PUTNAM COUNTY BOARD OF EDUCATION

POLICY MANUAL

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77 Courthouse Drive

Winfield, WV 25213

PUTNAM COUNTY SCHOOLS

Achieving Excellence

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SECTION 1: BOARD OF EDUCATION

1.1 LEGAL STATUS

The West Virginia Constitution states, "the legislature shall provide, by general law, for a thorough and efficient system of free schools." Thus, education has been clearly and unequivocally designated a state responsibility.

The West Virginia Board of Education has the responsibility to exercise general supervision of the public schools of the state. It also is responsible for making the rules relating to the general powers and duties of county boards of education, teachers, service personnel, principals, supervisors, superintendents, and such other matters as it may deem necessary.

The West Virginia Legislature has mandated that a school district shall include all the territory in one county. The powers, duties, and responsibilities of the county board of education are enumerated in Chapters 18 and 18A of the *West Virginia School Laws Annotated*.

1.2 MISSION STATEMENT

The mission of Putnam County Schools is to ensure that every student masters the curriculum and achieves academic success. We will dedicate our time, resources, and practices to closing the achievement gap, bringing every student to mastery and beyond, and preparing every student for success in a diverse and changing world. Working with the home and community, we will build a supportive system characterized by ethical behaviors, mutual respect, professionalism, and collaboration.

1.3 PHILOSOPHY

The Putnam County Board of Education, referred to as the *Board*, has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when the citizens elect delegates to represent them in the conduct of specified educational programs. At the same time, the citizens endow their representatives with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to

A. maintain two-way communications with citizens of the county by keeping them informed of the progress and problems of the school system;
B. encourage the citizens to bring their aspirations and concerns about the school system to the attention of this body; and
C. act as a truly representative body for its citizens in all matters related to programs and operations through its statutory authority.

WV Code § 18-5-1

1.4 BOARD POWERS

The Board shall be a corporation and, as such, may prosecute and defend suits; plead and be impleaded; enter into contracts with individuals or legal entities; acquire, hold, possess, and dispose of real and personal property; and take and hold in trust for the use and benefit of the county, any grant or devise of land and any donation or bequest of money or other personal property.

The power of this Board consists of those matters expressly granted by statute and those matters that may be necessarily implied from such powers specifically delegated as being necessary to carry them out.

The Board shall have the management and control of all the public schools in the county, including the employees, students, and all other persons entering upon its premises.
WV Code § 18-5-5, 18-5-13

1.5 MEMBER POWERS

Board members, as individuals, do not possess the powers that reside in the Board except when and as expressly authorized by law or this Board. However, no Board member shall be denied facts or materials required for the proper performance of his/her duties to which he/she is legally entitled.

If, in the opinion of the Superintendent, a Board member's request for facts and information is administratively unreasonable, he/she may withhold said facts or materials until a ruling is made by the Board.

1.6 CODE OF ETHICS

While serving as a member of the Board, each member shall abide by the following Code of Ethics promulgated by the West Virginia School Board Association:

A. Attend as many regularly scheduled Board meetings, as possible, and become informed about the issues to be considered at those meetings.
B. Recognize that I should endeavor to make policy decisions only after full discussion at publicly held meetings.
C. Render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups.
D. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.
E. Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent.
F. Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs.
G. Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school board associations.

H. Support the employment of persons best qualified to serve as school staff, and to insist on a regular and impartial evaluation of all staff.
I. Avoid being placed in a position of conflict of interest.
J. Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law.
K. Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

1.7 BOARD FUNCTIONS

The Board shall make rules and regulations necessary for its governance and the governance of its employees, students, and visitors to its schools, as well as the care and control of its grounds and premises, by adopting bylaws and policies for the organization and operation of this Board and this school system.

Bylaws and policies that are not dictated by the statutes or rules of the West Virginia Board of Education, ordered by the State Superintendent of Schools, or a court of competent authority may be adopted, amended, or repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

These bylaws and policies may be adopted or amended at a single meeting of the Board in an emergency. For purposes of this rule, an *emergency* shall be defined as any situation or set of circumstances that the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the county.

Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency unless the Board moves to adopt the resolution in final form.

Bylaws and policies shall be adopted, amended, repealed, or suspended by an affirmative vote of at least three (3) members. The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual.

The Board may adopt, amend or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

1.8 EXECUTIVE POWER

The Board shall exercise its executive power by the appointment of a Superintendent of Schools, hereinafter referred to as *Superintendent*, for a term of not less than one (1) nor more than four (4) years. Unless filling a vacancy caused by an incomplete term, the appointment of the Superintendent shall be made after January 1st and on or before June 1st, for a term beginning on July 1st following the appointment.

The Superintendent shall enforce the elementary and secondary education statutes of the state, the rules of the West Virginia Board of Education, and the policies of this Board.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the meeting following such action.

WV Code §18-4-1, 18-4-10

1.9 JUDICIAL POWER

The Board may assume jurisdiction over any dispute or controversy arising within the school system that concerns any matter in which authority has been vested in the Board by statute, rule, contract, or policy of this Board, provided that such assumption of jurisdiction shall not obtain where a clear method of dispute resolution is provided by statute and/or regulation and until such assumption is triggered by actions set by statute and/or regulation. Likewise, no such assumption shall obtain where the exercise of such jurisdiction usurps authority reserved to the Superintendent, administration, or other entity.

Where statutorily permitted, the Board may hold hearings that shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the issue. In addition, the Board may schedule parties to disputes that are not amenable to hearing for discussion with the Board members and, thereafter, may vote on the disposition of the issue.

Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences that may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the school system.

1.10 PROMOTION OF SCHOOL BOARD EFFECTIVENESS

The Board is in the forefront of citizen-inspired, public education leadership, policy, and decision-making. To fulfill this responsibility, the Board may receive information, comments, and suggestions directly from local school improvement councils regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs. Additionally, the Board will meet annually with Local School Improvement Councils of each school deemed to be low performing per accountability system.

At least 30 days before each such required meeting, a county board of education must give the LSIC an agenda for the meeting. The agenda must require the school's principal and LSIC chair (or a member designated by the chair) to address (1) the dialogue that occurred in the LSIC's meeting(s) with parents, students, school employees, business partners, and other interested parties where participants were allowed to suggest how to address issues affecting the school's academic performance; (2) any reports by the county superintendent about the school's performance, curriculum, and progress in meeting the school's improvement plan and relevant parts of the county's strategic improvement plan. In addition to the required annual meeting, the county board can, throughout the year, make written requests for information from the LSIC of a low performing school or hold community forums to receive input from

the 4a2affected community.
W.Va. Code § 18-5-14(a)(1)(B); 18-5-14(a)(1)(C)

1.11 BOARD MEMBERSHIP

The Board of Education shall consist of five (5) members, nominated and elected by the voters of the county without reference to political party affiliation.
WV Code § 18-5-1

1.12 CONFLICT OF INTEREST

With five (5) exceptions, a Board member shall not have any direct or indirect pecuniary interest in a Board contract with, or a purchase of goods or service from, another person or party; nor shall a Board member furnish directly any labor, goods, or services to the school district except voluntarily and without any compensation.

The five (5) exceptions to the conflict of interest rule are that the school district may

A. make publications in newspapers, as required by law, even though a Board member has a pecuniary interest in a newspaper;
B. do business with a public utility that is subject to regulation by the Public Service Commission of West Virginia even though a Board member has a pecuniary interest in the utility;
C. employ the spouse of a Board member but only as a principal, classroom teacher or service employee;
D. use a bank within the county as a depository of the district's funds even though a Board member has a pecuniary interest in the bank, but only if the Board member does not participate in the deliberations or any ultimate determination of the depository of the funds; and/or
E. have a contract with a vendor or supplier who employs a Board member, or a Board member's spouse or child, but only if the employee
    1. is salaried;
    2. is not a party to the contract;
    3. is not an owner, shareholder, director, or officer of a private party under the contract;
    4. receives no commission, bonus, or other district remuneration or thing of value by virtue of the contract;
    5. does not participate in the deliberations or awarding of the contract; and
    6. does not approve, vote for, or authorize payment for services or supplies furnished under the contract.

The conflicts that state law forbids include:

A. an appointed or elected public official from serving as a member of the Board;
B. a Board member from serving as the school dentist, physician, or nurse for compensation;
C. a Board member from being employed by the Board for compensation;
D. the school district's employment of a Board member's spouse in a position other than principal, classroom teacher, or service employee;

E. a Board member from receiving, soliciting, or accepting any gift, present, or thing of value to influence the adoption of books, instructional materials, learning technologies, or any combination thereof;
F. a Board member from accepting employment with the Board where such employment was authorized by the Board while he/she was a member;
G. a Board member from soliciting or using the authority or influence of his/her office to secure employment with the Board;
H. a Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of his/her office to create a position with the county system or to set the compensation for such position where he/she is considering or is being considered for employment in that position;
I. a Board member having interest in any contract for the purchase of property, supplies, or other commodities or services by the Board;
J. a Board member from voting on a personnel matter involving the member's spouse, parent or parent-in-law, sibling or sibling-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild unless the personnel matter affects the member's relative as a member of a profession or occupation, and to no greater extent than any other member of the profession or occupation, or as a member of a class of at least five (5) persons;
K. a Board member who is employed by a financial institution, and whose primary responsibilities include consumer and commercial lending, from voting on a matter that directly affects the financial interests of a customer of the financial institution if the Board member is directly involved in approving a loan request from the customer, or has been involved in approving a loan for the customer with the past twelve (12) months, but only if the total of such loan exceeds $15,000;
L. a Board member from voting on appropriating public money or awarding a contract to a nonprofit corporation if the corporation employs the member, the member's spouse with whom he/she is living as husband and wife, or the member's dependent child, grandchild, or parent; and/or
M. a Board member from using frequent flyer bonus points earned while traveling on official school district business if his/her participation in the frequent flyer program results in additional cost to the school district.

WV Code § 6B-2-5; 61-10-15

Board members shall not accept any form of compensation from vendors that might influence their decision on the eventual purchase of equipment, supplies or services. Furthermore, except as specifically authorized by other provisions of this policy, a Board member shall not accept any form of compensation from a vendor after a decision has been made to purchase equipment, supplies or services from a vendor. Except as specifically authorized by other provisions of this policy, a Board member shall not enter into a contractual arrangement whereby an individual Board member receives compensation in any form for services rendered, with a vendor seeking to do business with the school district, or a vendor with whom the school district is doing business. In the event that a Board member receives compensation prohibited by this rule, the Board member shall promptly transmit such compensation to the treasurer with a written statement that s/he received such compensation.

