositions that are expected in the workplace.

1.7 The standards and objectives progress through the grade levels in a spiraling nature. Once the objectives from one level are mastered, students are expected to maintain them at higher grade levels as they continually demonstrate that they have integrated the valued dispositions into their personal values and actions.

2.0 Standard 1: Self-awareness and Self-management

2.1 The self-awareness and self-management standard promotes the development of self- esteem and identification of emotions leading to student self-efficacy to express themselves in constructive ways. These skills enable students to control impulses, manage stress and motivate themselves to establish, monitor and achieve academic and personal goals.

Grades PK-1	**Self-awareness and self-management**	
Objectives	Students will:	
PK-1.1.01	Recognize and accurately label emotions and how they are linked to behavior.	
PK-1.1.02	Demonstrate control of impulsive behavior.	
PK.1.1.03	Identify likes and dislikes, needs and wants, strengths and challenges.	
PK.1.1.04	Identify goals for academic success and classroom behavior.	
Example Behaviors that Document Mastery of Self-Awareness and Self-management		
Individual Behavior: • Maintain focus during learning activities. • Speak in a tone of voice appropriate for situation. • Maintain correct posture. • Enter class without disruption. • Follow class routines. • Follow school rules. • Follow internet safety rules. • Respect property of the school and others (including technology tools).	Initiative Interaction: • Ask the teacher for assistance or information. • Express needs, wants and feelings appropriately. • Speak confidently with eye contact.	Responsive Interaction: • Answer questions asked by the teacher with eye contact. • Respond appropriately to redirection. • Help peers when asked. • Follow verbal directions.

2.2

Grades 2-4	**Self-awareness and self-management**	
Objectives	Students will:	
2-4.1.1.01	Describe a range of emotions and the situations that cause them.	
2-4.1.1.02	Describe and demonstrate ways to express emotions in a socially acceptable manner.	
2-4.1.1.03	Describe personal skills and interests that one wants to develop.	
2-4.1.1.04	Describe the steps in setting and working toward goal achievement.	
2-4.1.05	Describe and demonstrate ways that healthy habits contribute to goal achievement.	
Example Behaviors that Document Mastery of Self-Awareness and Self-management		
Individual Behavior: • Completes work on time. • Internalize class routines. • Maintain good grooming.	Initiative Interaction: • Make relevant remarks during classroom discussion. • Express emotions in non-	Responsive Interaction: • Listen when others speak. • Participate in group activities. • Help peers when asked.

Expected Behaviors In Safe and Supportive Schools
(continued)

• Maintain healthy habits. • Avoid inappropriate physical contact. • Express enthusiasm for school. • Express confidence and positive self-esteem. • Ignore distractions. • Practice basic internet safety.	violent ways. • Choose activities that express one's interests and strengths. • Ask peers for help. • Make invitations.	• Accept ideas different from one's won. • Interact appropriately with adults. • Express sympathy. • Follow verbal and written directions.

2.3

Grades 5-8	**Self-awareness and self-management**	
Objectives	Students will:	
5-8.1.01	Analyze factors that create stress or motivate successful performance	
5-8.1.02	Apply strategies to manage stress and to motivate successful performance.	
5-8.1.03	Analyze how personal qualities influence choices and successes.	
5-8.1.04	Set a short-term goal and make a plan for achieving it.	
5-8.1.05	Analyze why one achieved or did not achieve a goal	
Example Behaviors that Document Mastery of Self-awareness and Self-management		
Individual Behavior: • Participate politely in classroom discussions • Initiate positive habits that contribute to school readiness • Take responsibility for completing homework • Appropriately cope with stressful situations • Use technology when it is contextually appropriate without interruption or offense to others	Initiative Interaction: • Initiate and maintain appropriate conversations • Politely excuse oneself from activities and conversations • Introduce oneself and make introductions • Start activity under one's own motivation	Responsible Interaction: • Respond appropriately in various situations • Participate in group activities • Help peers when asked • Accept ideas different from one's own • Interact appropriately with adults • Express sympathy Follow verbal and written directions

2.4

Grades 9-12	**Self-awareness and self-management**
Objectives	Students will:
9-12.1.01	Analyze how thoughts and emotions affect decision making and responsible behavior.
9-12.1.02	Evaluate how expressing one's emotions in different situation affects others.
9-12.1.03	Generate ways to develop more positive attitudes and evaluate how expressing positive attitudes influences others.
9-12.1.04	Set priorities and monitor progress for self improvement that builds on one's strengths.
9-12.1.05	Analyze how positive adult role models and support systems contribute to school and life success.
9-12.1.06	Evaluate how one's interests, roles and responsibilities contribute to school and life success.
9-12.1.07	Identify and make use of resources to overcome obstacles and achieve goals.
9-12.1.08	Set post-secondary goals with action steps, timeframes and criteria for evaluating achievement.
Example Behaviors that Document Mastery of Self-awareness and Self-management	

Expected Behaviors In Safe and Supportive Schools
(continued)

Individual Behavior:	Initiative Interaction:	Responsive Interaction:	Work Skills Interactions:
• Use class time productively • Balance school and other activities to meet obligations • Develop academic and personal goals • Control emotions • Identify and manage resources • Practice and model internet etiquette	• Express feelings appropriately • Give compliments • Express dissatisfaction appropriately • Respect the space of others • Stand up for a friend • Initiate post- secondary planning • Utilize technology skills to advance attainment of personal and academic goals	• Recognize feelings of others and respond appropriately • Deal with disappointment in a manner that does no harm • Respond to complaints • Use constructive criticism to make improvements • Complete post-secondary applications	• Maintain focus on work tasks • Ask for feedback and respond appropriately • Use negotiation skills • Interact appropriately with team members • Act as a responsible and respected representative of the school • Encourage positive habits in self and others

3.0 Standard 2: Social-awareness and Interpersonal Skills

3.1 Social-awareness involves recognition of the thoughts, feelings and perspectives of others, including those that are different from one's own. Interpersonal skills involve cooperating, communicating respectfully and constructively resolving conflicts with others. Both are essential for building and maintaining positive relationships that are essential to success in school and life.

Grades PK-1	**Social-awareness and Interpersonal Skills**
Objectives	Students will:
PK-1.2.01	Recognize and accept individual differences in others.
PK-1.2.02	Recognize that others may experience situations differently from oneself.
PK-1.2.03	Use listening skills to identify the feelings and perspectives of others.
PK-1.2.04	Describe positive qualities in others.
PK-1.2.05	Identify ways to work and play well with others.
PK-1.2.06	Demonstrate appropriate social classroom behavior.
PK-1.2.07	Identify problems and conflicts commonly experienced by peers.
PK-1.2.08	Identify approaches to resolving conflicts constructively.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills		
Individual Behavior: • Speak in a tone of voice appropriate for the situation • Engage in age-appropriate transition activities • Demonstrate positive dispositions for interacting with peers and adults	Initiative Interaction: • Greet peers positively • Ask other children to play • Take turns in games and activities • Borrow from peers • Compliment others • Appropriately garner attention	Responsive Interaction: • Accept consequences for inappropriate behavior • Engage in turn-taking with peers • Smile when encountering acquaintances • Express empathy for others

3.2

Grades 2-4	**Social-awareness and Interpersonal Skills**
Objectives	Students will:
2-4.2.01	Identify verbal, physical and situational cues that indicate how others may feel and describe the expressed feelings and perspectives of others.
2-4.2.02	Identify differences among and contributions of various social and cultural groups.
2-4I.2.03	Demonstrate how to work effectively with those who are different from oneself.
2-4.2.04	Describe approaches for making and keeping friends.
2-4.2.05	Analyze ways to work effectively in groups.
2-4.2.06	Describe causes and consequences of conflicts and apply constructive approaches to

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	resolve conflicts.	
Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills		
Individual Behavior: • Participate politely in classroom discussions • Express anger in non-aggressive ways • Respect private property • Refrain from cyber-bullying	Initiative Interaction: • Make invitations • Engage in conversations • Treat others with respect and courtesy • Utilize digital etiquette in personal and academic networking • Apply verbal, written and electronic communication appropriately	Responsive Interaction: • Listen when another child speaks • Participate in group activities • Help peers when asked • Respect ideas different from one's own • Interact appropriately with adults

3.3

Grades 5-8	**Social-awareness and Interpersonal Skills**
Objectives	Students will:
5-8.2.01	Predict others' feelings and perspectives in a variety of situations.
5-8.2.02	Analyze how one's behavior may affect others.
5-8.2.03	Explain how individual, social and cultural differences may increase vulnerability to bullying, identify ways to address it and analyze the effects of taking action to oppose bullying based on individual and group differences.
5-8.2.04	Analyze ways to establish positive relationships with others.
5-8.2.05	Demonstrate cooperation and teamwork to promote group effectiveness.
5-8.2.06	Evaluate strategies for preventing and resolving interpersonal problems.
5-8.2.07	Define unhealthy peer pressure and evaluate strategies for resisting it.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills		
Individual Behavior: • Participate appropriately in group activities in a variety of roles • Dress appropriately for a variety of situations • Exhibit sportsmanship and appropriate audience behavior • Refrain from spreading rumors	Initiative Interaction: • Engage in communications that balance speaking and listening • Utilize cooperation and negotiation in group work • Engage in polite conversation with others about individual, social and cultural differences • Give and ask for directions in public	Responsive Interaction: • Respond politely to school and public authorities • Resolve conflict peacefully • Express empathy • Deal with embarrassment in non-aggressive ways • Accept praise with humility • Make one's own responsible decisions in peer settings

3.4

Grades 9-12	**Social-awareness and Interpersonal Skills**
Objectives	Students will:
9-12.2.01	Analyze similarities and differences between one's own and others' perspectives and demonstrate how to express understanding or those who hold different opinions.
9-12.2.02	Use conversation skills to understand others' feelings and perspectives and demonstrate ways to express empathy for others.
9-12.2.03	Analyze the origins and negative effects of stereotyping and prejudice and evaluate strategies for opposing stereotyping and prejudice.
9-12.2.04	Demonstrate respect for individuals from different social and cultural groups.
9-12.2.05	Evaluate how advocacy for the rights of others contributes to the common good.
9-12.2.06	Evaluate the effects of requesting support from and providing support to others.
9-12.2.07	Evaluate the application of communication and social skills in daily interactions with peers, teachers and families.
9-12.2.08	Plan and participate in a group project and evaluate one's contribution in groups as both a member and leader.

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9-12.2.09	Analyze the role of communication and negotiation skills in conflict resolution and evaluate the use of these skills to reach win-win solutions.
9-12.2.10	Apply conflict resolution skills within a group.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills			
Individual Behavior with which students demonstrate the ability to: • Refrain from inappropriate public displays of affection • Respect cultural diversity	Initiative Interaction with which students demonstrate the ability to: • Advocate for self and others • Give affirmations to support others • Express dissatisfaction in appropriate ways • Exercise civic responsibility through participation in student government activities	Responsive Interaction with which students demonstrate the ability to: • Address rumors appropriately • Respond to peer pressure appropriately and use refusal skills when necessary • De-escalate violent situations (physical and virtual)	Work Skills Interactions with which students demonstrate the ability to: • Utilize communication, negotiation and conflict resolution skills in the workplace • Advocate for appropriate work conditions • Utilize social skills to improve customer service

4.0 Standard 3: Decision-making Skills and Responsible Behaviors

4.1 Decision-making requires an ability to accurately assess a variety of situations, define and evaluate choices, anticipate consequences of each, generate alternative choices and select a responsible choice. Responsible behaviors are those that promote safety, avoid risk, deal honestly and fairly with others and contribute in a positive way to one's classroom, school, family and community.

Grades PK-1	**Decision-making Skills and Responsible Behaviors**
Objectives	Students will:
PK-1.3.01	Explain why acts that hurt others are wrong.
PK-1.3.02	Identify social norms and safety considerations that guide behavior.
PK-1.3.03	Identify a range of decisions that students make at school.
PK-1.3.04	Identify the positive and negative consequences that link to various decisions.
PK-1.3.05	Make positive choices when interacting with classmates.
PK-1.3.06	Identify and perform roles that contribute to one's classroom.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors		
Individual Behavior: • Maintain a work space appropriate to the classroom setting • Speak in a tone of voice appropriate for situation • Apply school rules (i.e. cafeteria, bus, restroom) • Walk in an orderly manner throughout the school building • Utilize good decision-making skills to maintain the safety of self and others	Initiative Interaction: • Tell the truth • Assume classroom leadership roles • Work collaboratively in structured and unstructured activities	Responsive Interaction: • Accept natural consequences for behavior • Use appropriate conflict resolution skills • Use refusal skills to resist peer pressure

4.2

Grades 2-4	**Decision-making Skills and Responsible Behaviors**
Objectives	Students will:
2-4.3.01	Demonstrate the ability to respect the rights of self and others.
2-4.3.02	Demonstrate knowledge of how social norms affect decision making and behavior.

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2-4.3.03	Identify and apply the steps of systematic decision making.
2-4.3.04	Generate alternative solutions and evaluate their consequences for a range of academic and social situations.
2-4.3.05	Identify and perform roles that contribute to one's school and local community.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors		
Individual Behavior: • Assist in development of classroom rules/norms • Make wise behavior choices • Identify digital resources that inform decision making	Initiative Interaction: • Engage respectfully with persons of different individual, social and cultural norms • evaluate behavior choices before taking action • set personal and academic goals	Responsive Interaction: • Accept responsibility for behaviors • Participate in school-wide and community service projects • Choose appropriate behavior when confronted with various options

4.3

Grades 5-8	**Decision-making Skills and Responsible Behaviors**
Objectives	Students will:
5-8.3.01	Evaluate how honesty, respect, fairness and compassion enable one to take the needs of others into account when making decisions.
5-8.3.02	Analyze the reasons for school and societal rules.
5-8.3.03	Analyze how decision-making skills improve study habits and academic performance.
5-8.3.04	Evaluate strategies for resisting pressures to engage in unsafe or unethical activities.
5-8.3.05	Evaluate one's participation in efforts to address identified needs in one's school and local community.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors		
Individual Behavior: • Make thoughtful decisions to balance academic and social success • Assume responsibility for personal and academic success • Seek resources as needed to support success • Refrain from gossiping and cyber-bullying	Initiative Interaction: • Engage in positive peer groups and activities • Engage in student leadership • Analyze the accuracy of various digital information sources and networks • Employ digital security techniques to protect oneself and others	Responsive Interaction: • Resist pressure to engage in inappropriate behavior • Consider the impact of various choices on one's friends and family • Adjust inappropriate behaviors based on prior decision-making experience

4.4

Grades 9-12	**Decision-making Skills and Responsible Behaviors**
Objectives	Students will:
9-12.3.01	Demonstrate personal responsibility in making ethical decisions.
9-12.3.02	Apply ethical reasoning to evaluate societal practices.
9-12.3.03	Evaluate how social norms and the expectations of authority influence one's personal decisions and actions and examine how the norms and expectations of different societies and cultures influence decisions and behaviors.
9-12.3.04	Evaluate personal abilities to gather information, generate alternatives and anticipate the consequences of decisions.
9-12.3.05	Evaluate how responsible decision-making affects interpersonal and group relationships and apply the skills to establish responsible social and work relationships.
9-12.3.06	Analyze how present decision-making impacts post-secondary and career choices.
9-12.3.07	Plan, implement and evaluate one's participation in activities and organizations that contribute to one's school and local community.
9-12.3.08	Work cooperatively with others to plan, implement and evaluate a project that addresses identified needs in one's school and local community.

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Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors			
Individual Behavior: • Make ethical decisions • Follow digital laws and rules • Establish goals for future success	Initiative Interaction: • Assess personal values and norms • Act as a responsible role model	Responsive Interaction: • Apply a decision-making process to academic and social issues • Choose appropriate options to negative peer pressure	Work Skills Interactions: • Formulate a post-secondary plan • Provide leadership for a school/community service project • Use technology in an appropriate manner displaying digital citizenship

Chapter 2

5.0 STUDENT RIGHTS AND RESPONSIBILITIES

5.1 Rights and responsibilities go hand in hand. Students in West Virginia have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law.

5.2 School officials have control over student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to their designated bus stop. To meet this responsibility school officials have the right and responsibility to adopt rules and regulations for the purpose of maintaining order and discipline and creating a positive learning environment. It is a student's responsibility to follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

6.0 The Right to a Thorough and Efficient Education

6.1 All students, regardless of race, religion, national origin, language, gender, disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their seventeenth birthday; as long as they continue to be enrolled as a student after their seventeenth birthday; or until their graduation. A student who has not graduated may attend school until they are twenty-one.

6.2 Public schooling is tuition-free for all students. However, Barbour County Schools may charge tuition for summer school and before/after-school programs, if offered, provided that any student whose parents, in the judgment of the board, are unable to pay such tuition, may attend at a reduced charge or without charge except for post-secondary, community education, or adult preparatory programs.

6.3 Whatever school supplies are deemed necessary to accomplish the goals of a school system and are an integral and fundamental part of elementary and secondary education will be provided free of charge to all students, such as textbooks, paper, writing implements and computers if their use is part of the curriculum. Students may be required to purchase their own equipment, such as instruments and costumes, for performance-based classes, such as band, orchestra, choir, dance and theatre. However, students shall not be denied participation in a class because their parents/guardians cannot afford to do so. Contingency plans to accommodate students and families who do not have the financial means to make these purchases will be in place at the schools.

7.0 Student Inquiry and Expression

7.1 Schools may not conduct, sponsor or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for

participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

7.2 Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially and substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools may limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off campus conduct that might reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

7.3 Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

7.4 School sponsored student publications that are a part of the curriculum are subject to teacher editorial, control and therefore student speech may be regulated in a manner reasonably related to educational purposes.

8.0 Non-curriculum Related Student Groups

8.1 When schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are voluntary, monitored by the school, and do not interfere with the conduct of school activities.

9.0 Extra-Curricular Activities

9.1 Students must meet all state and local attendance requirements and maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics such as football, basketball, track or wrestling; cheerleading; student government; class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. Those students participating in a GED program whose grade point average for the last semester before entering into the program was below 2.0 grade point average may become eligible if they achieve a 2.0 average or better the mid-point of the second semester (the nine week point) in the same manner as students enrolled in the regular curriculum as outlined in state policy.

9.2 Fees may be required to help support the cost of extra-curricular activities; however, the fees should be kept to a minimum in order to further equal opportunity for participation regardless of economic status. If fees are to be paid by a student who cannot afford those fees, school officials shall develop options that will allow the student to participate.

10.0 Privacy

10.1 Students have certain privacy rights regarding school records. To ensure this privacy, Barbour County Schools Policy 8900 – Procedure for the Collection, Maintenance and Disclosure of Student Data and West Virginia Board of Education Policy 4350 – Collection, Maintenance and Disclosure of Student Data provide regulations for schools to follow regarding school records. Parent(s)/guardian(s) of students under eighteen years of age are entitled by law to inspect and review their child's school records. This right applies to both custodial and non-custodial parents. Students have these same rights if they are eighteen years of age or older. A guidance counselor or other school official may be needed to assist in interpreting the information in a student's permanent record file, but their assistance is not required.

10.2 If a student or parent/guardian believes that information contained in an education record is inaccurate or misleading or violates the student's privacy or other rights, the student or parent/guardian may request that the records be amended. If the school does not amend the records, a hearing may be requested to challenge the content of the records.

10.3 Except in certain instances, school officials may not release information from a student's records without the consent of a parent or guardian, or student if the student is eighteen years of age or older. For example, confidential medical information cannot be released without the consent of the parents or guardians or eligible students' specific written consent. However, under certain conditions, authorized persons or agencies may receive information without consent. For example, if school officials are served with a valid subpoena for student information, the parents or guardians must be provided notice prior to compliance with the subpoena in order that they may voice any objections in the venue that issued the subpoena.

10.4 Directory information may be released without seeking prior consent of the parents or guardians unless they refuse to waive consent at the beginning of each school year after receiving notification by the school of their statutory rights under the law.

11.0 Protection from Unreasonable Searches and Seizures and Self-Incrimination

11.1 Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of lockers or students by school officials must still be reasonable, based upon the information known by them at the time of the search. Personal property may be searched by those authorized where there is "reasonable suspicion" to believe that student property contains stolen articles, illegal items or other contraband as defined by law or by local board or school policy.

11.2 Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. They are entitled to be informed of their right against self-incrimination if they are in a custodial setting, in other words, they are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or PRO Officers acting under the supervision of school officials who are investigating school related misconduct.

12.0 Child Abuse Prevention

12.1 Students have the right to grow up without being physically or sexually abused at school, in the home or the community. W.V Code §49-6A-2 requires teachers, counselors, nurses, or other professionals who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

Chapter 3

13.0 Policy Implementation

13.1 The School and Community Social Skills Standards previously outlined in Chapter 1 are student focused and articulate the dispositions that students in West Virginia public schools are expected to develop throughout their school career. Barbour County Schools believe that schools have a fundamental responsibility for creating the opportunity for students to master the standards with the full responsibility resting collectively with the school, students, families and communities. All entities must work collaboratively to plan, implement and evaluate a systemic approach to shaping the valued

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dispositions that students must have as they develop into active, respectful and responsible citizens. The system must include schools, families and communities in the effort to teach, support and acknowledge valued dispositions and provide appropriate and meaningful interventions for inappropriate behavior.

13.2 Parent, family and community involvement at early childhood, middle and adolescent levels is absolutely fundamental to an effective system of public education. Strong partnerships between homes, schools and communities are needed to ensure a quality education for all children. Parents, teachers and community members, by fostering a sense of cooperative responsibility, can reinforce one another's efforts. Parents, as their children's first and most enduring teachers, can complement their children's school learning and behavior by serving as collaborators in the educational process. Community involvement, including strong business partnerships, promotes a safe and supportive school climate/culture that connects students to a broader learning community. Home-school-community partnerships are essential.