Nothing in this policy prevents a Board member who attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party as long as the meal, reception or open house is 1) of an ordinary, routine character, 2) at an educational or informational event, and 3) open to all of the public officials and employees attending the event. A Board member is prohibited from improperly using his/her position to secure the donation of the cost of a meal, reception or open house at a conference of an association of public officials and employees to which he/she or his/her Board belongs, while the Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

1.13 QUALIFICATIONS, RESTRICTIONS AND REQUIREMENTS

A Board member shall meet the qualifications specified by law and state board of education policy.

Qualifications

A Board member must

A. be a United States citizen and a resident of the county;
B. possess at least a high school diploma, General Education Diploma (GED) or Test Assessing Secondary Completion (TASC); and
C. complete an orientation, as set forth below, prior to assuming the duties of a Board member.

Allowances

A Board member may

A. make campaign contributions to partisan or bi-partisan candidates;
B. attend political fund raisers for partisan or bi-partisan candidates;
C. serve as an unpaid volunteer on a partisan campaign;
D. endorse any candidate in a partisan or bi-partisan election; and/or
E. attend a county, state, or national political party convention.

Restrictions

A Board member cannot

A. be employed by the county board on which he or she serves or hold the position of a teacher or service employee in the school district;
B. hold another public office, be a member of any political party executive committee, or become a candidate for any other public office;
C. become a candidate for or serve as a delegate, alternate, or proxy at a national political party convention; and/or
D. solicit or receive political contributions to support the election of or retire the campaign debt of any candidate for partisan office.

Requirements

A Board member must take an oath of office before entering his/her duties on the Board and must complete twelve (12) clock hours of annual training.

WV Code § 18-5-1a(f)

Revised August 4, 2025

1.14 ELECTION

A member of the Board shall be elected with no more than two (2) members elected from any magisterial district.

WV Code § 18-5-1

1.15 TERM

The term of each Board member shall be four (4) years and shall commence on the first day of July following the primary election at which the member was elected.

WV Code § 18-5-1b

1.16 OATH

Before entering his/her duties of office, each person elected or appointed to the Board shall take an oath to support the Constitution of the United States and the Constitution of the State of West Virginia and to perform faithfully the duties of his/her office.

The oath of office shall be taken by the newly elected or re-elected Board member(s) after his/her election is certified by the county commission.

The oath of office shall be administered by the judge of any West Virginia Court of Record, a West Virginia county commissioner, a West Virginia notary public, or any West Virginia clerk of court.

WV Code § 6-1-4; 57-5-9, 18-5-3

1.17 ORIENTATION AND TRAINING

The Board believes that the preparation of each member is essential to the effectiveness of the Board's functioning. The Board shall encourage each new member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, no later than his/her first regular meeting, each new Board member shall receive a copy of the *West Virginia School Laws Annotated* for use during his/her term on the Board. The orientation and training shall be approved by the West Virginia Board of Education (WVBOE) and conducted by the West Virginia School Board Association or other organization(s) approved by the WVBOE.

The West Virginia Board of Education shall appoint a committee named the County Board Member Training Standards Review Committee whose members shall meet at least annually. Subject to WVBOE approval, the committee shall determine which particular trainings and training organizations shall be approved.

WV Code § 18-5-1a(g)

State-Mandated Orientation

A person elected to the Board must attend and complete an orientation relating to boardsmanship and governance effectiveness provided between the date of election and the beginning of the member's term of office. A portion or portions of the orientation may be given after the member has taken office as long as part of the orientation was provided to the member prior to his/her taking office. A member shall complete the next such course offered following his/her appointment to the Board.

State-Mandated Annual Training

A Board member shall receive seven (7) clock hours of annual training in boardsmanship, governance effectiveness, and school performance issues including pertinent state and federal statutes and their respective administrative rules. A Board member serving in the final year of his/her term shall satisfy the annual training requirement by January 1st.

Failure to Complete State-Mandated Orientation and Training

Failure to complete the required training without good cause, as defined by the West Virginia Board of Education, constitutes neglect of duty.

The County Board Member Training Standards Review Committee shall determine if Board members have satisfied the annual training requirement.

WV Code § 18-5-1a(e)(2), 18-5-1(g)

1.18 FILLING A BOARD VACANCY

A Board vacancy occurs when one of the following events occurs:

A. death;
B. resignation accepted by the Board;
C. failure of the person elected or appointed to qualify due to acceptance of duties incompatible with those of a Board member;
D. appointment, election, or filing for nomination to any public office other than to succeed him/herself; or
E. removal from office for misconduct.

The following steps shall be taken to fill the vacancy.

A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and/or contacts with appropriate organizations.
B. The applicants shall submit a notice of interest, in writing, to the Board president.
C. The Board shall interview all interested candidates to ascertain their qualifications.

Appointment by the Board to fill a vacancy shall be by majority vote of the remaining members of the Board. If the Board fails to appoint a member to its Board within 45 days after the vacancy occurs, the State Superintendent of Schools is required by law to appoint a person to fill the vacancy.

When the vacancy occurs after the 84th day before a general election, and the affected term of office ends on June 30th following the next primary election, the person appointed to fill the vacancy shall continue in office until the completion of the term.

When the vacancy occurs after the 84th day before a general election and not later than the close of candidate filing for the next succeeding primary election, and the affected term of office does not end on June 30th following the next primary election, an election for the unexpired term shall be held at the next primary election. The appointment shall continue until June 30th following the election. The elected successor shall take office on July 1st and serve until the expiration of the original term of office.

When the vacancy occurs after the close of candidate filing for the primary election and not later than 84 days before the general election, the vacancy shall be filled by election in the general election. The appointment shall continue until a successor is elected and certified.

WV Code §18-5-2

1.19 COMPENSATION FOR BOARD MEMBERS

Board members will receive compensation as set by WV Legislature at the maximum cap rate for the number of board meetings established in WV Code 18-5-4e.

A Board member's expenses incurred in the performance of his/her duties and expenses of a member-elect in training and orientation will be paid, provided that each member or member-elect submits an itemized sworn statement of his/her expenses.

All fees, parking, mileage, meals, and housing for Board-authorized activities shall be reimbursable. Reimbursement for expenses shall not exceed the current rates established in this policy manual. Expenses must be submitted for reimbursement within 30 days after the expenses were incurred.

WV Code § 18-5-4e, 18-5-4f

Effective July 1, 2026

1.20 PUBLIC EXPRESSIONS OF BOARD MEMBERS

The Board president functions as the official spokesperson for the Board. However, from time to time, individual Board members make public statements on school matters to the media and/or state officials. When writing or speaking on school matters to the media, legislators, and/or other officials, a Board member should make it clear that his/her views do not necessarily reflect the views of the Board or their colleagues on the Board. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the correspondence;
B. routine, not for publication, correspondence of the Superintendent and other Board employees;
C. campaign articles or position papers of candidates for election to the Board;
D. routine "thank you" letters of the president of the Board;
E. statements by Board members on non-school matters, provided the statements do not identify the author as a member of the Board;
F. personal statements not intended for publication; and/or
G. post-election statements by Board members thanking citizens for voting for them.

1.21 BOARD-STAFF COMMUNICATION

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, however, will be through the Superintendent.

Staff Communication to the Board

Communications from staff members to the Board or its committees shall normally be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures. This procedure should not be construed to prohibit direct communication by staff member with members of the Board.

Board Communication to Staff

All official communications, policies, and directives of the Board that would be of interest and concern to the staff will generally be communicated through the Superintendent. The Superintendent shall also keep staff members informed of the Board's concerns and actions.

Social Interaction with Staff

Staff and Board members share an interest in the schools and in education generally. It is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, innovations, and general activities of the school district. However, since individual Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, it will be considered unacceptable conduct for Board members to discuss individual personalities, personnel, grievances, or other complaints with members or the staff. Instead, staff members should be encouraged to utilize the procedures established in policy to have their concerns, complaints, or grievances addressed.

1.22 ACCESS TO RECORDS

Individual members of the Board do not possess the powers that reside in the corporate Board of Education, but no member of the Board shall be denied documents or information to which he/she is legally entitled and are required in the performance of his/her duties as a Board member.

Access to county personnel and student records shall be subject to the Board policy and applicable state and federal laws. Information obtained from employee personnel records by Board members, as authorized by the Board, shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal, to aid in the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

It is unlawful for a present or former Board member to knowingly and improperly disclose any confidential information acquired by him/her in the course of his/her official duties. A Board member may not use such information to further his/her personal interests or the interests of another person.
WV Code § 6B-2-5

1.23 ORGANIZATIONAL MEETING

The Board of Education shall organize on the first Monday of July following each biennial primary election.

1.24 OFFICERS

The organizational meeting shall be called to order by the Superintendent who shall act as presiding officer. The Board shall then proceed to elect a president who may then take the chair, a vice-president, a secretary who shall be the Superintendent, and a treasurer who shall be employed by the Board. The treasurer shall be the chief fiscal officer for the Board. The name of the Board president shall be reported promptly to the State Superintendent of Schools.

Officers shall serve for a two (2) year term and until their respective successors are elected. In the event that the office of president is vacated, the vice-president shall succeed the president and the position of vice-president shall be filled in the same manner as the election conducted at the organizational meeting.

1.25 UNUSED – INTENTIONALLY BLANK

1.26 APPOINTMENT OF LEGAL ADVISORS

The Board may appoint legal advisors to serve as general counsel and for specific projects and in areas of practice throughout the school year on an as needed basis.

1.27 BOARD MEETINGS

Parliamentary Authority

The parliamentary authority governing the Board shall be the most recent edition of *Robert's Rules of Order, Newly Revised*, in all cases in which it is not inconsistent with statute, administrative code, or these bylaws.

Quorum

Three (3) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of such quorum.

Presiding Officer

The president shall preside at all meeting of the Board. In the absence, disability, or disqualification of the president, the vice-president shall act instead. If neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Notice of Meetings

The Board shall set rules by which the date, time, place, and agenda of all regular and special meetings shall be made available in advance to the public and news media, except in the event of an emergency requiring immediate official action. A Board that holds two (2) or fewer regular meetings per month must give the public and the news media at least

A. three (3) days' advance notice of the date, time, place, and agenda for each regular meeting;
B. two (2) days' advance notice of any amendments to that agenda, assuming that the amendments are otherwise lawful; and
C. two (2) days' advance notice of the date, time, place, and purpose of all special meetings.

A Board that meets more frequently than twice monthly is subject to exactly the same standards except that, as to each regular meeting, it only must give at least two (2) days' advance notice of the date, time, place, and agenda.

In calculating days for purposes of all the notices, Saturdays, Sundays, legal holidays, and the day of the meeting are omitted.

Regular Board Meetings

Regular Board meetings shall be public and held the first and third Monday of each month unless published otherwise in advance. It shall be the responsibility of the Superintendent, in cooperation with the Board president, to prepare an agenda of the items of business to come before the Board at each regular meeting.

The Superintendent shall notify all Board members of each Board meeting consistent with the notice provision set out above. Such notice shall include the date, time, place, and agenda of the meeting.

The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered.

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board bills for payment, resolutions that require annual adoption, curricular and extracurricular trips, and/or use of facilities approved for community use.

A Board member may request any item be removed from the consent resolution. No Board vote will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

Special Meetings

Special meetings of the Board shall be public. Such meetings shall be called by the president or by any three (3) members of the Board. The notice of the date, time, place, agenda, and reason for the special meeting shall be made available to the public and media. Only business designated in the call for the special meeting shall be transacted.
WV Code § 6-9A-3, 18-5-4(b)

Emergency Meetings

The Board shall provide notice and purpose of an emergency meeting in a manner which is consistent with WV Code Section §6-9A-3 and the Ethics Commission Committee on Open Governmental Meeting's opinions as soon as practicable prior to the meeting.

Emergencies: An unexpected event in which requires immediate attention because it poses: an immediate threat to public health or safety; and imminent threat of damage to public or private property; or an imminent material financial loss or other imminent substantial harm to a public agency, its employees or the member of the public which it serves.

The Board's meeting shall normally be held at the location provided in the above notice that may accommodate public attendance. However, the Board authorizes the Board President, to determine in certain circumstances that it is necessary or appropriate to hold a regular, special or emergency Board meeting by means of remote or virtual participation for Board members, only in the event that circumstances justify such action; under such circumstances, arrangements shall be made for community input/participation to the extent possible, and the Open Meetings Act shall be followed. If the Board determines that it constitutes a public health risk to allow citizens to attend in person, it may instead provide citizens with a call-in number for a telephonic meeting or provide access via a web link to live stream of the meeting. The meeting shall be notices accordingly and assure tha5t such notice contains explicit instructions concerning the method or method of remote access to the Board meeting and may include remote Board member participation in such meetings. Any meeting held under this provision may include voting as any other Board meeting may and such votes shall not be invalid because of the remote or virtual nature of the meeting.

The Superintendent will assure that consideration is given to providing the broadest scope of public access to a meeting when it has been determined that in person public access is not appropriate. This

may include multiple different technology options so that the lack of technology access for members of the public does not prevent the ability to attend. The Board president shall conduct the meeting so as to facilitate public understanding of the proceedings, including requiring members to identify themselves before speaking, and limiting instances of multiple members speaking at the same time to the extent possible, at all times ensuring that members of the public can hear all meeting participants.

All Board agendas shall be made public on the District webpage.

Recess

The Board may adjourn or recess at any time. The adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon.

Executive Session

Executive sessions may be held during regular, special, or emergency meetings. After the meeting is convened, any member may make a motion for an executive session stating the purpose of the session by citing one or more of the reasons identified below. Upon receipt of a second to the motion and a majority vote of those present and voting, the chairperson shall declare the Board in executive session for the reason stated. No official action or vote may be taken in executive session.

The Board reserves the right to meet in executive session, upon a majority affirmative vote of the members present, solely to address one (1) or more of the following issues exempted from public sessions:

A. matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal, or compensation of a public officer or employee or prospective public officer or employee, unless the public officer or employee requests an open meeting;
B. a hearing on a complaint, charge, or grievance against a public office or employee, unless the public officer or employee requests an open hearing;
C. discussion regarding the discipline, suspension, or expulsion of any student in one of the county's public schools, unless the student requests an open meeting;
D. discussion of any material the disclosure of which would constitute an unwanted invasion of an individual's privacy;
E. consideration of matters involving or affecting the purchase, sale, or lease of property; advanced construction planning; investment of public funds; or other matter which, if made public, might adversely affect the financial or other interest of the county system;
F. consideration or approval of a settlement agreement; and/or
   Note: If the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded.
G. discussion of any matter that, by express provision of federal or state law or rule of court, is rendered confidential or which is not considered a public record within the meaning of the Freedom of Information Act.

WV Code § 6-9A-4A(a)
revised August 21, 2023

1.28 VOTING

All motions for adoption shall require a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Board, the vote shall be recorded by roll-call.

Unless a specified number of affirmative votes is required, an abstention shall be recorded and deemed to consent to the outcome of the voting. In a situation in which a tie vote occurs and abstentions have been cast, the motion shall fail for lack of a majority.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. A Board member may be at the meeting location in person, by telephone conference, or electronically in order to participate and vote. Each vote and abstention shall be recorded. Proxy vote is prohibited.

1.29 MINUTES

The Superintendent shall maintain minutes of all Board meetings showing the date, time, and place of the meeting; the members present and absent; all motions, proposals, resolutions, and measures proposed; the name of the person proposing the same and their disposition; the results of all votes; and, upon the request of a member pursuant to the rules, policies, or procedures of the Board for recording roll-call votes, the vote of each member by name. If the Board chooses to record minutes of executive sessions, such minutes shall reflect only the general subject matters of discussions.

The Superintendent shall provide each Board member with a copy of the minutes of the last meeting no later than three (3) days before the next regular meeting. The minutes of each Board meeting shall be considered at the next succeeding meeting where they shall be corrected, if necessary, and approved. The approved minutes shall be signed by the Superintendent as secretary to the Board and the president. The approved minutes shall be filed in the Superintendent's Office in a prescribed minute book as permanent record of official Board proceedings.
WV Code § 6-9A-5

1.30 PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest. Any person or group wishing to have an item placed on the agenda shall make such request to the Superintendent no later than three (3) days prior to the meeting. The request must include:

A. name and address of the participant;
B. group affiliation, if and when appropriate;
C. description of the agenda item; and
D. indication if topic has been discussed with the principal, central office, and/or Superintendent.

In order to permit the fair and orderly expression of such comments by members of the public, the Board shall provide a period for public participation at every meeting and publish rules to govern such participation.

The presiding officer shall be guided by the following rules.

A. Public participation shall be permitted as indicated on the order of business.
B. Anyone having a legitimate interest in the actions of the Board may participate during the public portion of a meeting in accordance with the rule governing such participation.
C. Attendees must register, on a form provided by the Board, their intention to address the Board in the public portion of the meeting before the meeting is scheduled to begin.
D. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name and group affiliation, if appropriate.
E. Each statement made by a participant shall be limited to the lesser of five (5) minutes duration or the amount of time calculated by dividing the total number of registered speakers into the total time set aside for public participation, unless extended by the presiding officer.
F. No person may address or question Board members individually.

The presiding officer may

A. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
B. request an individual to leave the meeting when that person does not observe reasonable decorum;
C. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting; and/or
D. call for a recess or an adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting.

WV Code § 6-9A-3

1.31 DUTIES OF THE BOARD

Review of Policy

The Board shall review its policies and procedures on a continuing basis in order to keep them current. The Board will evaluate how policies have been implemented and their general effectiveness by relying on the school staff, students, and community to provide evidence of the effect(s) of the policies it has adopted.

The Superintendent shall call to the Board's attention all policies that need to be revised. He/she is directed by the Board to recall all policy and regulation manuals periodically for purposes of administrative updating and Board review. In addition, the Superintendent shall identify and undertake the correction of technical or formatting errors found in the policy and regulations manuals. Such correction shall be limited to non-substantive matters that do not affect the intent, meaning and/or operation of the policy or regulation. The Superintendent shall provide a brief summary of the corrections to the Board for

review. If the Board determines that a correction is substantive in nature, it must take formal action to adopt the amendments to the policy or regulation.

Board Officers

The president of the Board shall

A. preside at all public meetings of the Board;
B. call special meetings of the Board;
C. appoint all committees;
D. sign notes, minutes, conveyances, contracts, and other legal instruments for which the signature of the president is required; and
E. assist in the preparation of the Board agenda.

The vice-president shall assume and discharge the duties of the president in his/her absence, disability or disqualification.

School Board Conferences, Conventions and Workshops

The Board recognizes the value of membership and attendance at conferences and meetings at the county, regional, state, and national levels. Attendance at such workshops and conferences is encouraged. Each Board member is expected to report back to the Board after attending a conference at county expense.

West Virginia School Board Association and the National School Board Association

The Board, upon approval by a majority vote of its members, may join the West Virginia School Board Association and the National School Board Association and may pay the dues prescribed by the associations.

WV Code § 18-5-4(g)

SECTION 2: ADMINISTRATION

2.1 COUNTY ORGANIZATION

The organization of this county school system, referred to as the *county system*, shall be designed to meet the objectives set by the Board of Education, ensure clear lines of authority and responsibility, and define each position with clarity.

The Superintendent shall be the chief executive officer of the county system. The Superintendent shall define and establish the administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will consider the broad purpose and function of the position in harmony with state laws and regulations and shall approve the position if deemed appropriate.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel. It shall be the responsibility of the Superintendent to determine the need for and identify operational requirements sufficient to ensure the smooth functioning of the county system. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

It is the Board's intent to maintain an operational and technical staff with a high level of competence.

2.2 ESTABLISHMENT/ASSESSMENT OF COUNTY GOALS

One of the major functions of the Board is to work with the administration to establish written goals and objectives by which the county system can accomplish its mission and to provide the resources necessary for their accomplishment. The goals and objectives shall be established before September 15th of each year. Some of these goals and objectives may be part of the Superintendent's evaluation. Because of the importance the Board places on accomplishing goals and objectives, it has established the following policy for effective assessment of the county system's progress toward their realization.