13.3 In order to convey a pervasive and consistent message that the valued dispositions are a priority, all students, staff and public guests of West Virginia public schools shall behave in a manner that promotes a school climate/culture that is safe and supportive and conducive to developing our valued dispositions. Conduct expectations apply to all students, staff and public guests on school property, school owned/leased buses and vehicles, school bus stops and school sponsored events.

13.4 School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. School climate/culture is based on people's experience of school life and reflects norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures. A sustainable, positive school climate/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate/culture includes norms, values and expectations that support people feeling socially, emotionally, intellectually and physically safe, and students and staff are engaged and respected. Students, families and educators work together to develop and contribute to a shared school vision. Educators must model and nurture an attitude that emphasizes the benefits and satisfaction from learning. Each person contributes to the operations of the school and the care of the physical, social, and emotional environment.

13.5 School climate/culture and procedures that support the development of positive school climate/culture are addressed through West Virginia Code, West Virginia Board of Education policies as well as Barbour County Schools policies.

13.6 School climate/culture is also addressed in various county board of education policies, procedures and programs. The shaping of student behaviors is not confined to any one school personnel group or program; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in shaping behavior and creating safe and supportive schools.

14.0 <u>Responsibilities of County Boards of Education</u>

14.1 Barbour County Board of Education policies include safeguards to protect the safe and supportive environment of the school. These safeguards shall include but not be limited to:

14.1.1 The responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions;

14.1.2 Clear procedures for identification, intervention and referral of students with behavioral and substance abuse issues;

No school nor any board of education property or school or county publication may be used for the advertisement of any tobacco or alcohol product.

14.1.3 In accordance with WVBE Policy 4321.1 – Standards for School Nutrition, Barbour County Schools will minimize marketing other foods and beverages in the high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of

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vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.

14.1.4 Groups using school facilities shall sign agreements with the Barbour County Board of Education agreeing to comply with the environmental safeguards set forth in policy; and

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

14.2 Partnership Development: Barbour County Schools encourages partnerships with county agencies as well as organizational partnerships for the purpose of providing schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal.

14.3 Formal partnerships with community service agencies (i.e. law enforcement, behavioral healthcare providers) are essential to successful implementation of this policy. Specific attention will be given to the development of formal agreements and protocols that ensure coordination between agencies and high quality service delivery to students and their families. Memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements should clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e. funding, space, staff, data).

14.4 Informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals (i.e., anti-drug coalitions, tobacco control coalitions) to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

14.5 Policy Dissemination and Training: To ensure understanding of the Barbour County Schools policy for Expected Behaviors in Safe and Supportive Schools, an awareness campaign for students, staff, and parents/guardians will be conducted,

14.5.1 All schools will provide appropriate policy training to students and school staff.

14.5.2 The county board of education shall annually review their policy for compliance with federal and state law and WVBE policy.

14.5.3 The Barbour County Board of Education policy on Expected Behaviors in Safe and Supportive Schools will be made readily available to the public in written and electronic format at http://www.wvschools.com/barbourcountyschools/

14.6 Implementation Plan: Barbour County Schools shall address within the Student Support Goal of their strategic plan objectives for policy implementation that ensures each school incorporates the following:

14.6.1 Use of pro-active strategies to develop and support positive behavior in students;

14.6.2 Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in a positive school climate/culture; and

14.6.3 Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

14.7 To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to schools through the county's formal and informal partnership agreements.

14.8 Evaluation of Effectiveness: The Barbour County Schools Board of Education shall annually review data related to this policy that shall include:

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14.8.1 summary data for incidents of inappropriate behavior and intervention responses to incidents;
14.8.2 required LSIC reports;
14.8.3 trend analysis from school climate/culture survey tools (as available);
14.8.4 impact data related to school climate/culture improvement strategies within county and school strategic plans; and
14.8.5 impact data from training and staff development offered by the county, RESA, and/or WVDE.

14.9 West Virginia Code Requirements for all County Boards of Education:

WV Code	County Board of Education Requirements
§18-2C-1 et seq. Prohibiting harassment, intimidation or bullying	Barbour County Schools has established a policy prohibiting harassment, intimidation or bullying using a process that includes representation of parents or guardians, school employees, school volunteers, students and community members. • Included in the policy components are: • Procedures for reporting incidents; • Requirement that school personnel report incidents of which they are aware; • Requirement that parents/guardians of any student involved in an incident be notified; • Procedures for responding to and investigating reported incidents; • Strategies for protecting a victim from additional harassment, intimidation or bullying and from retaliation following a report; • Discipline procedures for any student guilty of harassment, intimidation or bullying; Procedures to ensure confidentiality of any information relating to a reported incident; and • Requirement that each incident be reported within the WVEIS. • The policy in its entirety shall be available on line at http://www.wvschools.com/barbourcountyschools/. • In addition, hard copies of the full policy will be available with all principals at each school as well as the Barbour County Schools Board Offices. • Incorporated into each school's current employee training program Information regarding the county board policy prohibiting harassment, intimidation or bullying. • Provide training, to the extent state or federal funds are appropriated, on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.
§18-5A-2 Local School Improvement Councils (LSIC)	The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: • Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies. • Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. • The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report. • The county board shall retain and file all such correspondence for public review.
§18-9F-1 et seq. School Access Safety Act	Each county board seeking funds for school access safety projects during a fiscal year shall submit to the School Building Authority (SBA) a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. The safety plan shall include at least the following: A prescribed countywide inventory of each school facility's means of ingress to and egress

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	from the school for students, school employees, parents, visitors and emergency personnel; • The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the county board's assessment of the recommendations and guidelines; • Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county; • An assessment of the current status of crime committed on school campuses and at school-related functions; • A projected school access safety repair and renovation schedule for all school facilities in the county; • A prioritized list of all projects contained in the plan, including the projected cost of each project; • A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the county board's safety plan, facilities plan and school major improvement plan; • Notation of the funds available for allocation and disbursement to the county board from the School Access Safety Fund ; • A description of any source of local funds that the county board intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements; and • Any other element considered appropriate by the SBA or required by other regulations
§18-9F-9 Crisis response plan	All schools in the county shall establish an up-to-date, school specific crisis response plan. The specific requirements of the crisis response plan fall primarily with the WVBE and each school; however, county boards are required to: • Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan; • Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards. Barbour County Schools will support schools in the development and updating of school crisis response plans by providing the following guidance and support: • Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis plan as appropriate when one agency or service provider serves all schools within the county; • Standardized lists of existing county board policies that support the requirements of the school crisis response plan; • Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan; • Standardize procedures for the annual review/update of each school crisis response plan. • Resources for training school personnel on school specific crisis response plans.
§18A-5-1 Authority of teachers and other school personnel; exclusion of students having infectious diseases;	• Barbour County Schools will create an alternative learning center/ program or expand its capacity for alternative placements, subject to funding, to correct disruptive student behaviors so disruptive students can return to a regular classroom without engaging in further disruptive behavior. • Corporal punishment of any student by a school employee is prohibited. • Our county board is solely responsible for the administration of proper discipline in the public schools of the county and adopts policies consistent with state laws to govern disciplinary actions. These policies shall encourage the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline.

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suspension or expulsion of disorderly students; corporal punishment abolished	• Our county board shall provide for the implementation of a preventive discipline program including student involvement. • Our county shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. • The county board also may establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, • stress management and decision making for students and any other program related to preventive discipline.

§18A-5-1a Safe Schools Possessing deadly weapons…; possessing a controlled substance…; assaults and batteries… upon teachers or other school personnel; … sale of narcotic; expulsion; exception; alternative education	When a principal has notified the county superintendent of a student's suspension for battery upon a school employee, possession of a deadly weapon or sale of a narcotic drug listed in the Uniform Controlled Substances Act, W. Va. Code §60A-1-101(p), on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal shall recommend the student's expulsion to the superintendent. The superintendent, in turn, shall recommend to the county board that the student be expelled.
	• When a principal has notified the county superintendent of a student's suspension for any other conduct listed in W.Va. Code §18A-5-1a, on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal may recommend the student's expulsion to the superintendent. The superintendent, in turn, may recommend to the county board that the student be expelled.
	• Upon such recommendation by the county superintendent, the county board shall conduct a hearing in accordance with this section of state code to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall act as prescribed for each respective Safe Schools violation delineated in Chapter 4, Section 2, Level 4.
	  • The county board shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include: The date and time at which the hearing shall be held (within ten days of the beginning of the suspension);
	  • If the county board will attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim.
	• The county board shall hold the scheduled hearing to determine if the student should be reinstated or expelled from school and to determine if the student is a dangerous student pursuant to subsection (g) of this section.
	• At any hearing before a county board, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her.
	• The hearing shall be recorded by mechanical means unless recorded by a certified court reporter.
	• The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing.
	• At the conclusion of the hearing the county board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county.
	• If the county board did not intend, prior to a hearing, to assert a dangerous student claim, and did not notify the student prior to the hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the student; however, he or she remains under suspension until after the hearing.
	• A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, a hearing for the purpose of

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	reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education.
	• If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.
	• The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents in a proceeding related to a recommended student expulsion or dangerous student determination. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents, or both.
	• Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs. Our board of education must report the number of students determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.
	• Students may be expelled pursuant to the provisions of this code section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of §18A-5-1a(a) (battery on a school employee, possession of deadly weapons, or sale of a narcotic drug on a school bus, on the school premises or at a school-sponsored function, the student shall be expelled for a period of not less than twelve consecutive months.
	• The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:
	  • The extent of the student's malicious intent;
	  • The outcome of the student's misconduct;
	  • The student's past behavior history; and
	  • The likelihood of the student's repeated misconduct.
	  • In all hearings under this section, facts shall be found by a preponderance of the evidence.
	  • All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*
	  • Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.

§61-7-11a Possessing deadly weapons on premises of educational facilities…	It is unlawful for any person to possess any firearm or any other deadly weapon on any school bus or in/on any public or private primary or secondary education building, structure, facility or grounds including any vocational education building, structure, facility or grounds or at any school-sponsored function. County boards may authorize a possession of deadly weapons on school property for: • programs with valid educational purposes; • school fundraising programs which include the display of unloaded firearms

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15.0 Responsibilities of Schools

15.1 Partnership Development: In accordance with WVDE and Barbour County Schools policies and protocols, schools will establish community agency and organization partnerships that serve to provide the school with a variety supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2. Formal partnerships between community service agencies must be approved through the Barbour County Board of Education.

15.2 Policy Dissemination and Training: To ensure understanding of the Barbour County policy for Expected Behaviors in Safe and Supportive Schools and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

15.2.1 This policy shall appear in the student and staff handbooks and online at http://www.wvschools.com/barbourcountyschools.

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

15.3 Implementation Plan: Plans for the implementation of Barbour County Schools Policy for Expected Behaviors in Safe and Supportive Schools should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through Barbour County Schools formal and informal partnership agreements as well as through additional school level partnerships.

15.4 At a minimum, schools shall:

15.4.1 establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;

15.4.2 establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;

15.4.3 develop school-wide priorities for Policy 4373;

15.4.4 analyze school climate/culture data annually;

15.4.5 make data driven improvement decisions based on analysis of consistently tracked student behaviors;

15.4.6 implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;

15.4.7 implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;

15.4.8 implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;

15.4.9 develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and

15.4.10 evaluate school climate/culture improvement processes and revise as needed.

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

15.5.1 Progress toward implementation plan goals and objectives

15.5.2 Evidence of school climate/culture improvement efforts;

15.5.3 Required LSIC reports (West Virginia Code §18-5A-2);

15.5.4 Trend analysis from school climate/culture survey tools (as available);

15.5.5 Summary data for incidents of inappropriate behavior and intervention responses to incidents; and

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15.5.6 Evaluation data from training and staff development provided by the county, RESA and/or WVDE.

15.6 West Virginia Code Requirements for Schools:

WV Code	School Requirements
§18-5A-2 Local School Improvement Councils (LSIC)	• The LSIC shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council. • The LSIC Shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies. • The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: ◦ Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies. ◦ Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. ◦ The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report and the county board shall retain and file all such correspondence for public review.
§18-9F-9 School crisis response plan	Each school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plans must be developed under the following requirements: • each school within the state shall form a crisis response planning team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may include one member of the county board, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades; • each school within the state, through the school's crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted; • each school's specific crisis response plan shall be in place and filed with that school's county board and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first; • each school's crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013; • each school shall make a redacted copy of its school crisis response plan available,

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WV Code	School Requirements
	upon request, for inspection by the public with any information removed that is necessary for compliance with the necessary safeguards developed by the state. Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board; • each school crisis plan shall include at least the following: ◦ the school employee in charge during a crisis and a designated substitute; ◦ a communication plan to be used during a crisis; ◦ protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded; ◦ disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely; ◦ crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and ◦ policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
§18A-5-1 Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished	• The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school. • Subject to WVBE Policy 2423 – Communicable Disease Control, the school administrator or school nurse shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease. • The teacher or bus driver may exclude from his or her classroom or school bus any student who is guilty of inappropriate behavior as outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4. • Any student excluded shall be placed under the control of the principal of the school or a designee. • The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. • If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). • When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. • If the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. • A student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not

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WV Code	School Requirements
	limited to, detention, extra class time or alternative class settings. • Corporal punishment of any student by a school employee is prohibited.
§18A-5-1a Possessing deadly weapons...; possessing a controlled substance...; assaults and batteries...upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education	• A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing, has committed on a school bus, on the premises of an educational facility or at a school-sponsored function: (1) battery on a school employee; (2) possession of a deadly weapon; or (3) sale of a narcotic drug. If a student has been suspended for these reasons, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled. • A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has committed: (1) an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (2) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act. If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the county board that the student be expelled. • A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has: (1) threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (2) willfully disobeyed a teacher; (3) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (4) used profane language directed at a school employee or student; (5) intentionally defaced any school property; (6) participated in any physical altercation with another person while under the authority of school personnel; or (7) habitually violated school rules or policies. If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the county board that the student be expelled. • The actions of any student which may be grounds for his or her suspension or expulsion shall be reported immediately to the principal. If the principal determines that the alleged actions of the student would be grounds for an out-of-school suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption, in which case the student shall be suspended immediately and a hearing held as soon as practicable after the suspension. • The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for the out-of-school suspension. • At the informal hearing, the principal shall ask the student to admit to or deny the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the student to appear, the principal may suspend the student for a maximum of ten school days, inclusive of any time the student was excluded from the school prior to the hearing. • The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the

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WV Code	School Requirements
	suspension. • Each suspension or expulsion imposed upon a student shall be recorded in WVEIS. The principal shall record all suspensions within twenty-four hours. • Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the State Board of Education.
§61-7-11a Possessing deadly weapons ...; reports by school principals...	• The principal shall report any possession of a deadly weapon discovered by such principal on school premises to the state superintendent of schools within seventy-two hours after such violation occurs. • The principal shall report any possession of a deadly weapon discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

Chapter 4

16.0 Inappropriate Behavior and Meaningful Interventions and Consequences

16.1 The purpose of these regulations is to provide schools with policy that creates and ensures an orderly and safe environment that is conducive to learning. This policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse and/or violence. The intent is for students to learn and exhibit appropriate behavior. All interventions and consequences are in effect on all school property and at all school sanctioned events, including extracurricular activities. Barbour County Schools, with support from the WVDE and RESAs, will implement proactive, preventative, and responsive programs, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior.

16.2 This policy classifies inappropriate student behavior in four levels:

16.2.1 Level 1: Minimally Disruptive Behaviors- Disrupts the educational process and the orderly operations of the school but do not pose direct danger to self or others.

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

16.2.3 Level 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors- Acts are willfully committed and are known to be illegal and/or harmful to people and/or property.

16.2.4 Level 4: Safe School Act Behaviors- Are consistent with those addressed in West Virginia Code §18A-5-1a (a) and (b). The following Level 4 behavior definitions are aligned with West Virginia Code §§61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a.

16.3 Barbour County Schools policy identifies appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

16.4 Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors, however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1,2, and 3. West Virginia Code requires that the principal shall suspend a student who commits

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a behavior classified as Level 4 in this policy. Level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

16.5 In order to create consistency among all schools in the application of out-of-school suspension and expulsion as they relate to inter-scholastic extracurricular activities, any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

16.6 When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, WVDE Policy 2419 and or Section 504.

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17.0 **Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences. Level 1.**

Behaviors	Definitions – Level 1	Interventions and Consequences
LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.		
Cheating	A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.	• Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced. • Counseling referrals and conference to support staff or agencies • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item(s) • Revocation of privileges • Restitution/restoration • Detention (lunch, before and/or after school) • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006) • In-school suspension • *West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class. • While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days. • Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
Deceit	A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information.	
Disruptive/ Disrespectful Conduct	A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.	
Failure to Serve Detention	A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.	
Falsifying Identity	A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.	
Inappropriate Appearance	A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distractive or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.	

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Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	
Inappropriate Language	A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).	
Possession of Inappropriate Personal Property	A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.	
Skipping Class*	In accordance with WVBE Policy 4110 - Attendance, a student will not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent/guardian.	
Tardiness*	A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.	
Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	

18.0 Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences. Level 2.

Behaviors	Definitions – Level 2	Interventions and Consequences
LEVEL 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.		
Gang Related Activity	A student will not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order and/or interfere with the school district's educational mission. Gang activity includes: • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang. • Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs.	• Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or • agencies for counseling or other therapeutic services • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item • Revocation of privileges • Restitution/restoration • Before and/or after-school detention • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) • Voluntary weekend detention
Habitual Violation of School Rules or Policies	A student will not persistently (3rd and subsequent violations within a school year) refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.	

Behaviors	Definitions – Level 2	Interventions and Consequences
Insubordination	A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.	(Superintendent's Interpretation of May 12, 2006) • In-school suspension • Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Section 20)West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class. • The principal and/or superintendent may recommend placement in an Alternative Education program as described in 8400.P of this policy. • Expulsion • Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
Leaving School Without Permission	A student will not leave the school building, campus on school activity for which the student is enrolled without permission from authorized school personnel.	
Physical Fight Without Injury	A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons. No injuries or minor injuries were incurred.	
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon. West Virginia Code §61-7-2 defines what constitutes a weapon.	
Possession of Knife not meeting Dangerous Weapon Definition (West Virginia Code §61-7-2)	A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code §61-7-2 clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.	
Profane Language/ Obscene Gesture/ Indecent Act Toward… An Employee or A Student	A student will not direct profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.	
Technology Misuse	A student will not violate the terms of WVBE Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators and Barbour County Schools Policy 7600.	

19.0 Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences. Level 3.

Behaviors	Definitions – Level 3	Interventions and Consequences
LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with W. Va. Code §18A-5-1a, subsections (b) through (h)		
Battery Against a	A student will not unlawfully and intentionally	Level 3 behaviors are criminal

Behaviors	Definitions – Level 3	Interventions and Consequences
Student	injure another student. Serious harm, hurt, injury, or wound was inflicted.	offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest. In collaboration with law enforcement, the school shall also implement invention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to: • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or agencies for counseling or other therapeutic services • Notification of appropriate Health and Human Resources • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item(s) • Revocation of privileges • Restitution/restoration • Before and/or after-school detention • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006) • In-school suspension • Out-of-school suspension for up to ten (10) days (See guidelines in Section 20). • The principal and/or superintendent may recommend
Defacing School Property/ Vandalism	A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to: ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures and damaging school equipment to the point where repair is necessary.	
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	
Fraud/Forgery	A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.	
Gambling	A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.	
Hazing	A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.	
Improper or Negligent Operation of a Motor Vehicle	A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.	
Larceny	A student will not, without permission, take another person's property or have another person's property in his or her possession. Property valued at $1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code §61-3-13.	
Sexual Misconduct	A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school	

Behaviors	Definitions – Level 3	Interventions and Consequences
	property, on a school bus or at a school sponsored event.	placement in an Alternative Education program as described in 8400.P of this policy. • Expulsion
Threat of Injury/Assault Against an Employee or a Student	A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or other school personnel. [This includes assault on a school employee defined in West Virginia Code §61-2-15].	
Trespassing	A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities.	

Behaviors	Definitions – Level 3	Interventions and Consequences
Harassment/ Bullying/ Intimidation	A student will not bully/intimidate/harass another student. According to West Virginia Code §18-2C-2, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that: • A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property; • Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or • Disrupts or interferes with the orderly operation of the school. An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, 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. Acts of harassment, intimidation or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/ sensory disability or other characteristic. When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:	Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.
	Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when: • submission to the conduct or	

Behaviors	Definitions – Level 3	Interventions and Consequences
	communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or • submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or • creating an intimidating, hostile or offensive employment or educational environment. Amorous relationships between county board employees and students are prohibited. Sexual harassment may include but is not limited to: • verbal harassment of a sexual nature or abuse; • pressure for sexual activity; • inappropriate or unwelcome patting, pinching or physical contact; • sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status; • behavior, verbal or written words or symbols directed at an individual because of gender; or • 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/culture or opportunities. <u>Racial harassment</u> consists of physical, verbal or written conduct relating to an individual's race when the conduct: • has the purpose or effect of creating an intimidating, hostile or offensive working	

Behaviors	Definitions – Level 3	Interventions and Consequences
	or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct: • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. 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. Sexual violence may include, but is not limited to: • touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; • coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; • coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or • threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another. • threatening or forcing exposure of intimate apparel or body parts by removal of clothing. Racial violence is a physical act of aggression or assault upon another because of, or in a manner	

Behaviors	Definitions – Level 3	Interventions and Consequences
	reasonably related to, race. 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.	
Imitation Drugs: Possession, Use, Distribution or Sale	A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.	The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
Inhalant Abuse	A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of "getting high". The action may be referred to, but not limited to, huffing, sniffing, dusting and/or bagging.	
Possession/Use of Substance Containing Tobacco and/or Nicotine	A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. Students, age 18 and older, are not permitted to possess any substance containing tobacco or nicotine on school property or at any school function. Special considerations according to West Virginia Code §16-9A-4. • No person (student, staff member or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events. • Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.	