If the Board and the Superintendent are unable to agree on the goals and objectives to be used in the Superintendent's evaluation, the parties will engage the West Virginia School Board Association and/or the West Virginia Association of School Administrators to facilitate agreement.

In conjunction with its annual evaluation of the Superintendent and its own performance, the Board shall also provide the time for both the Board and the administration to assess the progress of the school system toward the achievement of current goals and objectives. The Superintendent's evaluation, the progress assessment of goals and objectives and the Board's self-assessment of its performance shall take place at a time of the year when there is adequate and reliable data available on results-to-date of the county's goals and objectives so assessment and evaluation can focus on how well the school system is accomplishing them. This assessment must occur no later than June 30th, except that the assessment shall be completed prior to March 1st if the Superintendent's contract is to expire on the ensuing June 30th.

This annual process of assessing/evaluating the Board, the Superintendent, staff, programs, and resources shall not be considered finished until county school system goals and objectives and the strategies and actions being used to accomplish them have been reviewed and reprioritized.

WV Code § 18-2E-5, 18-4-6
WVBOE Policy 5309

2.3 BOARD-SUPERINTENDENT RELATIONSHIP

The Board of Education believes that, in general, its primary duty is to establish policies and the Superintendent's primary duty is to administer such policies. Policy should not be originated or changed without the recommendation of the Superintendent. Certain of the Board's actions must be initiated and guided solely by the recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

As the chief executive officer of the county school system, the Superintendent is the primary professional advisor to the Board. He/she is responsible for the development, supervision, and operation of the school programs and facilities. The Board shall retain oversight of such procedures.

The Board is responsible for determining the success of the Superintendent in meeting the goals and objectives, jointly established by the Board and Superintendent, through annual evaluations of the Superintendent's performance. In evaluating the performance of the Superintendent, the Board shall rely on the objective outcomes for its evaluations rather than on subjective opinions.

WV Code § 18-4-6, 18-4-10
WVBOE Policy 5309

2.4 EMPLOYMENT OF THE SUPERINTENDENT

The Board vests the primary responsibility for administration of this county system in the Superintendent. Therefore, the appointment of this officer is one of the most important functions the Board can perform.

Whenever the position of Superintendent is vacant, the Board shall appoint a Superintendent as chief executive officer and fix his/her salary and term of office, which shall be no less than one (1) year and no more than four (4) years. The appointment of the Superintendent shall be made after January 1st and on or before June 1st, for a term beginning on July 1st following the appointment.

On or before June 1st of the year in which the Superintendent is appointed, the Board shall fix the annual salary of the Superintendent for the period of appointment. The Board shall pay the salary from the general current expense fund of the county system.

In the event of a vacancy in the Superintendent's position that results in an incomplete term, the Board may appoint an interim Superintendent to serve until the following July 1st if the vacancy occurs before March 1st. If the vacancy occurs on or after March 1st, the interim Superintendent may serve until July 1st of the next year, unless a Superintendent is appointed sooner.

If the Superintendent becomes incapacitated due to accident or illness to an extent that may lead to prolonged absence, the Board, by unanimous vote, may enter an order declaring that an incapacity exists in which case the Board shall appoint an acting Superintendent to serve until a majority of the members of the Board determine that the incapacity no longer exists. An acting Superintendent may not serve in that capacity for more than one (1) year or later than the expiration date of the Superintendent's term, whichever occurs sooner, unless s/he is reappointed by the Board.

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent. It may be aided in this task by

A. a committee of Board members,
B. the services of professional consultants,
C. the counsel of the out-going Superintendent,
D. the participation of members of the community, and/or
E. the West Virginia School Board Association.

Recruitment procedures shall be prepared in advance of the search and shall include the following:

A. the preparation of a written job description for the position of Superintendent;
B. written qualifications including eligibility for proper state licensure;
C. an interview of each selected candidate by Board members in a format that encourages him/her to express his/her educational philosophy; and
D. fair consideration of all applicants without discrimination on the basis of race, gender, age, religion, ethnic background, or disability.

No person may be employed as Superintendent of this county unless he/she has signed an employment contract with the Board. The contract shall include:

A. a conspicuous clause that informs the Superintendent that, if the West Virginia Board of Education intervenes in the operation of the county school system pursuant to state law, the State Board may vacate the office and void the employment contract;
B. the term for which employment is contracted, including beginning and ending dates;
C. the salary and the intervals at which the Superintendent shall be paid;
D. the benefits to which he/she is entitled; and
E. other matters as may be necessary for full and complete understanding of the employment contract.

At the expiration of the term of service, the Superintendent is eligible for reappointment for additional terms of not less than one (1) nor more than four (4) years, at the Board's discretion, or may transfer to any teaching position in the county for which he/she may be qualified and has seniority, unless dismissed for statutory reasons.

The Superintendent shall devote himself/herself exclusively to the duties of his/her office.

Any candidate's intentional misstatement of fact material to his/her qualifications for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

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

During his/her term of appointment, the Superintendent shall be a state resident and shall reside in the county in which he/she serves or in a contiguous county.

WV Code § 18-2E-5, 18-4-1, 18-4-1(b), 18-4-2, 18-4-4, 18-4-5

2.5 SUPERINTENDENT'S RESPONSIBILITIES

The Superintendent shall strive to achieve county goals for students by providing educational direction and supervision to the professional staff, supervision to the service personnel, and acting as a proper role model for staff and students at all times.

The Superintendent shall be directly responsible to the Board for the performance of the following duties and responsibilities:

A. ensure that all aspects of county operations comply with state laws and regulations as well as Board contracts and policies;
B. ensure proper implementation of the current county-wide instructional plan as it applies to each building;
C. strive to increase the efficient use of county resources in the daily operation of the schools;
D. assign staff to achieve the maximum benefit toward the attainment of educational goals;
E. evaluate the progress of the professional and service personnel toward the attainment of educational goals;
F. analyze the results of instructional program development as it applies to the Board's educational goals;
G. recommend changes in instructional or staffing patterns based on an analysis of program progress and staff;
H. work cooperatively with parents and community groups concerned with programs in the schools;
I. work cooperatively with the Board and administrative staff;
J. strive toward the highest standards of personal conduct;
K. nominate all personnel to be employed;
L. assign, transfer, suspend, or promote teachers and all other school employees of the county subject only to the approval of the Board, and recommend their dismissal to the Board;
M. report to the Board any school in the county that appears to be failing to meet the standards for improvement;

N. close a school temporarily when conditions are detrimental to the health, safety, and welfare of the students and staff;
O. certify all expenditures and monthly payrolls of employees;
P. serve as the secretary of the Board and attend all meetings of the Board or its committees, except when the tenure, salary, or administration of the Superintendent is under consideration;
Q. keep the Board apprised of any issues that affect the Board or its schools, programs, and initiatives;
R. exercise all other authority granted by statute or required by the county and/or state Boards;
S. act in the best interest of the schools in the case of an emergency;
T. visit schools as often as practicable to observe and make suggestions concerning the instruction, classroom management, and sanitary conditions of the schools;
U. report cases of incompetence, neglect of duty, immorality, or misconduct of any employee to the Board;
V. recommend condemnation of any building unfit for school use;
W. call meetings of principals and/or teachers, at his/her discretion, to discuss the work of schools in the county;
X. It shall be the duty of any county superintendent to report any employee suspended or dismissed in accordance with section 4.30 and 4.31 of the Putnam County Policy Manual, including the rationale for the suspension or dismissal to the state superintendent.
Y. Report the progress and general condition of the schools to the Board; and
Z. Perform all other duties prescribed by statute or by the Board.

WV Code § 18-4-10, 18-4-11, 18A-2-8

2.6 EVALUATION OF THE SUPERINTENDENT

The Board of Education believes it is essential that it evaluate the Superintendent's performance annually in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the county with the best possible leadership.

The Board shall evaluate the performance of its Superintendent in accordance with a process and criteria authorized by state board and local policies. The Board shall not evaluate its Superintendent under a process that has not been approved by the state board. Once the evaluation policy and evaluation forms are approved by the state board, the local Board cannot amend its policy without approval by the state board.

During any period that the state board intervenes in the operation of a school system, the Board shall not evaluate the Superintendent's performance unless directed to do so by the State Superintendent of Schools.

By June 30th of each year, or by March 1st for a contract set to expire by June 30th of the current school term, the Board shall evaluate the performance of the Superintendent. Such evaluation shall include an assessment of the

A. degree to which the Superintendent has accomplished written goals and objectives, the time lines of which may vary, and satisfied other Board/Superintendent-determined measures of effectiveness;
B. Superintendent's success in improving student achievement generally across the county;
C. Superintendent's success in improving student achievement specifically through the management and administration of low-performing schools; and
D. Superintendent's performance in community relations, school finance, personnel relations, curriculum standards and programs, and overall leadership of the school district, as indicated primarily by improvement in student achievement, testing, and assessment. Such assessments will be based on defined quality expectations developed by the Board for each criterion being assessed.

The Board and the Superintendent shall determine jointly the method by which the evaluation shall be conducted. At the conclusion of the annual evaluation, the Board shall issue a general statement to the public about the evaluation process and the overall result. The general statement shall be formulated and agreed upon in executive session. It shall be written and may also be read to the public. It should contain nothing more than a description of the process used to perform the evaluation and result. It should not contain details of the opinions expressed during the evaluation. Any resulting action with regard to the Superintendent's contract, including length of contract, increases or decreases in salary, and/or benefits or other such actions, must be accomplished in open session.

WV Code § 18-4-6, 18-4-1, 18-2E-5, 18-4-10(1) and (9)
WVBOE Policy 5309

2.7 NON-REEMPLOYMENT OF THE SUPERINTENDENT

The Board has an obligation to the citizens of this county to employ a professional leader who is well trained and equipped to meet the educational needs of the students. It shall meet that obligation by retaining only the best qualified person as Superintendent.

If the Superintendent's services are found to be unsatisfactory through the performance evaluation conducted by the Board, he/she shall be so advised by the Board or Board president on behalf of the Board. In such case, the Superintendent, at the discretion of the Board, may be given an opportunity to correct the unsatisfactory conditions, or the Board may notify the Superintendent of its intention to not renew his/her contract in accordance with the terms of that contract and pursuant to existing law.

WV Code § 18-4-6

2.8 EMPLOYMENT OF THE TREASURER

On or before the first Monday in May, the Board shall, upon recommendation of the Superintendent, appoint a treasurer for the Board. The treasurer shall be the fiscal officer of the Board. For the faithful performance of this duty, the treasurer shall execute a bond, to be approved by the Board, in the penalty to be fixed by the Board, not to exceed the amount of funds estimated the treasurer will handle within any two (2) month period. The premium for such bond shall be paid by the Board.

The Board shall seek a highly qualified person to fill the position of treasurer whenever that position may be open. All persons considered for the position shall provide evidence of their training and experience in the fields of accounting and state and federal laws related to school/county budgeting and financing, financial report preparation, and budget and accounting management as required by statute and the standards of the West Virginia Board of Education. *WV Code § 18-9-6*

2.9 DUTIES OF THE TREASURER

The treasurer shall be responsible for the duties established in law and other duties as indicated in his/her job description and/or assigned by the Superintendent.
WV Code § 18-9-2c, 18-9-3, 18-9-6, 18-9-6a

2.10 EVALUATION OF THE TREASURER

The observation and evaluation of the treasurer's performance shall be the responsibility of the Superintendent.

2.11 EMPLOYMENT OF ADMINISTRATIVE STAFF

The Board recognizes that it is vital to the successful operation of the county that positions created by the Board be filled with highly qualified and competent administrators. Upon recommendation of the Superintendent, the Board shall approve the employment, fix the compensation, and establish the term of employment for each administrative staff member employed by the Board.

Professional personnel employed as assistant superintendents by the Board and who are directly answerable to the Superintendent shall serve at the will and pleasure of the Superintendent and may be removed by the Superintendent upon approval of the Board. Such professional personnel shall retain seniority rights only in the area(s) in which they hold valid certification or licensure.

The only administrative position for which the Board may employ the spouse of the Superintendent or a Board member is as principal or assistant principal. The Board may employ other relatives of the Superintendent or a Board member as administrators, provided that the relative is not an unemancipated child or a financial dependent (IRS criteria) of the Superintendent or Board member.

When the employment of a Board member's relative as an administrator is permitted by this policy, the related Board member shall not participate in the discussion or vote on the employment, and the Board member shall leave the Board meeting during the discussion and vote. For purposes of this policy, a candidate for an administrative position shall be considered to be a Board member's relative if the candidate is the Board member's spouse, parent, parent-in-law, sibling, brother-in-law, sister-in-law, child, son-in-law, daughter-in-law, grandparent, or grandchild.

No individual shall be appointed to an administrative position in which he/she would be responsible for supervising a member of his/her immediate family or in which s/he would be supervised by a member of his/her immediate family. An administrator's immediate family includes his/her spouse, parent,

parent-in-law, sibling, brother-in-law, sister-in-law, child, son-in-law, daughter-in-law, grandparent, or grandchild.

The Superintendent shall list all vacant administrative positions on the school system's website, shall post notices of such vacancies in conspicuous working places for all professional personnel to observe for at least five (5) working days, and shall give notice of such vacancies to all qualified personnel on the preferred recall list.

2.12 WHISTLEBLOWER PROTECTION

The Board expects all of its employees to be honest and ethical in their conduct and to comply with applicable federal and state laws and Board policies. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board president.

The Board may not discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location, or privileges of employment because the employee, acting on his/her own volition, or a person acting on behalf of or under the direction of the employee, makes a good faith report or is about to report to the employer or appropriate authority an instance of wrongdoing or waste. In addition, the Board may not take such action against an employee because the employee is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry held by an appropriate authority or in a court action.

An employee alleging a violation of this article must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee, or a person acting on behalf of or under the direction of the employee, had reported or was about to report, in good faith, an instance of wrongdoing or waste to the employer or an appropriate authority.

An employee is subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy.

The Board shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations set forth in the provisions of state law.

WV Code § 6C-1-1 et al.

2.13 PUBLIC CHARTER SCHOOLS

Pursuant to WV Code § 18-5G-2(2) and West Virginia Department of Education Policy 3300, the Board serves as an authorizer of public charter schools and reviews charter school applications, determines whether to approve or reject charter school applications, enters into charter contracts with approved charter school applicants, oversees the charter public school the entity has authorized, and determines whether to renew, not renew, or revoke a charter contract.

The Board will use the Standard Charter School Application developed by the West Virginia Department of Education, for charter applicants to apply to the Board to establish a public charter school. The Standard Charter School Application will be made available on the Board's website for charter applicants and must be completed in full within the timelines set by West Virginia Department of Education Policy 3300 before a charter application may be considered by the Board.

In consideration of any charter application, the Board will use the evaluation criteria outlined in West Virginia Department of Education Policy 3300 (particularly Section 5.4). Consideration of the application, any potential revision, and a preliminary decision will occur on the timelines set by West Virginia Department of Education Policy 3300. The Board will enter into a Charter School Contract with an approved applicant within the timelines set by the same Policy, which Contract will govern the parties' responsibilities and obligations concerning operation of the charter school.

Any charter school approved by the Board must comply with all applicable statutes and regulations, including West Virginia Department of Education Policy 3300 and those outlined therein (including but not limited to those outlined in Section 7.2). Both the Board and the charter school will follow the Renewal Review and Application Process for the renewal of any Charter School Contract outlined in West Virginia Department of Education Policy 3300, Section 8.2, as well as the Enrollment and Retention Review Process outlined by Section 9.2.d.

SECTION 3: FINANCE

3.1 AUTHORIZATION TO USE FACSIMILE SIGNATURE

The Board authorizes the treasurer, Board president, and Superintendent to prepare and utilize a facsimile signature, in lieu of their manual signatures, and to affix such facsimile signatures to checks, drafts, warrants, vouchers, or other instruments for the payment of money and/or withdrawal of Board funds for and on its behalf. The individuals may affix their manual or facsimile signatures to the instruments identified so long as they continue to act as such officers/employees. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the Putnam County Board of Education with the various financial institutions (depositories/banks) with which the Board conducts business.

The financial institutions, with which the Board does business, are authorized and requested to accept, honor, cash, pay, or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s), as provided above, whether tendered in payment of an individual obligation or deposited in the account of the Board.

The treasurer is directed to provide written notice of the adoption of any facsimile to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such facsimile signature, and a copy of this policy. Prior to the use of the facsimile signature, the written approval of such depository must be obtained.

A facsimile signature may include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. The use of a rubber stamp signature for any of the instruments identified above is not authorized.

To protect the Board and its employees from loss, damage, or expense occasioned by the unauthorized use of a facsimile signature, the Board directs the treasurer to procure a surety bond in such amount as approved by its legal advisor.

The actual facsimile signatures should be maintained under the care, custody, and control of the treasurer's office. The signatures of the president and secretary of the Board shall be kept safe so that no unauthorized person has access. As a further precaution, all checks must be entered into the check register so that all numbers can be accounted for.

The Superintendent and Board president are authorized, on behalf of the Board, to sign employment contracts, duly acted upon by the Board, by facsimile signature.

WV Code § 18-9-3
WVBOE Policy 8200

3.2 FEDERAL FUNDS

It is the objective of the Board to provide equal educational opportunities for all students within the county. Therefore, it is the intent of the Board to study federal legislation to enhance the educational opportunities, the educational environment, and the physical and mental growth of each student.

The Superintendent shall review new federal education legislation and prepare proposals for programs he/she deems would be of aid to the students of this county. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available federal funds of aid to local school districts and communities as a public trust. It forbids the use of federal monies for partisan political activities and for any use that would not be in accord or accordance with federal laws and guidelines. The Superintendent shall ensure that each draw of federal monies is as close as administratively feasible to the related program expenditures.

No federal funds received by the Board shall be used to

A. develop or distribute materials or operate programs or courses of instruction directed at youths that are designed to promote or encourage sexual activity;
B. distribute or aid in the distribution of legally obscene materials by any organization to minors on school grounds;
C. provide sex education or HIV-prevention in schools unless that instruction is age appropriate and includes the health benefits of abstinence; and/or
D. operate a program of contraceptive distribution in schools.

20 U.S.C. 7906
Compliance Supplement for Single Audits of State and Local Governments

3.3 GRANT AWARDS

Funds received by the Board as grants are to be used by the grantee only for the specified activities delineated in the grant award contract or other grant document. Such grant awards are subject to all accounting procedures required by federal, state, and county laws, policies, and regulations. The budget may not be changed without approval from the grantor.

Upon receipt of a grant award, the grant document must be accepted by the chief school business official and the Superintendent. The project director of the grant, in conjunction with the Finance Office, shall set up a project worksheet on WVEIS. It is the responsibility of the project director to record the project code to each purchase order and invoice. The project director will be provided with a monthly financial report by the chief school business official, with a copy to the Superintendent. The project director may access detailed project information at any time on WVEIS.

It is the responsibility of the project director to monitor the obligation period and the date for liquidation, as well as any grantee responsibilities set forth in the grant contract/document. The project director shall report, in writing, to the Superintendent and the Board president, any discrepancies or

failures to comply with the requirements of the grant immediately upon his/her having knowledge of the same. As a check and balance, the Finance Office shall notify the project director three (3) months prior to the end of the obligation date.

Each grant shall be included in the audit performed on behalf of the Board annually and shall be subjected to any additional audit requirements set forth in the grant contract/document. Training regarding grant management, compliance with the laws, and regulations, policies, and appropriate standards of conduct shall be provided by the chief school business official to the project director.

3.4 DEPOSITORY AGREEMENTS

The Board shall open a bank account, or accounts, as required to adequately and properly transact the business of the county in a depository(ies) or bank(s) within the county. The depositories or banks shall provide bond to cover the maximum amount to be deposited at any one time. However, the Board may, in lieu of such bond, accept as security for money deposited, letters of credit from a federal home loan bank; securities of the United States or of a state, county, district, or municipal corporation; or federal agency securities. If such deposits are placed in certificates of deposit meeting the requirements set forth in law, the banking institution is not required to provide a bond or security in lieu of bond. The Board shall not require the depository or bank to provide a bond or security in lieu of bond if the deposits accepted are placed in a designated state depository of its choice and the depository arranges for the redeposit of the funds through a deposit placement program that meets the conditions of state law.
WV Code § 18-9-6

3.5 INVESTMENTS

Whenever sufficient funds are on hand that may be more than normally required for payment of expenses, such available funds may be invested by the treasurer in accordance with state law.