20.0 Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences. Level 4.

Behaviors	Definitions – Level 4
LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code §18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with West Virginia Code §§61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal,	

Behaviors	Definitions – Level 4
superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a and paraphrased in Chapter 3, Sections 4 and 5 of this manual.	
Battery Against a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in West Virginia Code §61-2-15(b).
Felony	A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code §61-3-1), malicious wounding and unlawful wounding (West Virginia Code §61-2-9), bomb threat (West Virginia Code §61-6-17), sexual assault (West Virginia Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code §61-6-24) and grand larceny (West Virginia Code §61-3-13).
Illegal Substance Related Behaviors	A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy 2422.8 - Medication Administration and instances of prescription drug abuse.
Possession and/or Use of Dangerous Weapon	According to West Virginia Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in West Virginia Code §61-7-2, on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code §61-7-11a. As defined in West Virginia Code §61-7-2, a "dangerous weapon" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

Level 4 Behaviors are Used in the Identification and Classification of Persistently Dangerous Schools

As required by 20USC7912 Title IX, Part E, Section 9532 (No Child Left Behind), the following criteria is set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1 of each year if the school has, for two consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- Battery on a school employee as defined in West Virginia Code §61-2-15.
- Commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school sponsored function or on a school bus.
- Possession of a firearm or deadly weapon as defined in West Virginia Code §61-7-2 on the premises of an educational facility, at a school sponsored function or on a school bus.
- Sale of a narcotic drug as defined in West Virginia Code §60A-1-101 on the premises of an educational facility, at a school sponsored function or on a school bus.

County School System Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3% of the total number of students enrolled in the school, based on the school's second month enrollment;
2. develop a corrective action plan for any school identified as persistently dangerous, submit it to the WVDE, and implement the plan in a timely manner; and

3. conduct a timely notification process to inform parents of each student attending a school identified as persistently dangerous of this; provide the opportunity for students to transfer to a safe public school within the county school district; and complete the transfer process for all students wishing to transfer.

WVDE Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3.75% of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a school identified as persistently dangerous or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternate safe public school within the county school district.

21.0 Use of Physical Punishment Prohibited.

21.1 West Virginia Code §18A-5-1(e) prohibits school employees from using corporal (bodily) punishment on any student. No physical punishment of any kind can be inflicted upon a student. This includes:

- 21.1.1 hitting or striking a student on their physical person;
- 21.1.2 requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- 21.1.3 use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- 21.1.4 seclusion - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

22.0 Use of Restraint.

22.1 Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, the following guidelines must be followed:

22.2 Definitions:

- 22.2.1 Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.
- 22.2.2 Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

22.3 A school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:

- 22.3.1 Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- 22.3.2 Restraint shall be discontinued at the point at which the emergency no longer exists.
- 22.3.3 Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- 22.3.4 Restraint shall not deprive the student of basic human necessities.
- 22.3.5 Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

23.0 Restraint Training.

23.1 School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

23.1.1 A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint;

23.1.2 Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;

23.1.3 Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;

23.1.4 All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports.

24.0 Documentation of Use of Restraint.

24.1 Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements

24.2 Documentation Requirements:

Time Requirement	Documentation/Notification
Immediately following the use of restraint (within one hour)	The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
Same day	A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint.
Within one school day	Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
Within one school day	Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan.

24.3 Written notification to the parents/guardian and documentation to the student official school record shall include the following:

24.3.1 Name of the student;

24.3.2 Name of the staff member(s) administering the restraint;

24.3.3 Date of the restraint and the time the restraint began and ended;

24.3.4 Location of the restraint;

24.3.5 Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and

24.3.6 Documentation of all parental contact and notification efforts.

25.0 Alternative Education for Disruptive Students.

25.1 West Virginia Code §18-5-19 provides for the creation of Alternative Education programs to allow for the provision of a free and appropriate education to students whose disruptive behavior has caused them to be removed from the regular classroom/school setting. Nothing in this manual precludes county boards of education from operating alternative education programs for non-disruptive students. The guidelines in this manual apply solely to alternative education programs for disruptive students. The State Superintendent's approval of the county alternative education policies and procedures is required for authorization to operate an alternative education program under these regulations.

25.2 For the purposes of this policy, an alternative education program is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The purposes of these programs are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia and (2) meet the educational needs of disruptive students through the development of alternative education programs.

25.3 Alternative education programs for disruptive students encompass a range of program options such as:

25.3.1 in-school suspension;
25.3.2 a separate part-time or full-time alternative education classroom;
25.3.3 a school-within a school;
25.3.4 a school on an alternative site;
25.3.5 an afterschool class/night school program; or
25.3.6 a combination academic/work-based program.

25.4 County boards of education shall have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students in the county. County boards of education may request a waiver of State Board of Education policies and regulations in the development and operation of alternative education programs. Such a waiver request does not have to be submitted in accordance with the procedures for requesting waivers stipulated under West Virginia Code 18-5A-3, but may be submitted directly to the State Superintendent of Schools.

25.5 Program flexibility does not extend to modifying the provisions of Policy 2419 - Regulations for the Education of Exceptional Students in providing alternative education programs for students with exceptionalities or Section 504 of the Rehabilitation Act of 1973.

25.6 Program Requirements: County boards of education establishing alternative education programs shall meet the following requirements:

25.7 Policies and Procedures - County boards of education shall adopt policies and procedures for the operation of alternative education programs. Policies and procedures shall include, but are not limited to:

25.7.1 the goals of the program;
25.7.2 the eligibility criteria and process for placement of students in the program including the composition of the Alternative Education Placement Team which may be an existing school team such as the Student Assistance Team;
25.7.3 the involvement of parents and community agencies;
25.7.4 length and time of day the after-hours/night school program operates, if applicable;
25.7.5 plan for awarding of credits;
25.7.6 behavioral management plan as an alternative to the county's discipline policy, if applicable;
25.7.7 the staffing plan, personnel qualifications and class size limits;
25.7.8 the criteria for completion of the alternative education program or reentry into regular education; and
25.7.9 the performance measures and process for program evaluation.

25.8 Eligibility for Placement in Alternative Education Programs - Students may be placed in alternative education programs for:

25.8.1 violations of the West Virginia Code §18A-5-1a;
25.8.2 repeated violations of the county's discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school; and
25.8.3 continuation of educational services during periods of suspension.

25.9 Students who have been expelled must be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code §18A-5-1a.

25.10 Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a "dangerous student" under the procedures set forth in West Virginia Code §18A-5-1a.

25.11 Placement of Students in Alternative Education Programs - Placement decisions, excluding short-term in-school suspensions, shall be made by an Alternative Education Placement Team, which may be the Student Assistance Team, as defined in the county's policy and procedures. County school districts shall provide for the opportunity for parents to participate in the placement team meeting. The placement team shall develop a student's written plan which includes academic courses and behavioral components, criteria for re-entry to the regular school program and provisions for periodic review of the student's progress at least on an annual basis. The team for all students with disabilities shall be the IEP team and the written plan shall be the IEP.

25.12 Curriculum - County boards of education shall have an identified written curriculum for alternative education programs based upon State Board of Education approved instructional goals and objectives. The curriculum shall also include a component for teaching and learning responsible behavior. In addition, the county shall provide for the participation of staff certified in the core subject areas in the development of the academic curriculum and the assessment measures to determine mastery of instructional goals and objectives.

25.13 Instruction - County school districts shall deliver instruction in accordance with the following standards:

- 25.13.1 instructional activities shall be consistent with the written curriculum and appropriate for the students' developmental levels;
- 25.13.2 instructional materials shall be age appropriate, functionally appropriate, and of high interest level for students;
- 25.13.3 the program shall provide for individualized instruction and accommodate the entry and exit of students;
- 25.13.4 curricular and instructional practices shall reflect high expectations for students;
- 25.13.5 the instructional program shall be delivered in a climate/culture conducive to learning; and
- 25.13.6 sufficient instructional materials, supplies, and equipment shall be available to deliver the instructional program.

25.14 State Assessment Program - Students enrolled in alternative education programs shall participate in the State Assessment Program, in accordance with WVBE Policy 2340 - West Virginia Measures of Academic Progress Program. The test scores for these students shall be counted in the results of the home county school of referral.

25.15 Support Services - Students in alternative education programs shall receive school counseling services and/or other support services such as school social work or psychological services as indicated in the student's written plan.

25.16 Special Education - County boards of education shall comply with applicable state and federal laws and regulations in the education of exceptional students placed in alternative education programs.

25.17 Personnel Selection Criteria - It is the responsibility of the county board of education to select the most qualified applicant(s) to implement the alternative education program. Classroom teachers shall be selected on the basis of the teachers' demonstration of competence in meeting the following standards:

- 25.17.1 any West Virginia professional teaching certificate;
- 25.17.2 ability to effect positive behavior in disruptive students;
- 25.17.3 effective leadership and/or mentoring skills in working with youth;
- 25.17.4 successful experience in providing education to troubled or disruptive youth;

25.17.5 specialized training or experience in non-traditional programs; and
25.17.6 specialized training in behavior management skills

25.18 Licensure - A teacher assigned to deliver the academic subjects within an alternative education program must possess a West Virginia professional teaching certificate in any area. A Temporary Authorization valid for one year shall be granted to the successful candidate(s) for the alternative education program position(s). The employing county superintendent must verify that the applicant possesses the required competencies. The Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

25.19 education day school program shall have the opportunity to receive a full-time instructional program and full instructional day.

25.20 After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for expelled students and for students who have repeated serious violations of the county's discipline policy following documented multiple behavioral interventions and out-of-school suspensions. After-Hour/Night School programs shall include the provision of academic coursework and development of social skills/pro-social behavior. Unless otherwise required by law, regulation, or court order, transportation services for such programs are at the discretion of the county board of education.

25.21 Home-Based Programs for Disruptive Students - County boards of education may provide home-based programs solely for students expelled under the Productive and Safe Schools Act (West Virginia Code §18A-5-1a) or for disruptive students who meet the eligibility criteria for Home/Hospital Instruction under WVBE Policy 2510 - Assuring the Quality of Education: Regulations for Education Programs.

25.22 Units of Credit - County boards of education shall grant units of credit for work satisfactorily completed in an alternative education program. Units of credit based upon mastery of performance criteria may be granted as an alternative to the standard units of credit.

25.23 Program Completion - Students may complete an alternative education program in one of the following manners:
25.23.1 fulfillment of the criteria for re-entry into the regular school program;
25.23.2 completion of regular high school graduation requirements and awarding of a regular high school diploma from the home county school of referral;
25.23.3 completion of identified performance criteria leading to a high school diploma; or
25.23.4 completion of a GED in accordance with WVBE Policy 2444.4 - Issuance of State of West Virginia General Educational Development (GED®) Diploma Based Upon Passage of the GED Tests.

25.24 Accountability for Results: County boards of education establishing alternative education programs shall conduct an annual evaluation of the effectiveness of the program (s). The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as: academic gains; reduction in dropout rates; reduction in incidences requiring disciplinary action; improvement in attendance rates; rates of successful program completion and return to the regular school program; rates of successful completion of vocational training programs; rates of successful completion of high school graduation or attainment of a GED; and rates of successful job placement and job retention.

25.25 The WVDE shall review compliance with alternative education requirements and the effectiveness of alternative education programs through monitoring and review of the electronic County Strategic Plan. The alternative education program shall be evaluated on the basis of its stated goals and the provisions of this policy.

26.0 Collaboration with Law Enforcement.

26.1 Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

26.2 Prevention Resource Officers (PRO): PRO Officers are certified police officers, working as fulltime officers who have been assigned to work fulltime within a public school during the school year. The PRO Officer's duties, salary and other conditions should be determined through an agreement with the county board of education and the PRO Officer's authorized police department. The principal is the PRO Officer's immediate supervisor while the officer is present in the school. There may be a time when, during the course a PRO Officer's duties, the officer's position as a law enforcement officer would take precedence.

26.3 Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. The police officer is responsible to ensure that the student's constitutional rights are not violated. The police officer is responsible for determining if the student's parents or guardian, or lawyer should be contacted prior to questioning. West Virginia Code §49-5-2 specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present; such statements made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyer is present or a parent is present and the parent has been informed of the student's rights. The police officer shall determine when the use of restraints is necessary during such questioning to control an unruly student to prevent the student from harming him/herself or others.

Chapter 5

27.0 Procedures for Reporting Complaints of Inappropriate Behavior

27.1 All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be address consistently in accordance with the Interventions and Consequences outlined in Chapter 4 and with the school implementation plan. However, incidents of inappropriate behavior do not always occur in the presence of school employees and are reported to school authorities after the behavior has occurred.

27.2 All inappropriate behaviors observed by students or public guests must be reported to the appropriate personnel for appropriate action to be taken as specified in the county policy and school implementation plan. Each county policy and school implementation plan shall designate the individual(s) who will receive complaints about inappropriate behaviors indicated in Chapter 4.

27.3 Barbour County Schools has developed procedures to assure that any person who believes he or she has been the victim of an inappropriate behavior as outlined in Chapter 4 or any person with knowledge or belief of conduct which may constitute a violation of WVDE Policy 4373. Nothing prevents any person from reporting violations directly to the county superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency. 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.

27.4 Barbour County Schools has developed procedures for investigating, reporting, responding, and devising consequences for the failure of an employee to appropriately respond to violations Policy

4373, in accordance with WVBE Policy 5310 - Performance Evaluation of School Personnel in a manner that promotes understanding and respect.

27.5 Complaint Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: Barbour County Schools, RESA, and the WVDE have developed procedures to assure that any person who believes he or she has been the victim of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education, or any person with knowledge or belief of conduct which may constitute religious/ethnic, racial or sexual harassment or violence toward a student, teacher, administrator or other school personnel has an identified mechanism to report the alleged acts immediately to an appropriate official designated by the agency's policy. Nothing in policy prevents any person from reporting harassment or violence directly to the county superintendent, RESA executive director or the state superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

27.5.1 All alleged incidents of harassment or violence observed by faculty or staff must be reported to the designated investigator and appropriate action should be taken as specified in Barbour County Schools policy.

27.5.2 Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under West Virginia Code §49-6-1 et seq. In such situations, Barbour County schools shall comply with the provisions of law for reporting such abuse.

28.0 Procedures for Investigating Allegations of Inappropriate Behavior

28.1 The individual(s) designated by the county policy and school implementation plan to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system.

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

28.3 When any student is to be interviewed in connection with an investigation pursuant to a Level 3 or 4 inappropriate behavior, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels 2 and discretionary at Level 1.

28.4 The principal shall:

28.4.1 Determine whether the alleged conduct constitutes a violation of this policy.

28.4.2 Immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.

28.4.3 Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

28.5 Upon completion of the investigation:

28.5.1 A report shall be provided to the principal which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

28.5.2 The report shall be recorded and filed at the county/school level as shall be determined in the county policy.

28.5.3 The conclusion of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

28.6 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.

28.7 Investigation Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: Barbour County Schools, RESAs, and the WVDE have developed procedures following guidelines to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education.

29.0 Procedures to Prevent Reprisal

29.1 The Barbour County Board of Education has developed discipline procedures to take appropriate action against any student or employee who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

29.2 Likewise, a disciplinary process is in place to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

30.0 Guidelines for Specific Responses to Inappropriate Behavior

30.1 Exclusion: According to West Virginia Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who displays one or more of the inappropriate behaviors outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

30.2 Bus drivers must follow the guidelines outlined in WVBE Policy 4336 – West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion. The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

30.3 Suspension: The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days.

30.4 Suspension typically takes one of two forms:

30.4.1 In-School Suspension: Instances in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains in direct supervision of school personnel.

30.4.2 Out-of-School Suspension: Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to W. Va. Code §18A-5-1a (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension.

30.5 A student is entitled to an informal hearing when faced with an out-of-school suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in West Virginia Code §§18A-5-1 and 18A-5-1a and include:

30.5.1 A good faith effort shall be made to verbally notify the parent(s)/guardian promptly in all cases of suspension. Parent(s)/guardian(s) must b notified in writing of all suspensions. The county superintendent of schools or designee must be notified and preferably in writing of the time and conditions pertaining to the suspension.

30.5.3 A student that is suspended from school may not participate in any school-sponsored activities, and is not permitted on school grounds during the period of suspension.

30.5.4 A student may not be suspended from school solely for not attending class.

30.5 An out-of-school suspension of more than ten (ten) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in West Virginia Code §§18A-5-1 and 18A-5-1a and include:

30.6.1 Parent(s)/guardian(s) must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based.

30.6.2 Upon the student's/parent/guardian's request, a formal hearing must be scheduled before the county board of education.

30.6.3 Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel.

30.6.4 Students are entitled to be given reasonable time to prepare for the hearing.

30.7 Expulsion: The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in West Virginia Code §18A-5-1 and §18A-5-1a.

30.8 West Virginia Code §18A-5-1 and §18A-5-1a requires mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion are outlined in Policy 8400.P

30.8.1 The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student.

30.8.2 The county board of education must hold a hearing regarding the recommended expulsion.

30.8.3 The student and parent(s)/guardian(s) must be given a written notice of the time and place of the board of education hearing at which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.

30.8.4 The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges.

30.8.5 The student has the right to be represented by an attorney at the hearing at their own expense.

30.8.6 The student has the right to present witnesses in their behalf, to hear the testimony of witnesses against them, and to question the witnesses against them.

30.8.7 If the board of education decides that the charges against a student do not warrant his or her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.

30.8.8 In all expulsion hearings, fact shall be found by a preponderance of the evidence.

30.8.9 Expulsion by the board of education is final. However, if a student or parent/guardian believes that the student was not given procedural due process, they may appeal to the State Superintendent of Schools. If the State Superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

31.0 Considerations for Transferring Students with Expulsions

31.1 Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment in the county school system unless determined to be a "dangerous student" under the procedures set forth in West Virginia Code §18A-5-1a.. Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students (Superintendent's Interpretation of January 26, 2007).

32.0 Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans.

32.1 When considering exclusion from the bus or suspension or expulsion from school or the bus for students with disabilities, students not yet determined eligible for special education (i.e. students currently engaged in the eligibility process beginning with a Student Assistance Team referral) or students with 504 plans, refer to WVBE Policy 2419 - Regulations for the Education of Students with Exceptionalities , Chapter 7 for specific guidelines related to protections which may be warranted for these students.

33.0 Procedures for Reporting Action on Substantiated Incidents

33.1 It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with the platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans. Therefore, all inappropriate behaviors as described in Chapter 4, Section 2, Levels 1, 2, 3 and 4 shall be reported through:

33.1.1 Teacher level documentation – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal.

33.1.2 Principal level WVEIS data entry – shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.

33.1.3 Superintendent level WVEIS data entry – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

33.2 Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

Chapter 6

34.0 PROCEDURES FOR TAKING ACTION ON SUBSTANTIATED INAPPROPRIATE BEHAVIORS

34.1 It is the intent of the WVBE for schools to be pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-ofschool suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy.

34.2 In determining the appropriate intervention and/or consequence in response to a substantiated Level I, II, or III inappropriate behavior, the principal, superintendent and/or local board of education should consider:

- 34.2.1 the surrounding circumstances
- 34.2.2 the nature of the behavior,
- 34.2.3 past incidents or continuing patterns of behavior,
- 34.2.4 the relationships between the parties involved and the context in which the alleged incidents occurred.

35.0 Appeals Procedures

35.1 If someone believes that Barbour County Schools has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in BCS Policy 9200- Barbour County Appeals Process for Citizens. However, this policy does not address personal complaints against a school employee. The procedures set forth in Policy 9200 are not deemed to be a precondition to seeking relief in some other forum.

Adopted: 06/04/91

Revised: 04/22/13; 07/16/12; 06/22/09; 08/06/07; 08/06/03

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 will 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 personnal use.

5.3 Excessive use of county owed 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 8420
ALSO: 2310
ALSO: 6110

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

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

The Barbour County Schools Board of Education, in an effort to protect the health and safety of its Simulated Workplace students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of the County Schools, proposes to adopt the following policy for drug testing of activity students.

Statement of Purpose and Intent

Although the Board of Education, administration, and staff desire that every student in the District refrain from using or possessing illegal drugs, school officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in those participating in the Simulated Workplace, those who are "Opt-in participants", and those whose parent or guardian elects to include the student in the random student drug testing selection process. The sanctions imposed for violations of this policy, could include, but are not limited to, limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in interscholastic extra-curricular activities, drive to school, and to participation in the Simulated Workplace. This policy supplements and complements all other policies, rules, and regulations of the District regarding possession or use of illegal drugs.

Participation in the Simulated Workplace is a privilege. Students participating in the Simulated Workplace have a responsibility for the safe operation of equipment and machinery in the CTE setting.

The purposes of this policy are six (6) fold:

A. to educate students on the serious physical, mental, and emotional harm caused by illegal drug use;

B. to alert students with possible substance abuse problems, and their parent/guardian, of the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances;

C. to ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs;

D. to prevent injury, illness, and harm to students that may arise as a result of using illegal and performing-enhancing drugs;

E. to offer students competitions and school activities free of the effects of illegal and performance-enhancing drug use;

F. to assure the safe operation of student-driven vehicles on campus.

Illegal and performance-enhancing drug use of any kind is not compatible with the physical, mental, and emotional demands placed upon participants in the Simulated Workplace, and/or those who voluntarily choose to participate, the Board has adopted this policy for use by all participants in the Simulated Workplace, and/or those who voluntarily choose to participate in the drug testing will begin with grades 9-12 during the 2013-2014 school year.

The administration shall adopt necessary regulations to implement this policy.

Definitions

A. "Activity student" as related to this policy means a student of any District high school who is participating in the Simulated Workplace.

B. "Simulated Workplace student" means a student of any District high school who is a member of any CTE class program participating in the West Virginia Department of Education pilot program.

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

C. "Drug use test" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine sample (also referred to as "specimen").

D. "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.

E. "Opt-in participant" means any student, less than eighteen (18) years of age in grades 9-12 beginning during the 2013-2014 school year whose parent or guardian elects to include the student in the random selection for drug testing. A student may become an opt-in participant at any time during the school year. Students 18 years of age and over not included in Definitions A and C are considered emancipated and can opt-in at their discretion with the understanding they could be treated as an adult if their violation(s) of the policy merit such consideration. For any student choosing to be an "Opt-In Participant" all costs related to the drug testing will be at the expense of the student/parent/legal guardian, no costs will be attributed to Barbour County Schools.

For any student in grades 9-12 placed in the Alternative Learning Center (ALC) related to drug involvement, the student if 18 years of age or the family of that student will have the right to have their child involved in (Opt-in) this random drug testing policy. All costs related to the drug testing for a student at the ALC will be at the expense of the student/parent/legal guardian, no costs will be attributed to Barbour County Schools.

F. "Participating student" means all students included in the random testing pool. The testing pool is to be maintained by programmatic level and consequences remain in effect for the programmatic level, meaning that consequences are carried over year to year for the time the students are in the high school grades or unless they are removed from the testing pool.

G. "Performance-enhancing drugs" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals, and proteins which can be lawfully purchased over-the-counter.

H. "Positive" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing service administering the drug use test.

I. "Random selection basis" means a mechanism for selecting participating students for drug testing that:

1. results in an equal probability that any participating student from the total pool of activity students including (those in the Simulated Workplace), , and opt-in participants subject to the selection mechanism will be selected; and

2. does not give the School District discretion to waive the selection of any participating student selected under the random selection mechanism.

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

J. "Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by administrators/sponsors of the appearance, speech, or behavior of a participating student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a participating student supplied to school officials by other staff members.

Implementation Guidelines

A. Consent Forms

At the beginning of each school year each activity student including (those in the Simulated Workplace), and opt-in participants shall be provided with a copy of the "Student Drug Testing Consent Form" which shall be read, signed, and dated by the student, parent, or custodial guardian and sponsor/instructor before such student shall be eligible to participate in the Simulated Workplace. Once the random drug testing policy is fully implemented students participating in the Simulated Workplace must submit a fully completed "Student Drug Testing Consent Form" to the school by August of the school year to remain eligible to participate as an activity student. The opt-in participant and parent or custodial guardian shall also consent to read and sign a consent form. This consent requires the activity student (Simulated Workplace student), and opt-in participant to provide a urine (split sample) as follows:

1. when the activity student(Simulated Workplace student), or opt-in participant is selected by the random selection basis to provide a urine (split sample); and

2. at any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs.

No student shall be allowed to participate in the Simulated Workplace or Opt-in participant program unless the student has returned the properly signed "Student Drug Testing Consent Form."

B. Orientation Session

Prior to the commencement of drug testing each year, an orientation session shall be held with each activity student (Simulated Workplace student) and opt-in participant to educate them of the sample collection process, privacy arrangements, drug testing procedures, and other information which may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process. A mandatory training session will be held annually for principals, instructors, and sponsors to review this policy.

The orientation session will also be conducted at the beginning of the second semester for students who, at that time, want to become participating students. Their parents/guardians must also attend this orientation session.

C. Distribution of this Policy

Each activity student, (Simulated Workplace student), opt-in participant, and parent/guardian shall receive a copy of the Student Drug Testing Policy. The principal, head coach, instructor or sponsor shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

D. Random Sample

Drug use testing for participating students shall be done quarterly on a random selection basis from a list of all participating students in the Simulated Workplace or an opt-in participant. The District shall select a minimum of four percent (4%) of all participating students' names to be drawn at random to provide urine (split sample) for drug use testing for illegal drugs or performance-enhancing drugs. Testing shall be done four times a year on a random basis. Testing for performance-enhancing drugs shall be done on a random basis.

E. Reasonable Suspicion Sample

In addition to the drug tests required above, any activity student, Simulated Workplace student or opt-in participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, instructor or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

F. Drug Testing Service

Any drug use test shall be administered by or at the direction of a drug testing service chosen by the Board. The drug testing service shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper drug testing service control and scientific testing. The drug testing service shall provide all collection containers used in the drug testing process.

G. Privacy

All aspects of the drug use testing program, including the taking of specimens, shall be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.

H. Obtaining Samples

The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen shall be collected in a facility behind a closed door. The drug testing service shall provide a certified/trained employee to collect the samples subject to drug testing. This individual will also monitor the collection of samples. If deemed necessary, the representative of the drug testing service may request that the school administrator provide personnel to assist with monitoring as samples are collected.

Any eligible student selected randomly for drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate urine specimen (split sample) at testing time will be unable to participate or park until proper specimen is provided.

1. Tampering

If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal or designee who will then determine if a new sample should be obtained.

2. List of Medications Taken

In the event of a positive test result, the Medical Review Officer (MRO) or certified/trained employee of the employed testing service of the drug testing service shall contact the parent/guardian of the student and be provided with an opportunity to provide documentation of medications legally prescribed for the student. Based on the documentation provided by the parent, the MRO or certified/trained employee of the employed testing service will determine the status of the test result. The communication between the parent/guardian and the MRO or certified/trained employee of the employed testing service regarding medications prescribed to the student will be strictly confidential and not shared with school personnel.

NOTE: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards and WVSSAC Athletic Participation Forms.

I. Positive Tests

In the event of a positive test result, the parent/guardian may challenge the positive test result. The procedure would consist of a second test of the same specimen and would be conducted at the parent/guardian's expense. All records shall be confidential within the scope of the Simulated Workplace project and as related to "Opt-in participants". All records will be maintained in accordance with accepted professional standards. Release of any records to parties outside the scope of the Simulated Workplace project and of those related to "Opt-in participants" shall require proper written authorization for the release of such records by the provider of urine sample. This exclusion to related records shall not pertain to law enforcement in the discharge of their legal duties.

Confidentiality

A. Notification by Drug Testing Service

The drug testing service shall notify the Superintendent or designee of any positive test.

B. Notification to Student, Principal, Sponsor, and His/Her Parent/Guardian

In order to keep the positive test results confidential, the Superintendent or designee shall provide written notification only to:

1. For Activity/Simulated Workplace Students

the student, the principal, sponsor/instructor, and the parent or custodial guardian of the student.

2. For the Opt-in Participants

the student and the parent or custodial guardian of the student.

The principal or designee shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal or designee or to the lab. The District will rely on the opinion of the drug testing service which performed the test in determining whether the positive test result was

produced by something other than consumption of an illegal or performance-enhancing drug.

C. Record of Test Results

Test results shall be kept in the files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and shall not be turned over to any law enforcement authorities unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent from the parent, guardian, or student. Records of positive test results maintained at the school shall be destroyed upon the student's graduation from high school.

Appeal

Procedure for Appeal

A participating student who has been determined by the principal MRO) or certified/trained employee of the employed testing service to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such a request for a review must be submitted to the Superintendent in writing within five (5) working days of notice of the positive test. A student requesting a review shall remain eligible to participate in the Simulated Workplace until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision shall be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

Consequences

A. Restrictions on Activity/Simulated Workplace Students

Any activity student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:

1. First Offense

After the parent/guardian has been notified of a positive result by the Medical Review Officer or certified/trained employee of the employed testing service, a meeting shall then be set up with the student, parent/guardian, and principal concerning the positive drug test. In order to continue participation in the activity the student and parent/guardian must, within five (5) school days of the joint meeting, show written proof that the student has been referred to a Counseling Center. Proof must be provided that the student is receiving counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within two (2) weeks in accordance with the testing provisions of this policy. The parent/guardian shall be responsible for the cost of this drug test.

If the parent/guardian and student agree to these provisions, the student may continue to participate in the activity. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for activity students shall be imposed.

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

2. Second Offense

Suspension from participation in all activities covered under this policy for fourteen (14) calendar days, and successful completion of four (4) hours of substance abuse education/counseling. The student shall not participate in any meetings or competitions during this period. The student shall be tested monthly for the remainder of the school year. The time and date will be unknown to the student and determined by the principal or designee.

a. These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.

b. Should the parent/student not agree to these provisions, the consequences listed in this policy for the third offense for activity students shall be imposed.

c. Provided, however, a student who on his/her own volition informs (self-refers) the principal, sponsor/instructor of usage before being notified to submit to a drug test will be allowed to remain active in all activities covered under this policy. Such student shall, however, be considered to have committed his/her first offense under the policy, and shall be required to re-test as would a student who has tested positive.

d. Additionally, the student will not be eligible for any interscholastic activity honors or awards given by the school and/or county.

3. Third Offense and Each Offense Thereafter

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for one (1) calendar year.

B. Restrictions on Driving Students

Any driving student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:

1. First Offense

After the parent/guardian has been notified of a positive result by the Medical Review Officer or certified/trained employee of the employed testing service a meeting shall then be set up with the student, parent/guardian, and principal concerning the positive drug test. Driving privileges for any student in the Simulated Workplace or Opt-in participant shall be immediately suspended until the parent or guardian submits proof that the student has been referred to a Counseling Center. Proof must be provided that the student is receiving drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within two (2) weeks in accordance with the testing provisions in this policy. The parent/guardian shall be responsible for the costs of this drug test.

a. If the parent/guardian and student agree to these provisions, the student may resume driving to school upon proof of participation in drug counseling as specified.

b. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for driving students shall be imposed.

2. Second Offense

All privileges for any student in the Simulated Workplace or Opt-in participant to drive and/or park at school shall be revoked for a minimum of ninety (90) school days. Reinstatement of these privileges, after ninety (90) days or more, shall require the student to submit to another drug test performed under the procedures stated in this policy with a negative result at the student's expense.

3. Third Offense

All privileges for any student in the Simulated Workplace or Opt-in participant to drive and/or park at school shall be revoked for one (1) calendar year.

C. Restrictions for Opt-in Participants

The parent/guardian and student shall be contacted immediately and a private conference shall be scheduled to present the positive test results. Driving privileges will be covered as above in B-1-2 and 3.

D. A violation of this policy is NOT a violation of the Student Code of Conduct Policy. Any participating student who tests positive in a drug test under this policy shall, as a result thereof, be subject only to the restrictions described under this section labeled Consequences; notwithstanding any provision of the Student Code of Conduct Policy. When School District employees charged with the administration of this drug testing policy are made aware of drug use by an activity student (Simulated Workplace student) or opt-in participant, solely as a result of drug testing under this policy, that activity student (Simulated Workplace student) or opt-in participant shall NOT be disciplined under the Student Code of Conduct Policy or of their drug use so discovered.

Refusal to Submit to Drug Use Test

Ineligibility to Participate or Drive and Park at School

A participating student who refuses to submit to a drug test authorized under this policy shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances, CTE classes and competitions or drive and park on school property for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school and/or county.

Important Note on Consequences

Notwithstanding, any student who violates the *Student Code of Conduct Policy* and West Virginia law by the illegal use of medications or drugs of any kind while on school grounds, or is under the influence of medications or illegal drugs on school grounds, the student is subject to disciplinary action as outlined in the *Student Code of Conduct Policy*, up to and including expulsion.

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE AND "OPT-IN PARTICIPANTS"

Advisory Council

In order to monitor policy effectiveness, the Superintendent shall appoint an advisory council to review the local data and make recommendations to the Board regarding policy effectiveness. This advisory council shall include but not be limited to a school counselor from the high school, a school nurse, and a community agency representative involved professionally with drug use prevention and treatment programs.

Postscript

The Board and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Board believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

Adopted: 01/13/14

Barbour County 8510

SEARCH AND SEIZURE POLICY

1.0 SCOPE: This policy establishes the parameters for school officials to conduct searches and, if certain conditions are met, seize property.

2.0 PURPOSE: The Board of Education recognizes the importance of keeping students safe and yet protect the privacy of students as to their person and their belongings, which may not be violated by unreasonable search and seizure, and directs that no student be searched in an unreasonable manner or without reasonable suspicion.

3.0 IMPLEMENTATION:

3.1 The Barbour County Board of Education acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official.

3.2 School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles located on school property, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

3.3 This authorization to search shall also apply to all situations in which the student is under the jurisdiction of Barbour County Schools.

3.4 Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing notice has been posted in writing in the student handbook.

3.5 Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender.

3.6 Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to accurately determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

3.7 The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the principal has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Barbour County 8510

SEARCH AND SEIZURE POLICY

IMPLEMENTATION (continued) -

3.8 Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

3.9 The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

3.10 The Superintendent shall prepare administrative guidelines to implement this policy.

4.0 AUTHORITY:

U.S. Constitution, 4th Amendment
West Virginia Board of Education Policy 4372, 126 CSR 98

Adopted: 09/18/79

Revised: 08/10/09; 02/05/02; 04/04/95; 1983

BARBOUR COUNTY FILE: 8700

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-l. 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**

BARBOUR COUNTY FILE: 8710

MEDICATION ADMINISTRATION

General.

1.1. Scope. – This legislative rule establishes standards for administration of all medication in the West Virginia public school system.

Purpose.

2.1. Good health and safety are essential to student learning. The administration of medication to students during the school day should be discouraged unless absolutely necessary for the student's health. Administration of medication during the school day is essential to allow some students to attend school. This policy establishes the standards that must be followed when any medication is required to be administered during attendance at school or school related events and to provide for emergency medication administration, when necessary.

2.2. An objective of this medication administration policy is to promote individual responsibility. This can be achieved by educating students and their families.

Application.

3.1. These regulations apply to school nurses, administrators, other authorized school employees, contracted school nurses, and contracted licensed health care providers (as specified in W.Va. Code ' 18-5-22a) administering medication to students in the West Virginia public school system.

3.2. This policy shall not impact the operating procedures of School Based Health Centers. It is not the intent of this policy to interfere with existing policies and procedures of health care providers managing School Based Health Centers.

Definitions.

4.1. "Administration of medication" means a health care procedure, which may be performed by school personnel who are designated, qualified, trained and authorized to administer medications to students.

4.2. "Administrator's designee" means an employee (excluding the school nurse or contracted provider of nursing services) who is designated by the building administrator, is trained to administer non-prescribed medication, and agrees to administer non-prescribed medications.

4.3. "Contracted licensed health care provider" means a licensed health care provider, as set forth in Section 4.6 of this policy, providing health care services under a contract with county boards of education. Health care services may be contracted after the ratio of one nurse for every 1,500 students, kindergarten through seventh grade, is provided to county schools.

4.4. "Contracted school nurse" means an employee of a public health department providing services under a contract with a county board of education to provide services considered equivalent to those required in W.Va. Code §18-5-22.

4.5. "Designated qualified personnel" means an employee or contracted provider who agrees to administer medications, is authorized by the administrator, successfully completes training as defined in West Virginia Board of Education Policy 2422.7 – Standards for Basic and Specialized Health Care Procedures (126CSR25A), hereinafter Policy 2422.7, and is qualified for the delegation of the administration of prescribed medications.

4.6. ALicensed health care provider@ means a medical doctor or doctor of osteopathy, podiatrist, registered nurse, practical nurse, registered nurse practitioner, physician assistant, dentist, optometrist, pharmacist or respiratory care professional licensed under Chapter Thirty of W.Va. Code.

4.7. "Licensed prescriber" means licensed health care providers with the authority to prescribe medication.

4.8. "Long-term and Emergency Prescribed Medication" means medication ordered by a licensed prescriber that is used to treat acute and chronic health conditions including both daily and PRN (as needed) medication.

4.9. "Medication document" means the individual medication record or medicine log used to record the administration of medication to a student.

4.10. "Non-prescribed Medication" means medication and food supplements that have been approved by the Food and Drug Administration and may be obtained over-the-counter (OTC) without a prescription from a licensed prescriber.

4.11. "Parent/Guardian Authorization Form" means a form completed and signed by parent/guardian in order to authorize medication administration to said parent's/guardian's child. The form must include the following: student name; date; allergies; medication name, dosage, time and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.

4.12. "Prescribed Medication" means medication with a written order signed by a licensed prescriber.

4.13. "School Based Health Centers" means clinics located in schools that: 1) are sponsored and operated by community based health care organizations; 2) provide primary health care services (including but not limited to diagnosis and treatment of acute illness, management of chronic illness, physical exams, immunizations, and other preventive services) to students who are enrolled in the health center; and 3) follow state and federal laws, policies, procedures, and professional standards for provision of medical care.

4.14. "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 West Virginia Board of Education Policy 5100 – Approval of Educational Personnel Preparation Programs (126CSR114) and meets the requirements for certification contained in West Virginia Board of Education Policy 5202 – Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (126CSR136). The school nurse must be employed by the county board of education or the county health department as specified in W.Va. Code '18-5-22.

4.15. "School-related event" means any curricular or co-curricular activity, as defined in West Virginia Board of Education Policy 2510 – Assuring the Quality of Education: Regulations for Education Programs (126CSR42), that is conducted outside of the school environment and/or instructional day. Examples of co-curricular activities include the following: band and choral presentations; theater productions; science or social studies fairs; mathematics field days; career/technical student organizations' activities; or other activities that provide in-depth exploration or understanding of the content standards and objectives appropriate for the students' grade levels.

4.16. "Self-administration" means medication administered by the student under the supervision of the school nurse, designated qualified personnel, administrator or administrator's designee. The self-administration of prescribed medication may also include medication taken by a student in an emergency or an acute situation (e.g., rescue inhaler).

Authorization.

5.1. Authorized personnel include trained school nurses, other licensed health care providers, administrators, teachers, aides and secretaries as defined in W.Va. Code §§18-1-1, 18A-4-8 and 18-5-22.

Roles and Responsibilities.

6.1. Role of the school administrator(s).

6.1.1. Provide for appropriate, secure, and safe storage and access of medications.

6.1.2. Provide a clean, safe environment for medication administration.

6.1.3. Provide a mechanism for safely receiving, counting and storing medications.

6.1.4. Provide a mechanism for receiving and storing appropriate medication authorization forms.

6.1.5. Select potential candidates for medication administration (prescribed and non-prescribed).

6.1.6. Assign qualified employees, who meet a satisfactory level of competence for prescribed medication administration as defined in Policy 2422.7 and non-prescribed medication as determined by the WVDE.

6.1.7. Coordinate development of procedures for the administration of medication during school-related events with classroom teachers, school nurses, parents/guardians, designated qualified personnel and administrator's designees.

6.2. Role of the school nurse and contracted licensed health care provider.

6.2.1. Determine if the administration of prescribed medication may be safely delegated to designated qualified personnel, as defined in Section 4.4.

6.2.2. Contact the parent/guardian or licensed health care provider to clarify any questions about prescribed medication that is to be administered in the West Virginia public school system.

6.2.3. Manage health related problems and decisions. In the role of manager, the nurse is responsible for standards of school nurse practice in relation to health appraisal, health care planning and maintenance of complete and accurate documentation. For students needing long-term and emergency prescription medication to attend school, the school nurse shall assess the student, review the licensed prescriber's orders, assure implementation of needed health and safety procedures, and develop a health care plan.

6.2.4. Utilize the "West Virginia Board of Examiners for Registered Professional Nurses Guidelines for Determining Acts that May be Delegated or Assigned by Licensed Nurses", January 2001, and any revisions thereof, as the mechanism for determining whether or not the administration of prescribed medications may be delegated.

6.2.5. Provide and/or coordinate training, as defined in Policy 2422.7, for all school employees designated to administer prescribed medication.

6.2.6. Validate and document student knowledge and skills related to self-administration of prescribed medication.

6.3. Role of designated qualified personnel/administrator's designee.

6.3.1. Successfully complete the Cardiopulmonary Resuscitation (CPR), First Aid, and the medication administration portion of training, as defined in Policy 2422.7.

6.3.2. Store and administer medication, complete the medication document and report medication incidents as outlined in Sections 7.4. and 8.5.

6.4. Role of the parent/guardian.

6.4.1. Administer the initial dose of any medication at home, except for emergency medications and unless otherwise directed by the licensed prescriber and/or a court order.

6.4.2. Complete and sign a parent/guardian authorization form (to be designed by each county), which indicates student name; date; allergies; medication name; dosage, time, and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.

6.4.3. Provide school with completed licensed prescriber authorization form for prescribed medication(s).

6.4.4. Supply medication and ensure that medication arrives safely at school in a current and properly labeled container (see Sections 7.2 and 8.3). Give the medication to the person authorized by the administrator to receive, store, and administer medication. Maintain effective communication pertaining to medication administration.

6.4.5. Replenish long-term and emergency prescribed medication as needed.

6.4.6. Retrieve unused or outdated medicine from school personnel no later than thirty days after the authorization to give the medication expires or on the last day of school.

6.5. Role of the student.

6.5.1. Consume the medication in the specified manner, in as much as his/her age, development and maturity permit.

6.5.2. Self-administer prescribed emergency or acute medications, such as but not limited to an Epi-pen or ibuprofen when the prescription indicates that said student must maintain possession of the medication. The student must be able to bring the medication to school, carry the medication in a safe and responsible manner, and use the medication

only as prescribed. At the discretion of county boards of education, high school students (not below grade 9) may be allowed to carry and self-administer non-prescribed medication (OTC) with parent/guardian authorization, unless restricted by the administrator.

Administration of Prescribed Medication.

7.1. Prescribed medications shall be administered after written authorization from a licensed prescriber and parent/guardian are received.

7.2. Prescribed medication shall be in the originally labeled container, which includes the following:

7.2.1. Prescribed medication(s) from a pharmacy

a. student's name,

b. name of the medication,

c. reason(s) for the medication (if to be given only for specific symptoms),

d. dosage, time and route,

e. reconstitution directions, if applicable, and

f. the date the prescription and/or medication expires.

7.2.2. Prescribed Over-the-Counter Medication(s)

a. student's name (affixed to original manufacturer's bottle),

b. name of the medication,

c. reason(s) for the medication (if to be given only for specific symptoms),

d. dosage, time and route,

e. reconstitution directions, if applicable, and

f. the date the prescription and/or medication expires.