All banking institutions within the county that have expressed an interest in bidding on investments will be given the opportunity to participate in the Board's investment program. Investments shall be awarded through a competitive bidding procedure. All bidders shall be informed of the successful bid and of the interest rate for the transaction. In determining such investments within banking institutions or depositories with the county, a Board member who has a pecuniary interest in any such institution shall not participate in the determination of the investment.

The treasurer is authorized to enter into agreements with the West Virginia State Board of Investment for the investment of funds of the Board, pursuant to state law.
WV Code § 18-9-6, 18-9-6a

3.6 BORROWING

The Board is not permitted to incur any debt in one (1) fiscal year to be paid out of its funds in a subsequent year. However, the Board may issue bonds and become indebted in an amount not to exceed five percent (5%), including all other indebtedness in the aggregate on the value of the taxable property within the county to be ascertained by the last assessment for state and county taxes previous to the

incurring of such indebtedness, in the manner or for the purposes provided by the *School Bond Amendment* as ratified.

Such bond issue shall be ratified upon the affirmative vote of a majority of the voters casting ballots on the issue.

WV Code § 13-1-3, 13-1-4

3.7 TUITION INCOME

The Board shall assess tuition for attendance in county schools by students who are not entitled, under the normal enrollment rules and regulations, to receive a free public education in this county and whose enrollment has been approved by the Board, provided that no tuition shall be assessed to any parent(s) or legal guardian(s) according to the terms set forth in state law.

In such case, the Board in the student's county of residence may be assessed a tuition that is agreed upon by this Board and the Board in the county of the student's residence. Tuition for each fulltime student shall not exceed the difference between the state aide per student received by this county for the subject student and the cost to this county for the subject student.

Tuition rates for non-resident students being enrolled in this county, but not enrolled pursuant to the terms set forth in state law, shall be determined by the county. Rates will be available before the beginning of the school year or before the student's attendance commences. Charges shall not exceed the county cost per student.

The treasurer shall be responsible for the assessment and collection of tuition. For students enrolling in this county, but whose enrollment is not pursuant to the terms of the state laws referenced below, tuition billing may be assessed daily in advance of the period for which the billing is made.

When payment of tuition by a parent is more than 30 days overdue, legal action to collect such payments may be commenced and/or the parent/guardian of the student may be advised that services shall be terminated on a date certain, but not prior to the passage of ten (10) business days. If the student whose services are to be terminated is within West Virginia's compulsory age for school attendance, the Board in the county and state of the student's residence shall be notified of the date set for the termination of services.

Tuition for adult education classes shall also be assessed and collected in accordance with state law.

WV Code § 18-5-16, 18-5-16a, 18-5-19b

3.8 COLLECTION OF OUTSTANDING PARTICIPANT MEAL ACCOUNTS

The school nutrition program director or designee may file a claim with the magistrate court through legal counsel, as authorized by the Superintendent, or utilize the services of an independent collection agency to secure collection on unpaid debts not paid within 30 days of written notification, unless an alternative payment plan has been reached. The costs for filing a claim in magistrate court or for securing the services of a collection agency may be added to the unpaid debt due the district. Accounts submitted

to an independent collection agency shall have charging privileges revoked. Parents/guardians shall be provided with written notification of this policy on an annual basis.

The Superintendent shall review all outstanding obligations and approve for write-off any debt that, in his/her judgment, remains uncollectable at the end of each fiscal year.
WVBOE Policy 4320

3.9 AUDITS

After the close of each fiscal year, the Board requires that an audit of all accounts of the county be made by an independent, certified public accountant or the state Auditor's Office. The audit shall be conducted in accordance with generally accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

By May 1st of the fiscal year to be audited, the Board may elect to have its annual examination performed by a certified public accountant approved by the chief inspector of the state Auditor's Office. The Board shall follow the audit bid procurement procedures established by the chief inspector.

The treasurer shall also prepare and publish an annual statement of the financial condition of the Board at the close of each fiscal year, on or before the 90th day of the next succeeding fiscal year.

3.10 ANNUAL OPERATING BUDGET

The annual operating budget of the county schools is a financial blueprint for the district. It indicates, in dollars and cents, the personnel, facilities, equipment, and supplies that are necessary to implement the educational programs during the ensuing school year.

The treasurer has the most responsibility for the preparation of the budget document. The budget is not developed in isolation. Priorities are established by the Board. The Five-Year Strategic Plan shall be reviewed to establish the annual operating budget. The assistant superintendents and directors shall be consulted to identify needs.

The annual budget shall be reviewed and approved by the Superintendent prior to submission to the Board. This budget is for one (1) fiscal year beginning on July 1st and expiring on the following June 30th.

As required by law, the Board shall meet to ascertain the fiscal condition of the Board and to determine the amount to be raised by the levy of taxes. Upon approval from the State Auditor's Office, the Board shall meet again to officially enter the levy rates.

The Board shall hold a public hearing to consider the budget for the following fiscal year prior to its approval. The Board directs the treasurer to follow all publication and submittal formats and deadlines as required by state code.
WV Code § 11-8-9, 11-8-12, 11-8-13, 18-5-4, 18-9B-6a, 59-3-1 et seq.

3.11 PURCHASES

This policy establishes the minimum purchasing rules and regulations that are to be followed by the Board and its employees. It is to be used and followed by all personnel involved in the acquisition and disposal of commodities and services.

The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which the Board is responsible. The Board is responsible for the purchase, receipt, safeguarding, and disposal of all goods and services obtained for use by its schools. This authority is delegated to the Superintendent and/or designated purchasing agent.

All procurement transactions shall be conducted in a manner that provides full and open competition, consistent with the ethical standards specified in federal and state statutes, *WVBOE Policy 8200-Purchasing Policies and Procedures Manual for Local Educational Agencies*, and all local practices and procedures.

Procedures for the review of all proposed procurements shall be established to ensure that only necessary items are purchased. If written specifications are required, they shall be written in such a manner as to maximize and encourage competition.

No Board member, officer, or employee shall participate in the selection, award, or administration of a contract or purchase order with a related party or where a conflict of interest exists. No Board member, officer, or employee shall solicit or accept gratuities, favors, or anything of monetary value from contractors, vendors, or parties to any awards, agreements, or contracts. This prohibition does not apply to unsolicited gifts of nominal value, which is recognized by the West Virginia Ethics Commission to be a gift whose value is less than $25 per year.

Awards will be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The county may explore whether the goods and services being purchased are available from a statewide contract or a purchasing alliance, such as the Government Purchasing Alliance or the Southern Region Education Board, before going to the open market.

Requisitions and Purchase Orders

Pursuant to the requirement of state law, the county shall maintain a requisition and purchase order system on the West Virginia Education Information System (WVEIS) whereas an approved, pre-numbered purchase order is issued to the successful vendor prior to an order for a commodity or service is placed.

Purchase orders are not required for refunds, reimbursement of travel expenses, the distribution of faculty senate funds to the individual school, or utilities.

WV Code § 18-9B-9

Purchase of Commodities and Services

Commodities and services shall be purchased in accordance with the procedures specified in WVBOE Policy 8200. Bids and quotations shall be based on specifications prepared by the designated purchasing agent. Professional assistance from engineers, architects, or selected vendors may be utilized if, in the opinion of the purchasing agent, such help is warranted. In addition, the specifications and contracts issued by the West Virginia State Purchasing Division may be used.

The competitive method used is determined by the threshold limits as established in WVBOE Policy 8200. In addition,

A. all contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of $5,000 or more but less than $10,000 must have the prior approval of the appropriate Assistant Superintendent or the Superintendent;
B. all contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of $10,000 or more but less than $50,000 must have the prior approval of the Superintendent; and
C. all contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of $50,000 or more must have the prior approval of the Board. The approval can be granted either as a consent agenda item or by a separate motion of the Board.

Exemptions from Competitive Bid Requirements

As per WVBOE Policy 8200, certain items or services may be purchased by the county without advertisement or obtaining competitive bids. Documentation of the justification for not following competitive procurement procedures shall be maintained.

Construction Projects

Competitive bids shall be solicited for every construction project exceeding $25,000 in total cost, except for emergency repairs to building components and systems. Emergency repairs are those that, if not made immediately, will seriously impair the use of building components and systems or cause danger to those persons using them. In such circumstances, the Superintendent will be notified in writing.

All changes to a construction project shall be documented by a written change order. The Superintendent shall review and approve all change orders that have an impact on the total cost of the project. Procedures to ensure that approval of time sensitive construction work is completed as soon as possible shall be established.

WV Code § 5-22-1 et seq.

Architectural and Engineering Services

The county shall procure architectural or engineering services on the basis of demonstrated competence and qualifications needed for the required professional services.

WV Code § 5G-1-1 et seq.

Agreements

Professional, technical, or other specialized service, where the scope of the service is known but the price is not the sole factor in determining the award, shall be procured by agreement. The agreement shall be in writing, and the total cost must be stated either as a sum certain or at a fixed rate, if the number of hours of service being acquired is unknown.

The agreement amount must include the total being paid for any anticipated travel expenses incurred by the service provider. The payment of travel expenses pursuant to an agreement shall conform to all federal and state tax requirements. Room or travel accommodations are not to be paid directly by the Board for contract service providers.

No agreement shall contain contractual requirements that are in violation of state statutes including, but not limited to, any clause that requires a prepayment, the imposition of a penalty or termination charge should the county cancel the agreement, or the requirement that the county indemnify or hold harmless the vendor.

When a vendor requires the county to sign the vendor's contract/agreement or the vendor submits alternate language with its bid or contract, the Agreement Addendum included in WVBOE Policy 8200 shall be completed and included as part of the final contract/agreement.

Resident Vendor Preference

Preference for resident vendors of the State of West Virginia or preference for vendors employing state residents will not be granted in the purchase of commodities or printing.
WV Code § 5A-3-37

Receipt of Deliveries

When deliveries are made to the central warehouse or directly to a school or other cost center, personnel receiving the commodities are responsible for inspecting the goods, ensuring that purchases meet contractual requirements, signing for the commodities, and forwarding the receipt documents to the business office for payment of the invoice.