7.3. Medication administration steps must be followed exactly as outlined in Policy 2422.7.

7.3.1. Medication administration must take place in a clean and quiet environment

where privacy may be established and interruptions are minimal.

7.3.2. The school nurse is to be contacted immediately when a prescribed medication's appearance or dosage is questioned. The school nurse shall take the appropriate steps to assure the medication is safe to administer.

7.3.3. The school nurse is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.

7.3.4. When a student's medical condition requires a change in the medication dosage or schedule, the parent must provide a new written authorization form from a licensed prescriber and container. This must be given to designated personnel within an appropriate time frame.

7.4. Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the licensed health care provider. The school nurse and administrator shall be contacted immediately in the event of a medication incident. The school nurse or administrator shall do the following:

7.4.1. Contact the physician and parent/guardian, if necessary.

7.4.2. Implement the school nurse or administrator recommendation/licensed prescriber order in response to a medication incident.

7.4.3. Document all circumstances, orders received, actions taken and student's status.

7.4.4. Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.

7.5. Self-administration of asthma medication shall be permitted in accordance with W.Va. Code §18-5-22b after the following conditions are met:

7.5.1. A written authorization is received from the parent/guardian for self-administration of asthma medication.

7.5.2. A written statement is received from a licensed prescriber which contains the student name, purpose, appropriate usage, dosage, time or times at which, or the special circumstances under which the medication is to be administered.

7.5.3. The student has demonstrated the ability and understanding to self-administer asthma medication by passing an assessment by the school nurse evaluating

the student's technique of self-administration and level of understanding of the appropriate use of the asthma medication.

7.5.4. The parent/guardian has acknowledged in writing that they have read and understand a notice provided by the county board of education stating that the school, county school board and its employees and agents are exempt from any liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of asthma medication.

7.5.5. The permission to self-administer asthma medication shall be effective for the school year for which it is granted and all documents related to the self-administration of asthma medication shall become part of the student health record.

7.5.6. The permission to self-administer asthma medication may be revoked if the school administrator finds that the student's technique and understanding of the use of asthma medication is not appropriate or is willfully disregarded.

Administration of Non-Prescription Medication.

8.1. Non-prescribed medications shall be administered only after meeting the following requirements:

8.1.1. Parent/guardian authorization form is provided. A doctor's prescription is required for all over the counter medications.

8.1.2. The school administrator has the authority to determine if the administration of the non-prescribed medication may be safely delegated to the administrator's designee as defined in Section 4.2.

8.1.3. The school administrator has the authority to contact the parent/ guardian or a licensed health care provider to clarify any questions about the medication being administered.

8.2. Any non-prescribed medication(s) must be provided by the parent/guardian.

8.3. Non-prescribed medication shall be in the manufacturer's original packaging clearly marked with the following:

8.3.1. student's name (affixed to original manufacturer's bottle),

8.3.2. name of medication,

8.3.3. ingredients,

8.3.4. dosage, time and route,

8.3.5. reconstitution directions, if applicable, and

8.3.6. medication expiration date.

8.4. Medication administration steps must be followed exactly as outlined by the WVDE.

8.4.1. Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.

8.4.2. The parent/guardian is to be contacted immediately when a medication's appearance or dosage is questioned. The administrator's designee shall take the appropriate steps to assure the medication is safe to administer.

8.4.3. The parent/guardian is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.

8.5. Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the parent/ guardian. The school administrator shall be contacted immediately in the event of a medication incident. The school administrator will then contact the parent/ guardian, if necessary. The school administrator or designee shall:

8.5.1. Implement the parent's/guardian's recommended response to a medication incident.

8.5.2. Document all circumstances, orders received, actions taken and student's status.

8.5.3. Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.

8.5.4. When a parent/guardian authorizes a non-prescribed medication to be given in addition to a known prescribed medication, the administrator or school nurse shall validate the safety of multiple medications. At times, this validation process may require a licensed provider order.

Medication Storage, Inventory, Access and Disposal.

9.1. Each school shall designate space in the building to store student medication, at

the correct temperature, in a secure, locked, clean cabinet or refrigerator, as required.

9.2. All medication shall be entered on a medication inventory and routinely monitored for expiration and disposal.

9.3. Access to medications shall be under the authority of the administrator of the school in conjunction with the school nurse assigned to that school. If there is a full-time school nurse assigned to the building, the school nurse shall have authority over the access to prescribed medications.

9.4. An appropriate supply of long-term and emergency prescribed medication may be maintained at the school in amounts not to exceed school dosages within each calendar month.

9.5. School personnel shall dispose of unused or outdated medicine unclaimed by the parent/guardian no later than 30 days after the parent/guardian medication authorization expires or on the last day of school.

9.6. Medication disposal shall be done in a manner in which no other individual has access to any unused portion. Two individuals will witness the disposal of the medication and the procedure must be documented on the appropriate form related to the specific student.

Confidentiality and Documentation.

10.1. Student information related to diagnosis, medications ordered and medications given must be maintained according to The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) and in such a manner that no one could view these records without proper authorization as specified in West Virginia Board of Education Policy 4350 - Procedures for the Collection, Maintenance and Disclosure of Student Data (126CSR94).

10.2. Documentation of medication administration shall include the following information:

10.2.1. student name,

10.2.2. medication(s) name,

10.2.3. dosage, time and route of medication('s) administration,

10.2.4. reaction(s) or untoward effects,

10.2.5. reason(s) the medication was not administered; and

10.2.6. date and signature of person administering medication.

Consequences of Policy Violation.

11.1. If a student violates the policy regarding medication administration, action will be based upon West Virginia Board of Education Policy 4373 - Student Code of Conduct (126CSR99) and/or West Virginia Board of Education Policy 2422.5 - Substance Abuse (126CSR23).

11.2. Failure of school personnel to comply with the above rules shall result in personnel disciplinary actions based on West Virginia Board of Education Policy 5310 - Performance Evaluation of School Personnel (126CSR142) and West Virginia Board of Education Policy 5902 - Employee Code of Conduct (126CSR162).

Severability.

12.1. 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**
Legal References:	**WV State Board of Education Policy 2422.8** **WV Codes 81-5-22a; 18-5-22b**
Authority:	**WV Constitution, Article XII, 2 and WV Code 18-1-1, 18-2-5, 18-5-22, 18-5-22a, 18-5-22b, 18A-4-8, and 30-7-1, et seq**
Adopted:	**9/18/79**
Revised:	**08/20/07; 8/23/04; 9/8/03; 4/4/95; 3/20/90; 9/16/86; 1983; 9/18/79**

Students FEES, FINES, and CHARGES

1. PURPOSE

1.1 The basic services of the schools shall be provided free of charge to all students. No part of the original cost of the school buildings, instructional equipment, textbooks, and materials is to be charged to students.

2. FEES, FINES, CHARGES

2.1 There shall be no fees or charges assessed against any student enrolled in the regular school program.

2.2 Students may be assessed for: 1. books that are lost or defaced; 2. breakage or damage of school property resulting from misuse or abuse; 3. overdue library books; 4. non return of school property.

2.3 Participation in extracurricular activities is to be encouraged for all students. Costs/expenses associated with participating in extracurricular activities should not be prohibitive to students.

2.4 Students' dues voted on by members of voluntary extracurricular activities or classes shall be kept as low as possible.

2.5 Charges for activities or special programs not in the normal instructional curriculum may be collected if the particular projects are approved by the Superintendent in advance.

2.6 Charges for parking permits may be assessed.

3. Enforcement

3.1 Schools may not withhold a student's grades, refuse to promote students, withhold their diploma or transcripts or, in anyway, deny students an education because they are unable to pay school fines.

3.2 Students shall not be permitted to process at graduation until all outstanding fees/fines/charges are paid in full.

3.3 Refunds will not be made when students violate school/county policies and lose privileges such as parking or being removed from a school/county event.

4. Authority

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

Adopted: 1974

Revised: 6/22/09; 09/18/79

BARBOUR COUNTY FILE: 8900

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 1 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 1 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 1 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

BARBOUR COUNTY 9200

BARBOUR COUNTY APPEAL PROCESS FOR CITIZENS

1. **PURPOSE:** This policy is provided to establish the requirements and procedures to be followed by citizens of Barbour County in their appeal of the school district's actions regarding the provision of a high quality education to the students of Barbour County Schools, when necessary.

2. **APPEALS PROCESS.**
   2.1. The West Virginia Board of Education (WVBE) provides for a citizens appeal process in WVBE Policy 7211: Appeals Procedure for Citizens. Policy 7211 delineates the process and procedure to be followed in filing a citizens' appeal. Forms for filing an appeal are also provided in Policy 7211.
   2.2. The Barbour County Board of Education adopts, in its entirety, WVBE Policy 7211. Included with this adoption are all procedures, timelines, forms and protocol as provided for and detailed in WVBE Policy 7211.

3. **SEVERABILITY:** 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.

Authority: WV Code section.....; WVDE Policy 7211

Adopted: 1983

Revised: 06/14/10

Barbour County 9600

VISITORS TO THE SCHOOLS POLICY

1.0 PURPOSE

1.1 The Board of Education strongly supports safety in the schools while realizing the benefit of approved visitors to the schools.

1.2 The Board of Education also believes that parents and guardians should have reasonable access to their child's classrooms, subject to the procedures set forth below.

1.3 The specific intent of this policy is to provide consistent procedures to be followed when parents or guardians of children wish to observe instruction in their child's classroom. These procedures are intended to balance a parent or guardian's reasonable access to the classroom with the rights of students and educators to enjoy a distraction-free learning environment. These procedures are further intended to protect the privacy of children and faculty members.

1.4 All visitors are required to report to the school office upon entering the school.

1.5 Visitors are not to stand in the hallways, visit classrooms or loiter on the campus without approval from the office.

2.0 RESPONSIBILITY

2.1 It shall be the responsibility of the Board of Education, Superintendent and building administrator to administer this policy.

2.2 School personnel should notify the office of any person who may be visiting them and those visitors should report to the office upon arriving at the school.

2.3 Violators will be subject to safe school policy directives.

AUTHORITY: Source: Board of Education Minutes

Adopted: 1974;
Revised: 06/28/10; 1983; 1978-79

See Procedures 9600P

Barbour County 9600P

PROCEDURES FOR VISITORS TO THE SCHOOLS

1. All classroom visitors shall comply with Barbour County Board of Education's established policy regarding Visitors to the Schools. That policy requires all visitors to report to the school office upon entering the school, and it prohibits any/all visitors from standing in the hallways, visiting classrooms, or loitering on the campus without approval from the office.
2. All persons wishing to visit a classroom shall make an appointment in advance with the principal of the school and with the classroom teacher.
3. All classroom visits shall not exceed one hour, unless otherwise agreed to by the principal of the school and the classroom teacher, or at the direction of the superintendent.
4. Classroom visitors shall not disrupt the classroom. Disruptions include, but are not limited to, interrupting a teacher who is teaching a class, interrupting a teacher during preparation times or other related instructional duties, interacting with students without prior approval from the classroom teacher, and otherwise behaving in a manner which distracts children from their ability to learn.
5. Classroom visitors may be accompanied by a Barbour County Schools employee.
6. Faculty members have the right to take reasonable actions to preserve and protect a positive learning environment, including causing any classroom visitor to be removed from school property. The classroom teacher and/or the school principal may terminate a visit at any time if, in principal/teacher's judgment, the visit is disrupting children, faculty, or the learning process, or becomes a threat to the health, safety, or welfare of children or faculty.
7. Classroom visitors are permitted to take notes. However, any notes taken shall be presented to the classroom teacher prior to leaving the classroom. All notes taken by classroom visitors must be inspected by the classroom teacher and are subject to redaction to ensure that student privacy is maintained.
8. Classroom visitors shall not breach the confidentially of any other students by including or removing any personally identifiable information.
9. Classroom visitors shall not photograph or videotape any person or any part of any building during classroom visits. Classroom visitors shall not tape record any conversations during classroom visits.

Questions shall be directed to the principal of the school where the visit shall occur or to the faculty member responsible for the classroom. All discussions must occur outside the presence of children and other faculty members.

BARBOUR COUNTY FILE: 9610

VOLUNTEERS IN THE SCHOOLS

1.0 Purpose

1.1 Barbour County Board of Education promotes and encourages school volunteers in order to expand and enhance parental and community involvement with schools while ensuring the maintenance of an adequate and appropriate level of safety and security in each school.

2.0 Definition

2.1 A school volunteer is defined as a non-paid person functioning within the policies of the Board who shall serve under the immediate supervision and direction of the professional staff of the district to whom he/she is assigned. Volunteers shall serve **without compensation of any type** and without any/all other benefits accorded to employees of the district. A volunteer may not instruct, or be the sole supervisor of students at any time. It is not required that school volunteer positions be posted.

2.2 A volunteer coach is defined as:

2.2.1 A head or assistant coach for a "farm team" that has been approved by the BOE, but has not attained full sports status. It is required that the position for a "farm team" volunteer coach be posted AFTER the farm team has been approved by the BOE;

2.2.2 A volunteer who assists the paid head and/or assistant coach(es) of a particular sport. It is required that this position be determined necessary **annually** by the head coach, prior to the first day of the sports season as determined by the WVSSAC. The head coach shall make the request for a volunteer in writing to the principal; the principal shall approve the request and forward it to the superintendent. As with other personnel positions, the superintendent will determine the need for the position. If it is determined that this position is needed, the position shall be posted. *Any person who wishes to volunteer as a coach for an athletic team must have received training from the West Virginia Secondary Schools Athletic Commission prior to volunteering.*

2.3 An incidental adult visitor is defined as an adult who visits a school but has no ongoing individualized interaction with a student or students, including, but not limited to, chaperones for trips, adults who have been invited to speak at a class or assembly, to judge academic competitions, to give a musical performance, or participate in a program, such as "Career Day" or "Read Aloud."

2.4 Individuals Receiving a Stipend. As stated above, a volunteer is an individual who receives no payment for services. An individual who is to receive, or is receiving, a stipend or other remuneration is **not** a volunteer and must be hired and processed through Barbour County Schools Office of Personnel.

3.0 Application

3.1 The principal shall determine the need for school volunteers.

3.1.1 The principal is the sole decision maker regarding the need for a volunteer(s) in the school.

3.1.2 An individual who wishes to volunteer at a school shall be interviewed and approved by the principal prior to serving as a volunteer at the school.

3.1.3 A rejected volunteer applicant may appeal the principal's decision to the Superintendent, whose decision shall be final.

3.2 Prospective school volunteers as defined above shall complete all volunteer forms provided to schools including a volunteer application form, a background investigation authorization and release and a volunteer release form.

4.0 Criminal Background Investigation.

4.1 In order to protect the safety and security of Barbour County Schools' children and school staff, school volunteer and volunteer coach applicants who are not employed by Barbour County Schools shall be required to submit to a criminal background investigation/check using the person's name, date of birth, gender, race, Social Security number and fingerprints, at Barbour County Schools' expense.

4.2 A signature from the principal requesting the volunteer is required certifying that the applying volunteer has shown proof of identity.

4.3 After the initial criminal background check, volunteers must report any subsequent criminal convictions to the principal.

4.4 If an individual refuses to submit to the background investigation, that person shall be ineligible to be a volunteer in the Barbour County Schools. This includes a refusal to submit to all or part of the background investigation.

4.5 To provide consistency in the district in determining the appropriateness of individuals working with children, Barbour County Schools will use the same guidelines currently in place for reviewing criminal conviction(s) or pending charge(s) for employees in determining if a volunteer candidate is accepted or rejected.

4.6 Any person wishing to volunteer in the schools and who has been convicted of any criminal offense which constitutes a felony must be recommended by the superintendent and approved by the Board of Education prior to performing any volunteer activities.

5.0 Training for Volunteers.

5.1 All volunteers must adhere to and comply with all appropriate Federal, State, and County law, regulations, policies, procedures and practices set forth for employees, including the requirements of the Drug Free Workplace Act of 1988 (41 U.S.C. §701 et seq.)

5.2 Before entering into any of the duties as a volunteer at a school, a prospective volunteer must receive appropriate training in confidentiality, sexual harassment prevention, cultural diversity, English as a second language, and safety in the workplace. All volunteers are required to have confidentiality, sexual harassment prevention, and cultural diversity training **annually**.

5.3 Said training will be arranged by the BCS Personnel Director by appropriate trainers, including but not limited to the Parent Education Resource Coordinator (PERC).

5.4 Any volunteer who does not comply with all appropriate Federal, State, and County law, regulations, policies, procedures and practices set forth for employees, including the requirements of the Drug Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), shall have his/her volunteer status revoked immediately by the superintendent of schools.

6.0 **Volunteer Activities.**

6.1 Upon entering the school building to engage in volunteer activities, the volunteer must first sign in at the school office.

6.2 The volunteer will be issued a volunteer badge, which the individual must wear in a prominent manner at all times when in the school.

6.3 If the principal determines a need to do so, the volunteer will be escorted to the location in which he or she will volunteer; when finished with the volunteer activities, the volunteer will be escorted back to the office and will sign out prior to leaving.

Legal Reference: WV Code 18-5-13

Adopted: 9/19/1989

Revised: 10/27/2008

BARBOUR COUNTY FILE: 9610

VOLUNTEERS IN THE SCHOOLS

APPLICATION FOR PARTICIPATION as a VOLUNTEER in BARBOUR COUNTY SCHOOLS

Barbour County Schools is an Equal Opportunity Employer and Complies with the Provisions of the Americans with Disabilities Act.

Instructions:

- Print answers in black/blue ink or use a typewriter.
- Date and sign the application.
- Use additional sheets of paper if necessary when answering.

1. Print Name: _____
   Last First Middle
2. Phone: _____ _____
   Home Work
3. Address: (The information requested in items 4 and 6 is used solely to verify identity when checking information in item 10.)
   _____
   Number Street City and State Zip Code
4. Social Security Number: _____
5. Date of Birth: Month _____ Day _____ Year_____
6. Race: _____ Sex ____M_____F_____
7. Provide any other names by which you have been known: _____
8. List of States in which you have lived (other than West Virginia) and the approximate dates:

State: _____ Dates: from _____ to _____
State: _____ Dates: from _____ to _____
State: _____ Dates: from _____ to _____

9. Name of the school at which you want to volunteer _____
10. Have you ever been convicted of or paid a fine for any offense (including felonies, misdemeanors, or ordinance violations) or do you have any charges pending, other than minor traffic violations? ____Yes _____ No _____

If yes, list details below. Use separate sheet if necessary. (NOTE: Convictions are not an automatic bar to participation as a volunteer. Each case is considered on its own merit. However, a conviction not reported on this application shall be cause for rejection of this application. Individuals who have felony convictions must be recommended by the Superintendent and approved by the Board of Education in adherence with BARBOUR COUNTY BOARD OF EDUCATION POLICY *Volunteers in the Schools* Reference: W.Va. Code §18-5-13

Date	Location	Charge	Court	Disposition of Charge

Signed: _____ Date: _____

Principal Signature: _____ Date: _____

BARBOUR COUNTY FILE: 9630

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 conductive 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.

BARBOUR COUNTY FILE: 9630

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.

BARBOUR COUNTY FILE: 9630

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

Barbour County Schools Chromebook Guidelines for Students and Parents

This document provides detailed information to parents and students about how to care for the technology being entrusted to them.

1. Receiving a Chromebook
   a. Parent Signature
      Parents and Students are expected to sign the Acceptable Use Policy and One to One Technology Responsible Use Guidelines during the online registration process and prior to the student receiving a BC-issued device.

   b. Returning Student Distribution
      Students and the parents of students who are receiving a Barbour County Schools device for the first time will attend a meeting/device distribution on one of the following dates: To be announced prior to Chromebooks being issued to students.

   c. Transfer/New Student Distribution
      All transfers/new students will be able to pick up their Chromebooks from designated spots at each school.

2. Returning the Chromebook
   a. End of Year
      At the end of the school year, students will turn in their Chromebooks, and charger. Failure to turn in a Chromebook and charger will result in the student being charged the full replacement cost of these items. The County may also file a report of stolen property with the local law enforcement agency.

   b. Transferring/Withdrawing Students
      Students that transfer out of or withdraw from Barbour County Schools must turn in their Chromebook, case and charger to the principal/counselor office on their last day of attendance. Failure to turn in the Chromebook will result in the student being charged the full replacement cost for (Chromebook, charger, case). Barbour County Schools will not release transcripts, records or withdraw a student until the Chromebook is turned in. Unpaid fines and fees of students leaving Barbour County Schools may be turned over to a collection agency. Barbour County Schools may also file a report of stolen property with the local law enforcement agency.

3. Taking Care of the Chromebook
   Students are responsible for the general care of the Chromebook they have been issued by the school. Students with Chromebooks that are broken or fail to work properly must fill out a work order form and take the device to IT/Designated Office as soon as possible so that they can be taken care of properly. County-owned Chromebooks should never be taken to an outside computer service for any type of repairs or maintenance. Students should never leave their Chromebooks unattended except when locked in their hallway locker.
   a. General Precautions
      - No food or drink should be next to Chromebooks.
      - Cords, cables, and removable storage devices (e.g. thumb drives) must be inserted carefully into appropriate port on the Chromebooks.
      - Chromebooks should not be used or stored near pets.
      - Chromebooks should not be used with the power cord plugged in when the cord may be a tripping hazard.
      - Chromebooks must remain free of any writing, drawing, stickers, and labels.
      - Heavy objects should never be placed on top of Chromebooks.
      - Chromebooks should never be loaned to another student or individual during the school day or otherwise.

- If you leave your device in your vehicle, the vehicle should be locked, and the device placed out of sight.

b. Carrying Chromebooks
   - Always leave your Chromebooks in the provided case and handle with care. Failure to do so may result in disciplinary action.
   - Never lift a Chromebook by the screen.
   - Never carry a Chromebook with the screen open.

c. Opening the Chromebook
   - Open the Chromebook only when it is resting on a flat surface such as a table or desk.
   - To open the Chromebook, use one hand to hold the keyboard against the table. Use the other hand to open the screen by grasping the screen's edge (in the middle) and gently moving the screen to the open position. (Figure 1. Opening a Chromebook.)
   - The hinge of the screen will only allow the screen to be open to a slight angle. Do not attempt to open the screen beyond this stopping point as the screen will break if forced.

d. Closing the Chromebook
   - Before closing the screen, make sure there is nothing on the keyboard to prevent the full closure of the device. Obstacles on the keyboard could cause broken screens or damaged hinges.
   - Close the screen only when the Chromebook is resting on a flat surface such as a table or desk.
   - Close the Chromebook using two hands – one at either corner of the screen (Figure 2. Closing a Chromebook.) Close the screen gently.





e. Screen Care
   - The Chromebook screen can be damaged if subjected to heavy objects, rough treatment, some cleaning solvents, and other liquids. The screens are particularly sensitive to damage from excessive pressure.
   - Do not put pressure on the top of a Chromebook when it is closed.
   - Do not store a Chromebook with the screen open.
   - Do not place anything in the protective case that will press against the cover.
   - Make sure there is nothing on the keyboard before closing the lid (e.g. pens, pencils, or earbuds).
   - Never lift the Chromebook by the screen.
   - Only clean the screen with a soft, dry microfiber cloth or anti-static cloth.

f. Asset Tags/Identification Tag/Luggage Tag
   - All Chromebooks will be labeled with a Barbour County Schools asset tag, identifying sticker on front of Chromebook and luggage tag on case.
   - Barbour County Schools Asset tags/ID tag/luggage tag may not be modified or tampered with in any way.

- Students will or may be charged a replacement cost of $5.00 for tampering with a Barbour County Schools tags or turning in a Chromebook without a Barbour County Schools tags. Schools will enforce disciplinary action by not allowing students to attend incentives, field trips; in addition to assigning other disciplinary actions by the school principal until the replacement fee has been received.

4. Using Chromebooks
   a. Media
      - Inappropriate media (pictures, music, movies, etc.) may not be used as Chromebook backgrounds or themes. The presence of such media will result in disciplinary action.
      - Inappropriate media (images, videos, etc.) may not be stored on or accessed on the Chromebook. The presence of such media will result in disciplinary action.
   b. Audio
      - Sound must be muted always unless permission is obtained from a teacher.
      - Headphones or earbuds may be used at the discretion of the teachers.
      - Students can provide their own personal headphones and/or ear buds and are expected to bring them every day. Barbour County Schools will provide the first set of earbuds to students, and the earbuds should be stored in the carrying case provided to students.
   c. Printing
      - Students will be encouraged to digitally publish and share their work with their teachers and peers when appropriate.
      - Student work should be stored in an Internet/cloud application, students will print directly from their Chromebooks at school to designated printers or students may log into a print station to print their work in the computer labs. Students are only to print content related to school assignments. If a student is caught printing material that is not school related will have their print capability turned off.
      - Students may set up their home printers with the Google Cloud Print solution to print from their Chromebooks at home. Information about Google Cloud Print can be obtained at http://www.google.com/cloudprint/learn/.
   d. Network Access and Security
      - Students will log into their Chromebooks using their school issued Google Apps for Education account.
      - Students should never share their account passwords with others, unless requested by an administrator.
   e. Managing and Saving Digital Work with a Chromebook
      - The majority of student work will be stored in Internet/cloud-based applications and can be accessed from any computer with an Internet connection and from most mobile Internet devices.
      - Some files may be stored on the Chromebook's hard drive.
      - Students should always remember to save frequently when working on digital media (although many cloud-based applications, including Google Docs, automatically save work).
      - The county will not be responsible for the loss of any student work.
      - Students are encouraged to maintain backups of their important work on a portable storage device or by having multiple copies stored in different Internet storage solutions.
5. Student Responsibilities
   a. Following Classroom Guidelines
      Students are responsible for following school and classroom specific guidelines and expectations for use. This means following instructions, guidance, and protocols regarding when and how to use the technology in the instructional setting.
   b. Bringing the Chromebook to school
      Students are expected to bring a fully charged Chromebook to school every day and bring their Chromebooks to all classes unless specifically advised not to do so by their teacher.
   c. If a student does not bring his/her Chromebook to school

- Not having the device in class will be treated the same as if a student did not bring his textbook or homework to class.
- Students should indicate to their teacher that they do not have a Chromebook with them.
- Teachers may direct the student who has forgotten the Chromebook to seek the assistance of another student to view information.

d. Chromebooks being repaired
- Loaner Chromebooks may be issued to students when their school-issued Chromebook is being repaired in the IT office.
- A student borrowing a Chromebook must check out the loaner device and will be responsible for any damage to or loss of the loaned device as it is not under any warranty.
- Chromebooks on loan to students having their devices repaired may be taken home at the discretion of the Barbour County Schools technology department. (Students will receive an e-mail notice when their computer is ready. The loaned computer must be turned in to receive their Chromebook.)
- Loaner devices must be treated with the same respect as any other device as outlined in this document.

e. Charging Chromebooks
- Chromebooks must be brought to school each day with a full charge.
- Students should charge their Chromebooks at home every evening.
- Charging will not be available in the classrooms. An uncharged Chromebook will be treated the same as a missing textbook or homework.

f. Using a Chromebook Outside of School
- Students are encouraged to use their Chromebooks at home and other locations outside of school. A WiFi Internet connection will be required for the majority of Chromebook use, however, some applications can be used while not connected to the Internet.
- Students are bound by WVDE state policy 2460, the Barbour County Schools Acceptable Use Policy, the Chromebook agreement, and all other guidelines in this document wherever they use their Chromebooks.

6. Operating System and Security

Students may not use or install any operating system on their Chromebook other that the current version of ChromeOS that is supported and managed by the county.

a. Updates

The Chromebook operating system, ChromeOS, updates itself automatically. Students do not need to manually update their Chromebooks.

b. Virus Protection
- Chromebooks use the principle of "defense in depth" to provide multiple layers of protection against viruses and malware, including data encryption and verified boot.
- There is no need for additional virus protection.

7. Content Filter

The county utilizes an Internet content filter that is in compliance with the federally mandated Children's Internet Protection Act (CIPA). All Chromebooks will have all Internet access provided by the county filtered, protected and monitored by the county. If an educationally valuable site is blocked, students should contact their teachers to request the site be unblocked.

8. Software

a. Google Apps for Education
- Chromebooks seamlessly integrate with the Google Apps for Education (G-Suite) of productivity and collaboration tools. This includes Google Docs (word processing), Spreadsheets, Presentations, Drawings, and Forms.
- All work is stored in the cloud.

b. Chrome Web Apps and Extensions
- Students will have the ability to download only school approved apps and extensions from the Chrome Web Store.
- Students may be asked to download apps or extensions as part of class work. Students are expected to follow instructions and be prepared for class by having apps or extensions that have been indicated by their teachers.

- Some web apps or extensions will be available to use when the Chromebook is not connected to the Internet.
- Apps are also subject to internet filtering.

9. Chromebook Identification
   a. The county will maintain a log of all Chromebooks that includes the Chromebook serial number, asset tag code, and name and ID number of the student assigned to the device. Chromebooks will be checked in and out to the students in a very similar way to when library books are checked in and out.
   b. Each student will be assigned the same Chromebook for the next four years of his/her time at Barbour County Schools. Take good care of it!
10. Repairing/Replacing Chromebooks
   a. All Chromebooks in need of repair must be brought to IT/Designated Office as soon as possible.
   b. Warranty
      - Chromebooks include a one-year hardware warranty from the vendor.
      - The vendor warrants the Chromebook from defects in materials and workmanship.
      - The limited warranty covers normal use, mechanical breakdown, and faulty construction. The vendor will provide normal replacement parts necessary to repair the Chromebook or, if required, a Chromebook replacement.
      - The vendor warranty does not warrant against damage caused by misuse, abuse, accidents, lost or stolen machines.
      - Repeated breakages of the Chromebook may incur replacement costs
      - Replacement costs of lost charging cord will be billed to the parent/student.
      - Lost or stolen Chromebooks may incur replacement cost of the Chromebook. However, each device is tracked through the management console through GPS locator.
11. No Expectation of Privacy
    Students have no expectation of confidentiality or privacy with respect to any usage of a Chromebook, regardless of whether that use is for county-related or personal purposes, other than as specifically provided by law. The County may, without prior notice or consent, log, supervise, access, view, monitor, and record use of student Chromebooks at any time for any reason related to the operation of the County. By using a Chromebook, students agree to such access, monitoring, and recording of their use. Teachers, school administrators, and the technology department staff may use monitoring software that allows them to view the screens and activity on student Chromebooks.
12. Any attempt to bypass or disable security features is forbidden and may result in disciplinary action, including loss of use of technology/Chromebook.

Barbour County Schools
45 School Street
Philippi, WV 26416

Mr. Jeffrey Woofter
Superintendent

COMMITTED TO LEARNING FOR ALL

TO: **Parents, Faculty, and Students of Barbour County Schools**

FROM: **Jeff Woofter, Superintendent**

DATE: **July 8, 2019**

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 reinspections, 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 is NO asbestos containing materials exist in any Barbour County School. Surveillance is conducted on a regular basis to guarantee that this status is maintained

Phone: (304) 457-3030 x 133
Fax: (304) 457-3559

Office of Curriculum and Instruction

e-mail : Jkittle@access.k12.wv.us

Jeff Kittle, Assistant Superintendent

NOTICE TO PARENTS
Right to Review Teacher Qualifications

To: **ALL PARENTS**

From: Connie Mundy, Title 1 Director

Date: July 8, 2019

As a parent of a student enrolled in a school in Barbour County, you have the right to know the professional qualifications of the classroom teachers who instruct your child. Federal law allows you to ask for certain information about your child's classroom teachers and requires us to give you this information in a timely manner if you ask for it. Specifically, you have the right to ask for the following information about each of your child's classroom teachers:

- Whether the student's teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- Whether the student's teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
- Whether the student's teacher is teaching in the field of discipline of the certification of the teacher.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like to receive any of this information, please call Connie Mundy at 304-457-3030.

West Virginia Department of EDUCATION

PROCEDURAL SAFEGUARDS

Available to Parents and Students With Exceptionalities

Revised August 2015

West Virginia Department of Education

PROCEDURAL SAFEGUARDS AT A GLANCE

The following is a summary of the procedural safeguards, that is, parent and student rights under the special education laws and regulations, which are discussed in full in this document. The full explanation includes all procedural safeguards available under the Individuals with Disabilities Education Act implementing regulations, 34 Code of Federal Regulations (CFR) §300.148 (unilateral placement in private school at public expense), §§300.151 through 300.153 (state complaint procedures), §300.300 (consent), §§300.502 through 300.503, §§300.505 through 300.518, and §§300.530 through 300.536 (procedural safeguards in Subpart E of Part B regulations) and §§300.610 through 300.625 (confidentiality of information provisions in Subpart F). Please refer to the section indicated for complete information.

Parent Notice and Consent – Page 4

A parent or adult student (student age 18 or older to whom rights have transferred) has the right to be informed of actions and for some actions to give consent before the school district considers or makes changes to the student's education based on special needs. The school district must give the parent **prior written notice**, information in writing, before it takes action to identify, test or place the student in special education for the first time and before it makes changes to that special education and related services or placement. When the parent has requested a change, and the district refuses, the parent also must be informed in writing of the basis of the action. Parents have certain **consent** rights. The school district must get written parental consent before first evaluating a student and before providing special education services for the first time to a student. After the student is placed in special education, consent will be requested before reevaluations. Parents also have the right to revoke (withdraw) consent.

Independent Educational Evaluations – Page 8

A parent who disagrees with an evaluation completed by the school district has the right to have the student evaluated by someone who does not work for the school district. If the evaluation meets certain conditions, the school district must pay for it, unless the district proves in a due process hearing its evaluation was appropriate.

Confidentiality (Privacy) of Education Records – Page 10

Parents (and adult students) have **access rights** to review education records about the student kept by the school district and the right to expect that those records will not be open to anyone except certain people who need the information for reasons related to the student's education. Parents must give written **consent** before records may be released, except in certain circumstances. If a parent believes the student's records are incorrect or violate privacy, an **amendment of the record** may be requested. When the records are

no longer needed for the student's education, the parent (or adult student) has the right to request **destruction of the records.**

Dispute Resolution – Page 14

When a concern arises about a student's education, parents are encouraged to discuss it with teachers, the principal and the district special education director. Many issues may be resolved through informal conferences or IEP team meetings. When these steps do not resolve the issue, a parent may consider a Facilitated Individual; 3e Education Program (IEP) Team Meeting, mediatiton, state complaint or a due process hearing.

Disciplinary Actions for Students with Disabilities – Page 28

School personnel may remove a student with a disability from class or school for a violation of the student code of conduct used for all students for ten days in a school year. When the removal is for more than ten days in a school year, special rules for functional behavior assessment, behavior plans and continued services apply. If the removal is for more than ten days in a row or otherwise is a change of placement, an Individualized Education Program (IEP) team must decide whether the behavior was caused by the student's disability (manifestation determination). A parent may file an appeal if he or she disagrees with the district's manifestation determination or change of placement decision.

Unilateral Parental Placement of Students with Disabilities in Private Schools – Page 34

Special conditions apply when a due process hearing is filed to resolve a dispute between a parent and the school district regarding payment for private school services.

PROCEDURAL SAFEGUARDS AVAILABLE TO PARENTS AND STUDENTS

The Individuals with Disabilities Education Act of 2004 (IDEA), the federal law concerning the education of students with disabilities, and West Virginia Board of Education Policy 2419: *Regulations for the Education of Students with Exceptionalities* provide procedural safeguards to ensure parent participation in the special education process and to ensure the student's right to a free appropriate public education (FAPE). In addition, Policy 4350: *Regulations for the Collection, Maintenance and Disclosure of Student Data* protects confidentiality of student information. At age eighteen, all the following rights given to parents transfer to the student. The student will receive any notices sent to parents and may exercise these rights, unless a court has appointed a legal guardian to represent the educational interests of the student. Parents also continue to receive all required notices. Procedural safeguards in IDEA may be found in Part B at 34 Code of Federal Regulations (C.F.R) §§300.500 through 300.536.

Parent Notice and Consent

Prior Written Notice (PWN)

The school district must give the parent written notice (provide certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation or educational placement of a student, or the provision of a free, FAPE; or
2. Refuses to initiate or to change the identification, evaluation or educational placement of a student, or the provision of FAPE.

The written notice must:

1. Describe the action the school district proposes or refuses to take;
2. Explain why the school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record or report the school district used in deciding to propose or refuse the action;
4. Include a statement that parents have protections under the procedural safeguards provisions of the IDEA;
5. Tell how to obtain a description of the procedural safeguards if the action the school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for parents to contact for help in understanding the IDEA;
7. Describe any other choices the student's Individualized Education Program (IEP) Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why the school district proposed or refused the action.

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in the parent's native language or other mode of communication, unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the school district must take steps to ensure that:

1. The notice is translated orally or by other means to the parent in the native language or other mode of communication;
2. The parent understands the content of the notice; and
3. Written evidence that 1 and 2 have been met is maintained.

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a student, the language normally used by the student's parents;
2. In all direct contact with a student (including evaluation of the student), the language normally used by the student in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the method of communication is what the person normally uses (such as sign language, Braille or oral communication).

If the school district offers parents the choice of receiving documents by electronic mail (e-mail,) parents may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint.

Definition of consent

Consent means the parent:

1. Has been fully informed in his or her native language or other method of communication (such as sign language, Braille or oral communication) of all information about the action for which consent is given;
2. Understands and agrees in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. Understands the consent is voluntary and may be withdrawn at any time.

If the parent wishes to revoke (cancel) consent after the student has begun receiving special education and related services, the parent must do so in writing. Withdrawal of consent does not negate (undo) an action that occurred after the parent gave consent and before it was withdrawn. In addition, the school district is not required to amend (change) the student's education records to remove any references that the student received special education and related services after withdrawal of consent.

Consent for initial evaluation

Before the school district conducts an initial evaluation of a student to determine eligibility under IDEA to receive special education and related services, it must provide the parent PWN of the proposed action and obtain parent consent.

The school district must make reasonable efforts to obtain informed consent for an initial evaluation to decide whether a student has an exceptionality. Parent consent for initial evaluation does not mean the parent has given consent for the school district to start providing special education and related services to the student.

Refusal to consent to one service or activity related to the initial evaluation many not be used as a basis for denying the parent or the student any other service, benefit or activity, unless IDEA, Part B requires the school district to do so.

If the student is enrolled in public school, or parents are seeking to enroll the student in a public school, and consent has been refused or the parents have not responded to a request for consent for an initial evaluation, the school district may, but is not required to, seek to conduct an initial evaluation through the special education mediation or due process hearing procedures. The school district will not violate its obligations to locate, identify and evaluate the student if it does not pursue an evaluation in these circumstances.

Special rules for initial evaluation of wards of the state

If a student is a ward of the state and is not living with the parent, the school district does not need consent from the parent for an initial evaluation to determine if the student is a student with an exceptionality if:

1. Despite reasonable efforts to do so, the school district cannot find the student's parent;
2. The rights of the parents have been terminated in accordance with state law; or
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

Ward of the State, as used in the IDEA, means a child who, as determined by the state where the child lives, is:

1. A foster child;
2. Considered a ward of the state under state law; or
3. In the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent as used in IDEA.

Parental consent for services

The school district must get the parent's informed consent before providing special education and related services to the student for the first time. The school district must make reasonable efforts to get this informed consent.

If the parent does not respond to a request to provide such consent, if consent is refused or if the parent later revokes (cancels) consent in writing, the school district cannot use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting or an impartial due process hearing) to obtain agreement or a ruling that the special education and related services may be provided without consent.

When the school district does not provide special education and related services because the parent refused to give consent for the student to receive special education and related services for the first time, did not respond to a request to provide such consent or revoked (cancelled) consent in writing, the district:

1. Is not in violation of the requirement to make a free, appropriate public education (FAPE) available to the student for its failure to provide those services; and
2. Is not required to have an IEP Team meeting or develop an IEP for the student.

If the parent revokes (cancels) consent in writing at any point after the student is first provided special education and related services, then the school district may not continue to provide such services, but must provide the parent prior written notice, as described under the heading PWN, before discontinuing the services.

Parental consent for reevaluations

The school district must get informed parental consent before it reevaluates a student, unless the school district can demonstrate that:

1. It took reasonable steps to get consent for reevaluation; and
2. The parent did not respond.

If the parent refuses consent for the reevaluation, the school district may, but is not required to, pursue the reevaluation by using the mediation or due process hearing procedures to seek to override the parent's refusal to consent to the reevaluation. As with initial evaluations, the school district does not violate its obligations under the IDEA if it does not pursue the reevaluation in this manner.

Documentation of reasonable efforts to obtain parental consent

The school district must keep records of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluate and to locate parents of wards of the state for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received;
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Other consent requirements

Parental consent is not required before the school district may:

1. Review existing data as part of a student's evaluation or a reevaluation;
2. Give a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students;
3. Conduct evaluations, tests, procedures or instruments that are identified on an IEP as a measure for determining progress toward IEP goals; or
4. Conduct a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

If the student is enrolled in a private school at parent expense, or if the student is home schooled, and the parent does not consent to the student's initial evaluation, or to reevaluation, or does not respond to a request for consent, the school district cannot use its consent override procedures (i.e., mediation, or an impartial due process hearing) and is not required to consider the student eligible to receive equitable services (services made available to parentally-placed private school students with disabilities).

Independent Educational Evaluations

A parent has the right to get an independent educational evaluation (IEE) of the student if he or she disagrees with the evaluation conducted by the school district. If a parent requests an independent educational evaluation, the school district must provide information about where to obtain an IEE and about the school district's criteria that apply to independent educational evaluations.

Definitions

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the student's education.

Public expense means the school district either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to parents, consistent with the provisions of the IDEA, which allow each state to use whatever state, local, federal and private sources of support are available in the state to meet the requirements of the IDEA.

Parent right to evaluation at public expense

The parent who disagrees with a school district's evaluation has the right to an independent educational evaluation (IEE) of the student at public expense, subject to the following conditions:

1. If the parent requests an IEE of the student at public expense, the school district must, without unnecessary delay, either: (a) Request a due process hearing to show its evaluation is appropriate; or (b) Provide an IEE at public expense, unless the school district demonstrates in a hearing that the IEE obtained by the parent did not meet the school district's criteria.
2. If the school district requests a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.
3. If a parent requests an IEE of the student, the school district may ask why the parent objects to the school district's evaluation. However, the school district may not require an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to defend the school district's evaluation.

The parent is entitled to only one IEE at public expense each time the school district conducts an evaluation of the student with which the parent disagrees.

Parent-initiated Evaluations

If a parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:

1. The school district must consider the results of the evaluation, if it meets the school district's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and
2. The parent or the school district may present the evaluation as evidence at a due process hearing regarding the student.

Requests for evaluations by a due process hearing officer

If a due process hearing officer requests an IEE of the student as part of a due process hearing, the cost of the evaluation must be at public expense.

School District Criteria

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the school district uses when it initiates an evaluation (to the extent those criteria are consistent with the parent's right to an IEE). Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an IEE at public expense.

Confidentiality of Information

Definitions

As used under the heading ***Confidentiality of Information:***
Destruction means physical destruction or removal of personal identifiers from information so the information is no longer personally identifiable.

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 educational agency or institution. This term is further defined in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA) and Policy 4350.

Personally identifiable means information that has:

(a) The student's name, the name of the student's parent, or the name of another family member;
(b) The student's address;
(c) A personal identifier, such as the student's Social Security Number or student number; or
(d) A list of personal characteristics or other information that would make it possible to identify the student.