Local procedures for receiving merchandise shipped from vendors to a central warehouse for subsequent delivery to a school or other cost center, as well as procedures for receiving merchandise shipped from vendors directly to a school or other cost center, shall be developed.

Any problem with quality, quantity, performance, or lack of conformity to specifications should be reported to the designated purchasing agent immediately. Poor quality items, including term contract items, that do not meet specifications should not be accepted and approved for payment. Whenever possible, problems shall be resolved before final payment has been made. All shipping documents and packing containers shall be retained.

Online Procurement

Whenever online procurement is used, all purchasing policies, including the issuance of purchase orders prior to the time the commodities or services are ordered, must be followed. The purchase order must be issued to the vendor from whom the commodities or services are being purchased and not to the online procurement provider.

Emergency Procurement

A. State Declared Emergency – If the Governor suspends laws, rules, and/or regulations relating to the acquisition of commodities and services in an emergency, the procedures outline in WVBOE Policy 8200 shall apply during the period of that suspension.
B. Local Emergency – With Board approval, the Superintendent shall establish the procedures to be followed in the case of an emergency at the local level that has not been declared an emergency by the Governor. The Superintendent, designated purchasing agent, or appointed designee shall issue prior written approval for purchases in emergency situations. Competitive bids must be obtained whenever possible. If time does not permit verbal bids to be received, there must be written approval from the Superintendent to secure necessary services and supplies without bids for only that period of time absolutely necessary to abate the emergency.

Safeguarding and Controlling Assets

An adequate inventory control system of all capital assets, equipment, and disposable supplies and commodities purchased shall be maintained to safeguard the assets on hand and to ensure that those that are placed into service or consumed have been used for an authorized purpose. This system shall include maintenance of inventory records.

The inventory of capital assets shall be maintained on WVEIS, as specified in the West Virginia Department of Education's (WVDE) manual entitled, *Fixed Asset Inventory System for the County Boards of Education in the State of West Virginia*. The Board elects to utilize the state recommended capitalization level of $5,000 for a single unit.

A perpetual inventory system of all supply items that have a material dollar value, such as the supply inventory in a central warehouse or the vehicle replacement parts at the maintenance garage, is to be maintained. A physical count of all supply inventories shall take place each fiscal year and shall be reconciled with the perpetual inventory records.

The Superintendent has the overall responsibility for the establishment, maintenance, and operation of a proper fixed asset inventory accounting system.

It shall be the responsibility of the chief school business official to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually.

Directors or managers and all school principals are responsible for the control and security of the assets assigned to the location or administrative unit for which they are assigned.

WV Code § 5-22-1 et seq., 11-8-26, 18-2A-1 et seq., 18-9B-10, 18-9B-12, 21-5A-1 et seq., 21-1C-2

WV Code St. R.126-202-1, WV Code St. R. 126-200-2
WVBOE Policy 1224.1, 8100, 8200

Surplus Property

Any time the Board determines that a building or land is no longer needed for school purposes, the real property must be sold at public auction or disposed of by another method as reflected in state law or WVBOE policy.

Any time the Board determines that personal property, including equipment, portable buildings, vehicles, school furniture, computers, or other personal property, is no longer needed for school purposes, the purchasing officer, in cooperation with the chief school business official, may declare the property surplus and dispose of it in the most economical method for the benefit of the Board in accordance with state board policy.

Board employees and members of their immediate family are not eligible to buy or receive surplus property belonging to the Board unless the surplus property is offered to the general public for sale. The sale of surplus property must be conducted by the purchasing officer or designee at a central location.

The determination that property is no longer needed for school purposes and the sale of such property cannot be made at the school or cost center level.

When equipment purchased through a federal grant is no longer needed for the original project or program, it must be used in accordance with the requirements established in state board policy or disposed of by utilizing the procedures contained in the United States Department of Education General Administrative Regulations (EDGAR).
U. S. Dept. of Ed. General Administrative Regulations, Section 74.34
WV Code § 18-5-7

Construction Manager At-Risk (CMAR) Contracts

The Putnam County Board of Education ("the Board") authorizes the use of Construction Manager at-Risk Contracts and the Construction Manager at-Risk (CMAR) delivery method for certain construction projects in accordance with West Virginia Code §5-22B-1 *et seq.* This policy establishes the framework for implementing CMAR contracts to ensure compliance with state law, promote fiscal accountability, and achieve high-quality project delivery.

I. PURPOSE

The purpose of this policy is to authorize the Board to use the CMAR delivery method for large and complex construction projects when doing so will provide the best value to the Board.

II. AUTHORIZATION

The Board of Education may enter into CMAR contracts for authorized public construction projects with an estimated total project cost of twenty million dollars ($20,000,000) or more. See West Virginia Code §5-22B-1 *et seq*.

III. DEFINITIONS

A. "Best value" means a selection process in which proposals containing both pricing and performance components are considered and the contract is awarded after the Board determines which proposal is most advantageous and of the greatest value to the Board, as described in more detail herein. While the Board must consider the evaluation committee's determination of which proposal provides the best value, the Board is responsible for evaluating and ranking each proposal on the basis of best meeting the criteria in the related request for proposals.

B. "Construction Manager," for the purposes of this policy, means the person or the legal entity that proposes to enter a construction management at-risk contract with the Board per West Virginia Code §5-22B-1 et seq. and the requirements of this policy. A construction manager, pursuant to Construction Manager at-Risk Contract, will:

1. Assume the legal responsibility and financial risk of delivering a completed construction project within a contracted price by an agreed upon deadline;
2. Act as a construction consultant to the Board, providing preconstruction and construction management services, during the design development phase and construction phase of the project when the Board's architect or engineer designs the project;
3. Be the builder/general contractor during the construction phase of the project;

C. *"Letter of interest"* means a statement indicating interest to enter into a construction management at-risk contract with the Board.

IV. PROCEDURES

A. Prior Board Authorization

The Superintendent or designee shall present a written recommendation to the Board identifying the proposed construction project and the rationale for using a CMAR contract for its completion. The Board must approve the use of the CMAR delivery method by majority vote prior to advertising any Request for Qualifications related to the construction project. When the Board decides to use the CMAR delivery method for a specific project, it shall document its reasons for doing so in its meeting minutes.

B. Procurement Process for All CMAR Projects

Prior to entering into any Construction Manager at-Risk Contract, a two-step process shall be followed to select the construction manager that will provide the best value to the Board: a request for qualifications phase and a request for proposals phase.

1. **Request for Qualifications Phase**

(a) **Evaluation Committee**

Before undertaking any other activity set forth in this policy below, members of the evaluation committee shall be appointed by the Board, or by the Superintendent if the Board delegates this task to him/her, in compliance with West Virginia Code §5-22B-05.

(b) **Description of the Construction Project**

The evaluation committee shall compose a description of the construction project (DCP) for inclusion in the Request for Qualifications (RFQ). The DCP shall include but not be limited to the following information: purpose of the construction project, detailed description of structure or structures to be built, general site location if known, approximate student population and age of students to be served if applicable, approximate staff population if applicable, list of required facilities and features, target completion date or completion date range, and any other information or documents the committee determines would help construction managers understand the nature and scope of the proposed construction project.

(c) **Method for Evaluating Qualifications**

The Board, subject to the provisions of West Virginia Code §5-22B-12, establishes and adopts the following criteria for the evaluation of a firm's qualifications during the qualifications phase:

i. Competence to perform the required management services as indicated by the technical training, education, and experience of the responding firm's personnel, especially the technical training, education, and experience of the responding firm's employees who would be assigned to perform the services;

ii. Abilities in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services

competently and expeditiously, as well as any record of experience working on similar construction projects;

iii. Past performance as reflected by the evaluation of previous clients with respect to factors such as control of costs, quality of work, dispute resolution, administration of subcontractors, and meeting of deadlines;

iv. Financial responsibility including evidence of the capability to provide a surety letter; and

v. Any other qualifications deemed by the evaluation committee to be consistent with the nature, scope and needs of the proposed construction project including, but not limited to, knowledge of the local area and working relationships with local subcontractors and suppliers.

(d) **Preparation and Content of Request for Qualifications**

The Board shall prepare, adopt, and publicly advertise an RFQ which shall include the DCP, state any minimum or mandatory technical requirements for the construction project, provide an email address for submission of questions about the RFQ, the date by which all RFQs must be received by the Board to be considered, and seek letters of interest from construction managers regarding their qualifications under the criteria established in subsection (c) above.

Interested construction managers shall respond to the RFQ by timely submitting a letter of interest which shall explain in detail their qualifications under the foregoing criteria. Letters of interest shall be post-marked no later than the deadline for submission found in the RFQ.

(e) **Publication of RFQ**

The Superintendent shall cause the RFQ to be published as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3-1 *et seq.* for at least thirty (30) days prior to the deadline for receiving letters of interest from construction managers.

The Superintendent shall also, upon request from any construction manager, send the RFQ to the same by first-class U.S. mail.

(f) **Questions About RFQ**

Interested construction managers shall submit questions they have about the RFQ via email to the email address listed in the RFQ. Questions submitted by any other means will not be answered.

Answers to questions from interested construction managers shall be made by reply email to the requesting party's email address. Upon request by any interested construction manager, all questions asked and all answers given under this subparagraph will be provided via email.

(g) **Evaluation of Responses to RFQ and Selection of Prequalified Firms**

No earlier than the deadline for receipt of letters of interest, using the evaluation criteria established by the Board, the committee shall evaluate the qualifications of construction managers who timely submitted a letter of interest in response to the RFQ and select no fewer than three construction managers that it considers most qualified to provide the required services.

However, when the committee determines that fewer than three qualified construction managers are available, the committee shall select fewer than three qualified construction managers. Under these circumstances, the committee shall, in writing, document the basis for its conclusion that fewer than three construction managers were qualified.

The construction managers selected by the committee as most qualified under this subparagraph shall be referred to as "prequalified firms" hereinafter.

(h) **Meetings with Prequalified Firms**

After the publication of the Request for Proposals but prior to the submission of proposals, the Board may but is not required to meet with each prequalified firm individually to permit the firm to clarify any ambiguities in its qualifications and allow the firm to ask questions regarding the proposal requirements.