The rules for confidentiality apply to any "participating agency", that is, any school district, agency or institution that collects, maintains or uses personally identifiable information, or from which information is obtained, under IDEA, Part B. This includes the West Virginia Department of Education (WVDE), school districts and other agencies under the general supervision of the West Virginia Board of Education. Because this document focuses on the parent's involvement with the local school district, "school district" is used rather than the broader term, "participating agency".

Notice to Parents

The WVDE must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the state;
2. A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered) and the uses to be made of the information;
3. A summary of the policies and procedures participating agencies must follow regarding storage, disclosure to third parties, retention and destruction of personally identifiable information; and

4. A description of all of the rights of parents and students regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major activity to identify, locate and evaluate students in need of special education and related services, (also known as "child find") the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activities.

Access Rights

The school district must permit the parent (or adult student to whom rights have transferred) to inspect and review any education records relating to the student that are collected, maintained or used by the school district under the IDEA, Part B. The school district must comply with a parent's request to inspect and review a student's education records without unnecessary delay and before any meeting regarding an IEP or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after the parent made the request.

The right to inspect and review education records includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of the records;
2. The right to request the school district provide copies of the records if parents cannot effectively inspect and review the records unless they receive those copies; and
3. The right to have a representative inspect and review the records.

The school district may presume a parent has authority to inspect and review records relating to his or her child unless advised the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

Record of Access

Each school district must keep a record of parties obtaining access to education records collected, maintained or used under Part B of IDEA (except access by parents and authorized employees of the district), including the name of the party, the date access was given and the purpose for which the party is authorized to use the records.

Records on more than one student

If any education record includes information on more than one student, the parent has the right to inspect and review only the information relating to his or her child or to be informed of that specific information.

List of types and locations of information

On request, the school district must provide parents with a list of the types and locations of education records collected, maintained or used by the agency.

Fees

The school district may charge a fee for copies of records made for a parent, if the fee does not effectively prevent the parent from exercising the right to inspect and review those records. A school district may not charge a fee to search for or to retrieve information from education records under Part B of IDEA.

Amendment of records at parent's request

If a parent believes information in the education records regarding his or her child collected, maintained or used under the IDEA is inaccurate, misleading or violates the privacy or other rights of the student, the parent may request the school district to change the information. The school district must decide whether to change the information in accordance with the request within a reasonable period of time of receipt of the request. If the school district refuses to change the information as requested, it must inform the parent of the refusal and of the right to a hearing.

Opportunity for a hearing and results of a hearing

The school district must, on request, provide the parent an opportunity for a hearing to challenge information in a student's education records to ensure it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA) and Policy 4350.

If, as a result of the hearing, the school district decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must change the information and inform the parent in writing. If, as a result of the hearing, the school district decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or providing any reasons the parent disagrees with the decision of the school district.

The parent's explanation must:

1. Be maintained by the school district as part of the student's records as long as the record or contested portion is maintained by the school district, and
2. If the school district discloses the student's records or the challenged portion to any party, the explanation must also be disclosed to that party.

Consent for disclosure of personally identifiable information

Unless the information is contained in education records and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), parent consent must be obtained before personally identifiable information is disclosed to parties other than officials of the student's school district who have a legitimate educational interest in the student's education, or to a school or district in which the student seeks to enroll. WVDE officials responsible for monitoring the requirements of IDEA also have access.

Parent consent, or the consent of an eligible student who has reached the age of majority under state law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If the parent has enrolled the student in a private school that is not located in the same school district in which the parent resides, parent consent must be obtained before any personally identifiable information about the student is released between officials in the school district where the private school is located and officials in the school district where the parent resides.

Safeguards

Each school district must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must be trained in Policy 4350, which includes policies and procedures for confidentiality under the IDEA and the Family Educational Rights and Privacy Act (FERPA). Each school district must 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.

Destruction of Information

Parents (or adult students) must be informed when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student. The information must be destroyed at parent (or adult student) request. However, a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

Dispute Resolution Processes: Facilitated IEP Team meeting, Mediation, State Complaint and Impartial Due Process Hearing

The West Virginia Department of Education (WVDE) maintains four processes available to parents and school districts for resolving concerns: 1) Facilitated Individualized Education Program (IEP) Team meeting, 2) mediation, 3) the state special education complaint, and 4) the impartial due process hearing, including the opportunity for a resolution meeting. WVDE provides additional information on all four processes on its website (http://wvde.state.wv.us/osp/compliance) and upon request.

A **Facilitated IEP Team meeting** is a voluntary early dispute resolution option utilizing an impartial facilitator to guide the IEP process during the meeting and to assist members of the IEP Team to communicate effectively. A student's IEP is developed by a collaborative team whose required members share responsibility for the process, content and results. An IEP Facilitator provides assistance to the IEP Team before a potential conflict develops into a more serious dispute. The IEP Facilitator is an impartial third party, not a member of the IEP Team, and has no stake in decisions made by the team. A district, parent or adult student may request a Facilitated IEP.

Mediation is an informal process, voluntary for both parties, in which WVDE assigns a trained third party to meet with the parent and school officials to resolve the issue in dispute. If parties agree, a written, legally binding agreement is signed by both parties. The parent or any individual may file a state special education complaint alleging a violation of any IDEA, Part B requirement by the school district, the WVDE or any other public agency. The WVDE staff must resolve a state complaint in writing within 60 calendar days of receipt unless the timeline is properly extended or the parent and district use the early resolution process to resolve the issues. Only the parent, the school district or an attorney representing a party may file a due process complaint, on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a student with an exceptionality or the provision of a free appropriate public education, or mediation on any matter under IDEA, Part B.

A **due process complaint** is a formal process in which a written complaint meeting specific legal requirements is filed with the WVDE to request a due process hearing. This is a one-tier process, in which the hearing is conducted at the state level and appeals of the decision are made in state or federal court. An impartial due process hearing officer assigned by the WVDE conducts a formal hearing with witnesses' testimony, presentation of evidence and cross examination. Parents and the district have a resolution period in which to have a meeting to attempt to resolve the issues. In addition, parties may volunteer to attempt mediation prior to the hearing. An impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period, unless the due process hearing officer grants a specific extension of the timeline at the request of the parent or the school district. Both the district and parents are bound by the decision.

Facilitated IEP Team Meeting

The WVDE makes Facilitated IEP Team meetings available to parents and the school districts to assist in solving problems or coming to agreement to the mutual satisfaction of the participants. A Facilitated IEP Team meeting should also develop an IEP which will benefit the student.

Facilitated IEP Team Meeting:

1. Is voluntary and agreed to by both parties;
2. May not be used to deny or delay a parent/adult student's right to a hearing on the issue or to deny any other rights afforded under Part B of the Act;
3. Is conducted by a qualified and impartial facilitator who is trained in facilitation techniques;
4. Facilitators are assigned from the list of qualified facilitators on a rotational basis and are available during the timeframe for the IEP Team meeting;
5. Is free to the parties; and
6. Meetings are scheduled in a timely manner and adhere to all required timelines.

The IEP Facilitator must be:

1. Qualified and trained in effective facilitation techniques and be verified by the WVDE as having met the requirements for qualified facilitators and be on the WVDE maintained list of qualified individuals, and
2. Impartial (the criteria for impartiality are listed below).

The IEP Facilitator must not:

1. Be an employee of the WVDE or an employee of the district who is involved in the care and education of the student;
2. Have a personal or professional interest that conflicts with the facilitator's objectivity; or
3. Have a student enrolled in the district involved in the Facilitated IEP.

Mediation

The WVDE makes mediation available to allow parents and the school district to resolve disagreements involving any matter under the IDEA, Part B, including matters arising before the filing of a due process complaint. Mediation is available whether or not a due process hearing complaint has been filed. A parent or school district may submit a written request for mediation to the WVDE, which maintains a list of qualified mediators who know the laws and regulations relating to the provision of special education and related services. The WVDE selects mediators on a rotational basis. The WVDE is responsible for the cost of the mediation process, including meetings to encourage mediation.

Mediation:

1. Is voluntary for parents and the school district;
2. May not be used to deny or delay the parent's right to a due process hearing, or to deny any other rights under the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures to offer parents and school districts that choose not to use the mediation process an opportunity to meet, at a time and location convenient to the parents, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the state, and
2. Who would explain the benefits and encourage the use of the mediation process to the parent.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for the parent and the school district.

If the parent and the school district resolve a dispute through mediation, both parties must enter into a legally binding agreement that states the resolution and:

1. States all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any later due process hearing or court proceeding, and
2. Is signed by both the parent and a representative of the school district who has the authority to bind the school district to the agreement.

A written, signed mediation agreement is enforceable in any state court that has the authority under state law to hear this type of case or in a federal district court.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding in any federal or state court.

Impartiality of the mediator

The mediator:

1. May not be an employee of the WVDE or the school district involved in the education or care of the student, and
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of the WVDE solely because the person is paid by the WVDE to serve as a mediator.

State Special Education Complaint

The WVDE has written procedures for:

1. Resolving any special education complaint, including a complaint filed by an organization or individual from another state, and
2. Filing a complaint with the WVDE.

The WVDE widely distributes the state special education complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers and other appropriate entities.

Remedies for denial of appropriate services

In resolving a state special education complaint in which the WVDE has found a failure to provide appropriate services, the WVDE must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the student, and
2. Appropriate future provision of services for all students with disabilities.

Timelines

The WVDE's complaint procedures include a time limit of 60 calendar days from the date WVDE receives the complaint to:

1. Carry out an independent on-site investigation, if the WVDE determines an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district (or other public agency involved) the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint, and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to try early resolution and/ or mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision that addresses each allegation in the complaint with (a) findings of fact and conclusions, and (b) the reasons for the WVDE's final decision.

The WVDE's complaint process:

1. Permits an extension of the 60-calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular state complaint, or (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to try mediation or local resolution.
2. Includes procedures for effective implementation of the WVDE's final decision, if needed, including: (a) technical assistance activities; (b) negotiations, and (c) corrective actions to achieve compliance.

State special education complaints and due process hearings

If a written state special education complaint is received that is also the subject of a due process complaint, or the complaint has multiple issues of which one or more are part of a due process complaint, the WVDE must set aside the state complaint, or any part of the complaint that is being addressed in the due process hearing, until the hearing is over. Any issue in the complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above. If an issue raised in a complaint has previously been decided in a due process hearing involving the same parties (the parent and the school district), then the due process hearing decision is binding on that issue and the WVDE must inform the complainant that the decision is binding. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the WVDE.

Filing a complaint

An organization or individual may file a signed, written state complaint under the procedures described above by sending a letter to the WVDE (address at the end of this document). The complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific student:
   a) The name of the student and address of the residence of the student;
   (b) The name of the school the student is attending;
   (c) In the case of a homeless student, available contact information for the child and the name of the school the student is attending;
   (d) A description of the nature of the problem of the student, including facts relating to the problem; and
   (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year before the date the complaint is received. The party filing the complaint must forward a copy of the complaint to the school district or other public agency serving the student at the same time the party files the complaint with the WVDE.

Early resolution of state complaints

Either the parent or the school district may request early resolution of a state complaint by contacting the other party and participating in a local conference, which is voluntary for both parties. If early resolution is reached on any or all allegations in the complaint within fifteen days of being notified of the receipt of the state complaint, the school district submits the signed Verification of Early Resolution form and the complaint is considered resolved. Allegations not resolved will be investigated using the above procedures.

Due Process Hearing Complaint

Filing a due process hearing

A parent or the school district may request a due process hearing on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a student or the provision of a FAPE. The due process complaint must allege a violation that happened not more than two years before the parent or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

This timeline does not apply if the parent could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented it had resolved the issues identified in the complaint, or
2. The school district withheld information from the parent it was required to provide under the IDEA, Part B.

The WVDE will inform parents of any free or low-cost legal and other relevant services available in the area if requested, or if a due process complaint is filed. To request a hearing, the parent or the school district (or the attorney representing the parent or district) must submit a due process complaint to the other party. The hearing request must contain all of the content listed below and must be kept confidential. The party filing the complaint also must forward a copy to the WVDE.

The burden of proof will be on the party seeking relief in accordance with the decision in Shafter v. Weast, 546 U.S. 49, 126 S. Ct. 528, 163L. Ed.2d 387 (2005).

Content of the due process complaint

The due process complaint must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the proposed or refused action, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the parent or the school district at the time.

The parent or the school district may not have a due process hearing until the party requesting the hearing (or the parent's or the school district's attorney) files a due process complaint that includes this information.

Sufficiency of the due process complaint

For a due process complaint to go forward, it must be sufficient. The due process complaint request will be considered sufficient (to have met the content requirements above) unless the party receiving it (the parent or the school district) notifies the due process hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes the hearing request does not meet the requirements listed above. Within 5 calendar days of receiving this notice, the due process hearing officer must decide if the due process complaint meets the requirements listed above and notify the parent and the school district in writing immediately.

Amendment of the due process complaint

The parent or the school district may make changes to the due process complaint request only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, or
2. By no later than 5 days before the due process hearing begins, the due process hearing officer grants permission for the changes.

If the complaining party makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

School district response to a due process complaint

If the school district has not given the parent a PWN regarding the subject matter in the parent's due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send the parent a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options the student's IEP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record or report the school district used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from stating a due process complaint was insufficient.

Other party response to a due process complaint

Except as stated immediately above, the party receiving a due process request must, within 10 calendar days of receiving the hearing request, send the other party a response that specifically addresses the issues in the complaint.

WVDE forms

The WVDE has forms for filing a due process complaint and a state complaint. These forms are not required, but any form or letter used for filing a complaint must include the required information.

Placement while the due process hearing is pending

Except as provided below under the heading **Procedures When Disciplining Students with Disabilities**, once a due process complaint is sent to the other party, during the resolution period and while waiting for the decision of any impartial due process hearing or court proceeding, unless the parent and the state or the school district agree otherwise, the student must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, the student, with parent consent, must be placed in the regular public school program until the completion of all such proceedings. If the due process complaint involves an application for initial services under IDEA, Part B for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services the child has been receiving. If the child is found eligible under IDEA, Part B and the parent consents for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those to which the parent and the school district both agree).

If the hearing officer in a due process hearing conducted by WVDE agrees with the parent that a change of placement is appropriate, that placement must be treated as the student's current educational placement where the student will remain while waiting for the decision of the impartial due process hearing or court proceeding.

Resolution Session

Within 15 calendar days of receiving a parent's due process complaint, and before the due process hearing begins, the school district must hold a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; and
2. May not include an attorney of the school district unless the parent brings an attorney.

The parent and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the request, so the school district has the opportunity to resolve the dispute. The resolution meeting is not necessary if:

1. The parent and the school district agree in writing to waive the meeting, or
2. The parent and the school district agree to try mediation, as described under the heading Mediation.

Resolution period

If the school district has not resolved the due process complaint to the parent's satisfaction within 30 calendar days of receiving the request (the resolution period), the due process hearing may occur. The 45-calendar-day timeline for issuing a final decision begins at the end of the 30-calendar-day resolution period, unless one of the following circumstances applies.

Adjustments to the 30-calendar-day resolution period

Except where the parent and the school district have both agreed to waive the resolution process or to use mediation, a parent's failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If, after making reasonable efforts and documenting such efforts, the school district is not able to obtain parent participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request the due process hearing officer dismiss the due process complaint. Documentation of the district's efforts must include a record of attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent and any responses received; and
3. Detailed records of visits made to the home or parent's place of employment and the results of those visits.

If the school district does not hold the resolution meeting within 15 calendar days of receiving notice of the due process complaint or does not participate in the resolution meeting, the parent may ask the due process hearing officer to begin the 45-calendar-day due process hearing timeline. If the parent and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if the parent and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day. If the parent and the school district agree to try mediation, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation process until an agreement is reached. However, if either the parent or the school district withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

Written Settlement Agreement

If a resolution to the dispute is reached at the resolution meeting, the parent and the school district must enter into a legally binding agreement that is:

1. Signed by the parent and a representative of the school district who has the authority to bind the school district, and
2. Enforceable in any state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a federal district court.

Agreement Review Period

If the parent and the school district enter into an agreement as a result of a resolution meeting, either party may void the agreement within 3 business days of the time both parties signed the agreement.

Impartial Due Process Hearing Officer

Whenever a due process complaint is filed, the parent or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described above and in this section, conducted by an impartial due process hearing officer. At a minimum, a due process hearing officer:

1. Must not be an employee of the WVDE or the school district that is involved in the education or care of the student. A person is not an employee of the WVDE solely because the person is paid by the WVDE to serve as a due process hearing officer;
2. Must not have a personal or professional interest that conflicts with the due process hearing officer's objectivity in the hearing;

3. Must be knowledgeable and understand the provisions of the IDEA, federal and state regulations pertaining to the IDEA and legal interpretations of the IDEA by federal and state courts; and
4. Must have the knowledge and ability to conduct hearings and to make and write decisions, consistent with appropriate, standard legal practice.

The WVDE keeps a list of those persons who serve as due process hearing officers and a statement of the qualifications for each one.

Subject matter of due process hearing

The party (parent or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Hearing Rights

Any party to a due process hearing (including a hearing relating to IDEA disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of students with exceptionalities;
2. Present evidence and confront, cross-examine and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
4. Obtain a written, or, at the parent's option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at the parent's option, electronic findings of fact and decisions.

At least 5 business days before a due process hearing, the parent and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations they intend to use at the hearing. A due process hearing officer may prevent any party that does not comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental rights at hearings

The parent must be given the right to:

1. Have the student present at the hearing;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided at no cost.

Hearing Decision

A due process hearing officer's decision on whether a student received a free appropriate public education (FAPE) must be based on evidence and arguments directly relating to FAPE. In matters alleging a procedural violation, a due process hearing officer may find that the student did not receive FAPE only if the procedural inadequacies:

1. Interfered with the student's right to FAPE;
2. Significantly interfered with the parent's opportunity to participate in the decision-making process regarding the provision of FAPE to the student; or
3. Caused a deprivation of an educational benefit.

These provisions do not prevent a due process hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the IDEA regulations (34 CFR §§300.500 through 300.536).

Separate request for a due process hearing

Nothing in the procedural safeguards section of the federal regulations under IDEA, Part B (34 CFR §§300.500 through 300.536) prevents a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and decision to the advisory panel and general public

The WVDE, after deleting any personally identifiable information:

1. Provides the findings and decisions in the due process hearing to the West Virginia Advisory Council for the Education of Exceptional Children; and
2. Makes those findings and decisions available to the public.

Timelines and convenience of hearings

The WVDE ensures not later than 45 calendar days after the end of the 30-calendar-day period for resolution meetings or, as described under the subheading *Adjustments to the 30-calendar-day resolution period*, not later than 45 calendar days after the end of the adjusted time period:

1. A final decision is reached in the hearing, and
2. A copy of the decision is mailed to each of the parties.

A due process hearing officer may grant specific extensions of time beyond the 45-calendar-day time period at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to the parent and student.

Finality of the hearing decision

A decision made in a due process hearing (including a hearing relating to IDEA disciplinary procedures for students with disabilities) is final, except that any party involved in the hearing may appeal the decision by bringing a civil action in court, as described below.

Civil actions, including the time period to file

A party (the parent or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to IDEA disciplinary procedures for students with disabilities) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a federal district court without regard to the amount in dispute.

Time limitation

The party bringing the action has 90 calendar days from the date of the decision of the due process hearing officer to file a civil action.

Additional procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at the request of either party; and
3. Bases its decision on the preponderance of the evidence and grants the relief the court determines to be appropriate.

Jurisdiction of district courts

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

Rule of Construction

Nothing in IDEA, Part B restricts or limits the rights, procedures and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504) or other federal laws protecting the rights of students with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under IDEA, Part B, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under IDEA, Part B.

This means the party may have remedies available under other laws that overlap with those available under IDEA, but in general, to obtain relief under those other laws, the available administrative remedies under IDEA (i.e., the due process complaint; resolution process, including the resolution meeting; and impartial due process hearing procedures) must be used first, before going directly into court.

Attorneys' Fees

In any action or proceeding brought under IDEA, Part B, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to:

1. The parent who is the prevailing party;
2. To the WVDE or a school district as a prevailing party, to be paid by the parent's attorney, if the attorney: (a) filed a due process complaint or court case the court finds is frivolous, unreasonable, or without foundation, or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
3. To the WVDE or a school district as a prevailing party, to be paid by the parent or the parent's attorney, if the request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay or to unnecessarily increase the cost of the action or proceeding.

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under IDEA, Part B for services performed after a written offer of settlement to the parent if:
   a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing, at any time more than 10 calendar days before the proceeding begins;
   b. The offer is not accepted within 10 calendar days; and
   c. The court finds the relief finally obtained by the parent is not more favorable than the offer of settlement. Despite these restrictions, an award of attorneys' fees and related costs may be made to the parent who prevails and was substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the IEP Team, including resolution meetings, unless the meeting is held as a result of a due process decision or judicial action.
4. A resolution meeting is not considered a meeting convened as a result of an administrative hearing or court action and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under IDEA, Part B, if the court finds that:

1. The parent or parent's attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation and experience;

3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing the parent did not provide to the school district the appropriate information in the due process complaint.

However, the court may not reduce fees if the court finds the state or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of IDEA, Part B.

Procedures When Disciplining Students with Disabilities

Authority of School Personnel

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a student with a disability who violates the student code of conduct. To the extent they also take disciplinary action for students without disabilities, school personnel may, for not more than 10 consecutive school days, remove a student with a disability who violates the student code of conduct from the current placement to an appropriate interim alternative educational setting, another setting or suspension. School personnel also may impose additional removals of the student of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement. (See Change of Placement, below)

Once a student with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, the school district must, during any later days of removal in that school year, provide services to the extent required below under Services.

If the behavior that violated the student code of conduct was not a manifestation of the student's disability (see Manifestation determination, below) and the disciplinary change of placement would exceed 10 consecutive school days, school personnel may apply the disciplinary procedures to that student with a disability in the same manner and for the same duration as it would to students without disabilities, except that the school must provide services to that student. The student's IEP Team determines appropriate services to be provided as set forth in the student's IEP.

Services

The services that must be provided to a student with a disability who has been removed from the student's current placement may be provided in an IAES. A school district is only required to provide services to a student with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a student without disabilities who has been similarly removed. Districts typically do not provide such services.

A student with a disability who is removed from the student's current placement for more than 10 school days must:

1. Continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP, and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so it does not happen again.

After a student with a disability has been removed from his or her current placement for 10 school days in that same school year, and if the current removal is for 10 consecutive school days or less and if the removal is not a change of placement (see Change in Placement, below), then school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. Decisions made must be documented on the Disciplinary Action Review Form (DARF). If the removal is a change of placement, the student's IEP Team determines the appropriate services to meet the above requirements.

Manifestation determination

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of the student code of conduct (see Change of Placement, below), the school district, the parent and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parent to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or
2. If the conduct in question was the direct result of the school district's failure to implement the student's IEP.

If the school district, the parent and relevant members of the student's IEP Team determine either of those conditions was met, the conduct must be found to be a manifestation of the student's disability. If they determine the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

If the conduct was a manifestation of the student's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student, or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under special circumstances, the school district must return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

Special Circumstances

Whether or not the behavior was a manifestation of the student's disability, school personnel may remove a student to an IAES (determined by the student's IEP Team) for up to 45 school days, if the student:

1. Carries a weapon to school or has a weapon at school, on school premises or at a school function under the jurisdiction of the WVDE or a school district;
2. Knowingly has or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the WVDE or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the WVDE or a school district.

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Parent Notice

On the date the school district makes the decision to make a removal that is a change of placement of the student because of a violation of the student code of conduct, the school district must notify the parents of that decision and provide the parents with this notice of procedural safeguards.

Change of placement because of disciplinary removals

A removal of a student with a disability from the student's current educational placement is a change of placement if:

1. The removal is for more than 10 consecutive school days; or
2. The student has had a series of removals that constitute a pattern because:
   a. The series of removals totals more than 10 school days in a school year;
   b. The student's behavior is substantially (for the most part) similar to the student's behavior in previous incidents that resulted in the series of removals; and
   c. Of such additional factors as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings. The IEP Team determines the IAES for removals that are changes of placement, and removals under the subheadings authority of school personnel and special circumstances.

Appeal

The parent of a student with a disability may file a due process complaint to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions, or
2. The manifestation determination described above.

The school district may file a due process complaint if it believes maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Authority of an impartial due process hearing officer

An impartial due process hearing officer, who meets the requirements above under the subheading impartial due process hearing officer, must conduct the due process hearing and make a decision. The due process hearing officer may:

1. Return the student with a disability to the placement from which the student was removed if the due process hearing officer determines the removal was a violation of the requirements described under the heading authority of school personnel, or that the student's behavior was a manifestation of the student's disability; or
2. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the due process hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

These hearing procedures may be repeated if the school district believes returning the student to the original placement is substantially likely to result in injury to the student or to others.

Expedited due process hearing for disciplinary removal or manifestation determination

Whenever a parent or a school district files a due process complaint to request a due process hearing, a hearing must be held that meets the requirements described under the heading Due Process Hearing Complaint, except as follows:

1. The WVDE must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing by bringing civil action in a state court of competent justification or a U.S. district court.

Placement during appeals

When the parent or school district has filed a due process complaint related to disciplinary matters, the student must (unless the parent and school district agree otherwise) remain in the IAES pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading Authority of School Personnel, whichever occurs first.

Protections for Students Not Yet Eligible for Special Education and Related Services

If a student has not been determined eligible for special education and related services and violates the student code of conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred that the student was a student with a disability, then the student may assert any of the protections described in this notice.

Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a student is a student with a disability if, one or more of the following is true:

1. The parent/adult student has expressed concern to district professional personnel, that results in written documentation, that the student may need special education and related services.

2. The parent/adult student has requested in writing that the student be evaluated for special education.
3. The student's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's director of special education or to other supervisory personnel of the school district in accordance with the district's established child find system and referral process.

These protections may apply if a request for evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures.

No basis of knowledge

These protections are not afforded to students who:

1. Are solely eligible under the category of gifted; and
2. When there is no basis of knowledge that a student has a disability because one ore more of the following is true:
   a. an evaluation was conducted and a determination was made that the student did not have a disability;
   b. the parent/adult student did not give written consent for an evaluation; or
   c. the parent/adult student refused special education services.

If before taking disciplinary measures against the student, a school district does not have knowledge that a student is a student with a disability (as described above), the student may be given the disciplinary measures that are applied to students without disabilities who engaged in the same type of behaviors. However, if a request is made for an evaluation of a student during the time period in which the student is given disciplinary measures, the evaluation must be conducted in an expedited manner (more quickly than otherwise).

Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the school district and information provided by the parents, the school district must provide special education and related services in accordance with the IDEA, including the disciplinary requirements described above.

Referral to and action by law enforcement and judicial authorities

The IDEA does not:

1. Prohibit an agency from reporting a crime committed by a student with a disability to appropriate authorities, or
2. Prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

If a school district reports a crime committed by a student with a disability, the school district must ensure copies of the student's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime, but only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Unilateral Placement by Parents of Students in Private Schools at Public Expense

The IDEA does not require a school district to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if the school district made FAPE available and the parent chose to place the student in a private school or facility. However, the school district where the private school is located must include the student in the population whose needs are addressed under the IDEA provisions regarding students who have been placed by their parents in a private school under 34 CFR §§300.131-300.144.

Reimbursement for private school placement

If the student previously received special education and related services under the authority of a school district, and the parent chooses to enroll the student in a private preschool, elementary or secondary school without the consent of or referral by the school district, a court or a due process hearing officer may require the agency to reimburse the parent for the cost of that enrollment if the court or due process hearing officer finds the agency had not made FAPE available in a timely manner before that enrollment and that the private placement is appropriate. A due process hearing officer or court may find the placement to be appropriate, even if the placement does not meet the state standards that apply to education provided by the WVDE and school districts.

Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) at the most recent IEP Team meeting the parent attended prior to removing the student from the public school, the parent did not inform the IEP Team that he or she was rejecting the placement proposed by the school district to provide FAPE to the student, including stating the parent's concerns and intent to enroll the student in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) before removing the student from the public school, the parent did not give written notice to the school district of that information;
2. If, before removing of the student from the public school, the school district provided the parent prior written notice of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent did not make the student available for the evaluation; or
3. Upon a court's finding that the parent's actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) the school prevented the parent from providing the notice; (b) the parent had not received notice of the responsibility to provide the notice described above; or (c) compliance with the requirements above would likely result in physical harm to the student; and
2. May, in the discretion of the court or a due process hearing officer, not be reduced or denied for the parent's failure to provide the required notice if: (a) the parent is not literate or cannot write in English; or (b) compliance with the above requirement would likely result in serious emotional harm to the student.

NOTICE TO PARENTS
PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS OR INSURANCE (E.G, MEDICAID)

This notice informs parents of the Individuals with Disabilities Education Act of 2004 (IDEA) regulations at 34 CRF §300.154, effective March 18, 2013, regarding written notification and parent consent to access public benefits or insurance, such as Medicaid. Before the school district accesses the parent's or child's Medicaid or other publicly funded benefits for the first time to seek reimbursement for services provided to an eligible student, and annually thereafter, this written notice is provided to inform parents of the following:

- A prior written parental consent will be requested to release personal information from a child's education records or information about the services that may be provided for the purpose of billing Medicaid or another specific agency for Individualized Education Program (IEP) services.
- The consent form will state the student's personal education records and information that will be disclosed, the purpose of the disclosure (e.g. Medicaid billing) and the agency to which the records will be released. By consenting, parents state they understand and agree that their or their child's public benefits or insurance will be accessed to reimburse the cost of services.
- Parents cannot be required to sign up for or enroll in public benefits or insurance programs for their child to receive free appropriate public education, that is, IEP services.
- Parents are not required to pay out-of-pocket expense such as a deductible or co-pay amount resulting from filing a claim, but may pay the cost that otherwise would be paid by parents.
- Parents must be informed that their public benefits or insurance (e.g., Medicaid) will not be billed if it would:
  - result in a decrease in lifetime benefits;
  - result in the child's parents paying for services that would otherwise be covered and that are needed for the child outside of the time the child is in school;
  - result in an increase in premiums or discontinuation of public benefits or insurance; or
  - risk loss of eligibility for home and community-based waivers based on the total (aggregated) health-related expenditures for the child or the child's parents.
- Parents have the right to withdraw consent to disclose their child's personal information for billing purposes at any time.
- Parents' withdrawal of consent, or refusal to provide consent, to release their child's personal information for purposes of accessing their public benefits or insurance (e.g., for Medicaid billing) does not relieve the school district of its responsibility to ensure that all required IEP services are provided at no cost to parents.

For further information contact:

County Director of Special Education
County Board of Education Office
County Parent/Educator Resource Center

State complaints, mediations and due process hearing complaints may be filed with:

Office of Special Education
Bldg. 6, Room 717
1900 Kanawha Blvd. E.
Charleston, WV 25305

(800) 642-8541 toll free
(304) 558-2696 telephone
(304) 558-3741 fax
http://wvde.state.wv.us/osp/

SWEEP SCREENING SET FOR COUNTY SCHOOLS

Barbour County Schools will be conducting sweep screening as specified in West Virginia Code §18-5-17, developmental screening is the general education process conducted to determine whether there are problems or potential problems in the areas of vision, hearing, speech and language. Screening must be conducted annually for:

- All students entering kindergarten or preschool; and
- All students entering West Virginia public and private schools for the first time

Additionally, districts must conduct developmental screening for children under compulsory school attendance age upon the request of a parent or guardian of a child residing in the district or attending a private school within the district. This developmental screening must be conducted within thirty days of the written request. The district is not required to provide such screening to the same child more than once in any one school year. Children identified through the screening process should be referred for further evaluation.

Screenings will take place after August 26, 2009. Parents not wishing to have their child screened should contact their school or Head Start Office.

WHO IS HOMELESS?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C, of the No Child Left Behind Act – Sec 725)

The term "homeless children and youth"—

A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and

B. includes —

i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.

ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...

iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

iv. migratory children...who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

For additional information contact:

Barbour County Schools

304-457-3030

EDUCATIONAL RIGHTS

Under the McKinney-Vento Act, children in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there
- Attend either the local school or the school of origin, if this is in their best interest; the school of origin is the school the child attended when he/she was permanently housed or the school in which the child was last enrolled
- Receive transportation to and from the school of origin
- Enroll in school immediately, even if missing records and documents normally required for enrollment such as a birth certificate, proof of residence, previous school records, or immunization/medical records
- Enroll, attend classes, and participate fully in all school activities while the school arranges for the transfer of records
- Have access to the same programs and services that are available to all other students including transportation and supplemental educational services
- Attend school with children not experiencing homelessness; segregation based on a student's status as homeless is prohibited

National Center for Homeless Education
Toll-free Helpline: 800-308-2145
Website: *http://www.serve.org/nche*
E-mail: *homeless@serve.org*

NCHE publications are supported through a contract with the U.S. Department of Education's Student Achievement and School Accountability Programs. For more information, visit *http://www.ed.gov/programs/homeless/index.html.*

National Center for Homeless Education at SERVE

Supporting the Education of Children and Youth Experiencing Homelessness

SERVE Center
at the University of North Carolina at Greensboro

WHAT IS NCHE?

The National Center for Homeless Education (NCHE) is an information clearinghouse and technical assistance center in support of the homeless education community nationwide. NCHE is funded through the U.S. Department of Education and is housed at the SERVE Center at the University of North Carolina at Greensboro. NCHE:

- Supports educators, service providers, parents, community members, and others interested in the education of children and youth experiencing homelessness
- Provides information and resources on the needs and educational rights of children and youth experiencing homelessness
- Provides information and training about the provisions of the McKinney-Vento Homeless Assistance Act, federal legislation dealing with the education of children and youth experiencing homelessness

NCHE RESOURCES

- Awareness folders
- Educational rights posters
- Enrollment reference foldouts
- Informational booklets for youth on their own
- Informational folders and brochures for parents
- Informational publications on best practices
- Issue briefs
- Training and reference materials for state coordinators and local liaisons
- Materials for supporting children and youth displaced by disaster



NCHE HELPLINE

800-308-2145 • *homeless@serve.org*

NCHE operates a toll-free helpline to assist educators, service providers, parents, community members, and others interested in the education of children and youth experiencing homelessness. Contact the NCHE Helpline for assistance with:

- Understanding the educational rights of children and youth experiencing homelessness
- Determining how the McKinney-Vento Act applies to a particular situation
- Finding contact information for state coordinators and local liaisons

Call the NCHE Helpline at 800-308-2145 or e-mail *homeless@serve.org*.

NCHE LISTSERV

NCHE's Homeless Education Listserv provides colleagues across the nation with a forum for communicating about emerging issues in the field of homeless education, including the application of the McKinney-Vento Act and strategies for protecting the educational rights of homeless children and youth. For more information or to join the listserv, contact NCHE at *homeless@serve.org*.

NCHE WEBSITE

http://www.serve.org/nche

NCHE's website is a comprehensive source of information on homeless education.

- Order NCHE products free of charge
- Learn more about the McKinney-Vento Act and other laws pertaining to the education of children and youth experiencing homelessness
- Search for information on topics such as identification, enrollment, transportation, unaccompanied youth, dispute resolution, and more
- View or download training materials
- Learn more about homeless education in your state
- Download materials from other states and communities that can be customized and used in your community including brochures, posters, policies, and more

> THROUGH IT ALL, SCHOOL IS PROBABLY THE ONLY THING THAT HAS KEPT ME GOING. I KNOW THAT EVERY DAY THAT I WALK IN THOSE DOORS, I CAN STOP THINKING ABOUT MY PROBLEMS FOR THE NEXT SIX HOURS AND CONCENTRATE ON WHAT IS MOST IMPORTANT TO ME."
>
> FORMERLY HOMELESS STUDENT



WEST VIRGINIA
Department of
Health & Human Resources
BUREAU FOR PUBLIC HEALTH

Requirements for Pre-Kindergarten Program Enterers

All children entering an approved pre-kindergarten ("Pre-K") classroom must have age appropriate immunizations[1] upon enrollment as mandated by state law.[2] The following chart shows the **minimum** number of doses for each vaccine required for entry.[2]

Hepatitis B **3 doses** Final dose at age 24 weeks or older
Diphtheria, tetanus, and acellular pertussis vaccine (DTaP) **4 doses** Booster dose after 4th birthday is not required
Varicella **1 dose** **After** child's 1st birthday
Inactivated polio virus (IPV) **3 doses** Booster dose after 4th birthday is not required
Measles, mumps, and rubella (MMR) **1 dose** **After** child's 1st birthday

Students may be provisionally enrolled in Pre-K with at least one dose of each required vaccine and allowed up to eight months, if necessary for minimum intervals, to obtain up-to-date status. The WVDHHR, Bureau for Public Health recommends that vaccine doses administered 4 days or fewer before the minimum interval or age be considered valid.

For questions, contact the Division of Immunization Services at 1-800-642-3634.

[1]Applicable immunization schedules can be found at http://www.cdc.gov by searching "Immunization Schedules." [2] West Virginia Code § 16-3-4 and WVDHHR interpretative rule 64CSR95.

West Virginia Immunization Requirements for New School Enterers

State law and rules[1] require that all children entering school in West Virginia for the first time in grades K-12 must show proof of immunization against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, varicella and hepatitis B unless properly medically exempted[2]. The table below outlines immunization requirements as most commonly met.[3] The West Virginia Bureau for Public Health recommends that vaccine doses administered 4 days or fewer before the minimum interval or age should be considered valid.

Vaccine	Requirements	Provisional Enrollment	Additional Information
DTaP/DTP Td/Tdap	Before admission, four doses required. One dose must be after the 4th birthday.	After one dose, student may be allowed up 8 months to complete the series if necessitated by the minimum intervals of the vaccine schedule.	• Three doses only for children completing primary series at age 7 years and older. • Children exempted from the pertussis component of DTaP vaccine should receive DT vaccine instead, or if past 7th birthday, Td / Tdap vaccine, as applicable.
Polio (IPV)	Before admission, three doses required. One dose must be after the 4th birthday.	After one dose, student may be allowed up 7 months to complete the series if necessitated by the minimum intervals of the vaccine schedule.	• If polio immunization series included both OPV and IPV, then a total 3 of 4 doses are required depending upon the age of the child.
Measles, Mumps & Rubella (MMR)	Before admission, two doses required. First dose must be after the 1st birthday.	After one dose, student may be allowed up to 30 days to complete the series.	• Doses should be a minimum of 28 days apart.
Varicella	Before admission, two doses required. First dose must be after the 1st birthday.	After one dose, children **less than 13 years of age** may be allowed up to 90 days to obtain 2nd dose; children aged **13 years and older** may be allowed up to 30 days to obtain the 2nd dose.	• Children **less than 13 years of age** must have a minimum interval of 12 weeks between the 1st and 2nd doses. • Children aged **13 years and older** may receive the 2nd dose 28 days after the first dose. • Immunity may also be demonstrated through the legal guardian's written or verbal attestation of varicella (chickenpox) disease.
Hepatitis B	Before admission, three doses required. Last dose must be after the age of 6 months.	After one dose, student may be allowed up to 4 months to complete the series if necessitated by the minimum intervals of the vaccine schedule.	• Final dose is not valid if administered before 24 weeks / 6 months of age.

[1] See WV Code §16-3-4 and 64CSR95 for further information.
[2] Medical exemptions must be requested by a physician who has treated or examined the child and be reviewed and submitted to the Immunization Officer of the Bureau for Public Health. Requests for exemptions must be based on current standards of immunization practice and include the following information: the vaccine(s) being exempted, the specific medical reason for the exemption, whether the exemption is temporary or permanent, and, if temporary, when the exemption should be reevaluated. West Virginia State Law does not allow for non-medical exemptions to immunization requirements.
[3] Occasionally, based on product used or the age at which a child is being immunized, deviations from these requirements may be acceptable. Any deviation must be consistent with applicable, age appropriate immunization schedules found at http://www.cdc.gov and searching under "Immunization Schedules".

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Health & Human Resources

West Virginia Immunization Requirements for 7th & 12th Graders

Beginning in 2012-2013, state law and rules[1] require that all children entering school in West Virginia in grades 7 and 12 must show proof of immunization against diphtheria, pertussis, tetanus, and meningococcal disease unless properly medically exempted[2]. The table below outlines immunization requirements as most commonly met.[3] The West Virginia Bureau for Public Health recommends that vaccine doses administered 4 days or fewer before the minimum interval or age should be considered valid.

7th Grade School Entry Requirement

Vaccine	Requirement	Provisional Enrollment	Additional Information
Tdap (tetanus, diphtheria, acellular pertussis)	Proof of one dose of Tdap vaccine	No provisional enrollment permitted	
MCV4 (meningococcal / meningitis)	Proof of 1st dose of MCV4 vaccine	No provisional enrollment permitted	

12th Grade School Entry Requirement

Vaccine	Requirement	Provisional Enrollment	Additional Information
Tdap (tetanus, diphtheria, acellular pertussis)	Proof **of one dose only** of Tdap vaccine	No provisional enrollment permitted	This is not a requirement for a 2nd dose of Tdap.
MCV4 (meningococcal /meningitis)	Proof of 2st dose of MCV4 vaccine if indicated. **(See additional information)**	No provisional enrollment permitted	**Second dose of MCV4 is indicated if first dose was received before the 16th birthday**

1 See WV Code §16-3-4 and 64CSR95 for further information.
2 Medical exemptions must be requested by a physician who has treated or examined the child and be reviewed and approved by the local health officer in the county in which the child attends school. Requests for exemptions must be based on current standards of immunization practice and include the following information: the vaccine(s) being exempted, the specific medical reason for the exemption, whether the exemption is temporary or permanent, and, if temporary, when the exemption should be reevaluated. West Virginia State Law does not allow for non-medical exemptions to immunization requirements.
3 Occasionally, based on product used or the age at which a child is being immunized, deviations from these requirements may be acceptable. Any deviation must be consistent with applicable, age appropriate immunization schedules found at http://www.cdc.gov and searching under "Immunization Schedules".

Barbour County Schools
School and District Information

Bus Garage
330 Chestnut Street
Philippi, WV
26416
304-457-1289

Central Office
45 School Street
Philippi, WV 26416
304-457-3030

Belington Elementary School
471 Morgantown Pike
Belington, WV 26250
304-823-1411

Belington Middle School
469 Morgantown Pike
Belington, WV 26250
304-823-1281

Junior Elementary School
415 West First Street
Junior, WV 26275

Kasson Elementary and Middle School
19 Kasson Road
Moatsville, WV 26405
304-457-1485

Philip Barbour High School
99 Horseshoe Drive
Philippi, WV 26416
304-457-1360

Career Technical Center
304-457-4807

Philippi Elementary School
547 Cherry Hill Road
Philippi, WV 26416
304-457-4229

Philippi Middle School
611 Cherry Hill Road
Philippi, WV 26416
304-457-2999

PARENT AND STUDENT VERIFICATION FORM

DIRECTIONS: Please sign and return this verification form to the school that you have received information that the Barbour County School's Electronic Handbook is located at http://www.wvschools.com/barbourcountyschools/

West Virginia State Board of Education Policy 4373 and Barbour County Board of Education Policy 8400 require all newly enrolled middle and high school students in Barbour County Schools to sign this verification form before entering school.

Please return signed verification form to the school principal.

Parent: I understand that the Barbour County School's Electronic Student Handbook is located at http://www.wvschools.com/barbourcountyschools/

_____ _____

Parent's Signature *Date*

Student: : I understand that the Barbour County School's Electronic Student Handbook is located at http://www.wvschools.com/barbourcountyschools/ and that it is my responsibility to abide by the policies.

_____ _____

Student's Signature *Date*