2. **Request for Proposals Phase**

(a) **Establishment of Pricing Criteria**

As part of its preparation for the pricing component of the request for proposal phase, the Board shall establish pricing criteria which shall contain the following components:

i. Preconstruction fee; a combination of home office overhead and profit for services provided during the preconstruction phase of the project, as defined in the contract documents;

ii. Construction fee, a combination of home office overhead and profit for services provided during the construction phase of the project, as defined in the contract documents; and

iii. General conditions, the materials, services, and equipment necessary to perform the work but that are not incorporated into the project as defined in the contract documents.

(b) **Establishment of Performance Criteria**

As part of its preparation for the technical component of the proposal phase, the Board shall establish performance criteria which may include an evaluation of a prequalified firm's proposed:

i. Schedule;

ii. Approach to the work, including any anticipated self-performed work;

iii. Work sequencing;

iv. Performance history;

v. Approaches to performance specifications when used;

vi. Plan for anticipated procurement difficulties;

vii. Plan for additional considerations which may include technical design, technical approach, quality of proposed personnel, and management plan.

(c) **Preparation and Content of Request for Proposals (RFP)**

The Board shall prepare a RFP which shall contain at least the following elements:

i. A statement explaining that the project is for the "Board of Education for the County of Putnam" which shall execute the final contract documents through and by its representative, the Board President.

ii. Proposed terms and conditions of the construction manager at-risk contract, including any terms and conditions that are subject to further negotiation. All such proposed general terms and conditions shall be consistent with nationally recognized model general terms and conditions which are standard in the design and construction industry in West Virginia. The proposed terms and conditions may also set forth an initial determination of the manner by which the construction manager selects any subcontractor;

iii. Bonds and insurance required by law and any additional bonds and insurance required by the Board;

iv. General information about the project which will assist the Board in its selection of the construction manager at-risk, including a project statement that contains information about the scope and nature of the project, the project site, and the project schedule;

v. Criteria by which received proposals will be evaluated;

vi. Estimated construction budget; and

vii. Description of any other relevant information as determined by the Board.

(d) **Publication of RFP**

The Superintendent shall cause the RFP to be published as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3-1 *et seq.* for at least thirty (30) days prior to the deadline for receiving and opening proposals.

The Superintendent shall also, upon request from any construction manager, send the RFP to the same by first-class U.S. mail.

(e) **Format of Proposals in Response to RFP**

Prequalified firms shall format their proposals to the Board as follows:

i. Signed cover page;

ii. Offeror profile;

iii. Staffing plan and key personnel;

iv. Similar project examples from the prior ten (10) years;

v. Conflict of interest statement;

vi. Proof of insurance;

vii. Cost summary which shall include preconstruction costs, construction fees, general conditions, and any other applicable fee structure;

viii. Additional attachments from the request for proposal that require input from offeror (if any);

ix. Surety letter demonstrating the bond capacity of the construction manager; and

x. Copy of West Virginia contractor license.

(f) **Interviews**

The evaluation committee shall interview, in person or electronically, each prequalified firm that submits a proposal and provide each the opportunity to clarify and respond to questions related to its proposal during that interview.

The evaluation committee may provide a list of questions to the prequalified firms before their interviews. The interview itself will not be scored or included in the scoring of any firm's proposal.

Prior to conducting interviews, if the Board finds any major discrepancy or irregularity in a proposal, it shall notify the affected firm in writing, explain that these concerns will be

discussed during its interview, and require the firm to provide its written response to the Board no later than the date of its interview with the evaluation committee.

(g) **Committee Evaluation of Proposals**

The evaluation committee shall evaluate each proposal using the criteria below as well as the evaluation criteria found in the RFP, and then rank the prequalified firms based on its final evaluation of each proposal to determine the best value:

i. The financial resources of the construction manager to complete the project (max of ten percent (10%));

ii. The ability of the proposed personnel of the construction manager to perform (max of twenty percent (20%));

iii. The character, integrity, reputation, judgment, experience, and efficiency of the construction manager (max twenty percent (20%));

iv. The quality of performance on previous projects (max twenty percent (20%));

v. The ability of the construction manager to perform within the time specified (max ten percent (10%));

vi. The previous and existing compliance of the construction manager with laws relating to the contract (max ten percent (10%)); and

vii. Such other information as may be secured having a bearing on the selection (max ten percent (10%)).

(h) **Board Evaluation of Proposals and Ranking of Construction Managers**

The Board shall evaluate and rank the proposals from prequalified firms on the basis of best meeting the criteria in the request for proposals. The Board shall also take into consideration the recommendation of the evaluation committee when evaluating and ranking these proposals.

(i) **Negotiations of a CMAR Contract**

After identifying the highest ranked construction manager from the foregoing process, the Board shall attempt to negotiate a construction management at-risk contract with the highest ranked construction manager. Such negotiations must include a final determination of the manner by which the construction manager selects each subcontractor. The Board may execute a construction management at-risk contract after negotiations.

If the state and/or its subdivisions are unable to negotiate a satisfactory contract with the highest ranked construction manager, the state and/or its subdivisions may terminate negotiations with that construction manager. Only after negotiations have been terminated with the highest ranked construction manager may the state and/or its subdivisions undertake negotiations with the second highest ranked construction manager and may execute a construction management at-risk contract after negotiations. Only after negotiations have been terminated with the second highest ranked construction manager may the state and/or its subdivisions undertake negotiations with the third highest ranked construction manager, if any, and may execute a construction management at-risk contract after negotiations.

If the Board is unable to negotiate a satisfactory contract with any of the prequalified and ranked construction managers, the Board may either revise the request for proposals and solicit new proposals or cancel the construction management at-risk process.

C. **Roles and Responsibilities**

The Superintendent and/or his/her designee shall oversee the CMAR process. The Superintendent will consult with the architect/engineer of record, legal counsel, and other external professional advisors of his/her choice during this process.

D. **Transparency and Record Keeping**

The Board shall retain documents involved in the CMAR process as required by West Virginia law. However, records from the qualifications phase and proposal phase shall be available for public inspection only after the Board's announcement of the prequalified firm determined to be the best value.

To maintain a record of its decisions, the evaluation committee shall keep minutes of each committee meeting and attach thereto copies of all non-privileged documents considered by the committee during its meetings. These minutes and documents shall be provided to the Superintendent's office for storage within 72 hours of each committee meeting.

The decisions of the Board shall be recorded in the minutes of its meetings.

E. **Funding and Compliance**

All CMAR projects must comply with applicable regulations of the West Virginia School Building Authority, bond covenants, and all federal and state funding requirements. The Board of Education shall ensure that CMAR projects align with approved project budgets, its Comprehensive Education Facilities Plan, and funding authorizations.

F. **Forms and Administrative Guidelines**

The Board hereby authorizes the Superintendent to publish any forms he/she deems necessary for proper and orderly conduct of the CMAR process as well as to issue any administrative guidelines to facilitate the lawful operation of that process.

The Board shall use any required forms promulgated by the West Virginia Purchasing Division pursuant to §5-22B-17.

V. EFFECTIVE DATE AND EXPIRATION DATE

This policy shall take effect upon adoption by the Board of Education and may apply to any qualifying project as determined by a vote of the Board.

VI. PROTEST PROCEDURE

A. **Authority**

This policy is adopted pursuant to West Virginia Code §5-22B-3(c)(5), which requires county boards of education to establish procedures for filing and acting on formal protests relating to the solicitation or execution of construction management at-risk (CMAR) contracts.

B. **Purpose**

The purpose of this policy is to establish a clear and efficient procedure for the submission and resolution of formal protests relating to CMAR procurements conducted by the Board.

C. **Right to Protest**

Any firm that is actually aggrieved by the solicitation, evaluation, selection, or intended execution of a CMAR contract for a Board project may file a formal written protest in accordance with this policy.

D. **Form of Protest**

A protest must be in writing and must include:

(a) The name and address of the protesting firm;

(b) Identification of the project, RFQ (request for qualifications), the solicitation/RFP (request for proposals) or final awarded contract at issue;

(c) A statement of the specific action(s) being protested;

(d) The legal grounds for the protest; and

(e) The relief requested.

E. **Time for Filing**

(a) A protest of the solicitation/RFQ must be received before the deadline for submission of responses to the RFP.

(b) A protest of the solicitation/RFP must be received before the deadline for submission of responses to the RFP.

(c) A protest of the Board's selection of a construction manager at-risk/intended contract award must be received within **five (5) business days** after the selection/intended award is reported in the published draft minutes of the relevant meeting of the Board.

(d) Untimely protests shall not be considered.

F. **Filing**

Protests shall be filed with the Superintendent, who shall promptly provide the protest to the Board President and the Board's legal counsel.

G. **Effect of Protest**

Upon receipt of a timely protest, the Board shall not execute the CMAR contract until the protest is resolved, unless the Board determines in writing that immediate execution is necessary to protect a substantial public interest including but not limited to anticipated significant increased costs to the Board caused by such a delay.

H. **Review and Decision**

The Board shall decide the protest based on the written submissions by the protesting firm and the CMAR procurement record. The Board may request written responses from school employees and other involved parties. A hearing is not required.

I. **Written Ruling**

No later than fifteen (15) working days after receipt of the written protest, the Board shall issue/adopt a written decision granting or denying the protest, in whole or in part, with a brief statement of the reasons for its decision. The decision shall be provided to the protesting firm.

J. **Finality**

The Board's written decision shall constitute the final action of the Board with respect to the protest.

The state law authorizing this policy shall have no further force or effect on or after July 1, 2030, unless further reenacted by the West Virginia Legislature.

3.12 USE OF CREDIT AND PURCHASING CARDS

The Board recognizes the value of a credit card program as an efficient method of payment and record keeping for certain expenses. Therefore, the Board authorizes the use of such program to include purchasing cards or bank- or vendor-issued credit cards for the incidental purchase of commodities of small dollar value or corporate credit cards for the payment of authorized travel related expenses.

The authorization, handling, and use of a purchasing card or credit card have been established to provide a convenient and efficient means to purchase goods and services from vendors. However, the credit card program shall not be used in order to circumvent the general purchasing procedures

established by state law and Board policy. All purchasing policies, including the issuance of purchase orders, must be followed regardless of the method of payment.

The Board affirms that county purchasing cards and credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the county and serve a valid and proper public purpose shall be paid for by credit card. Under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages, regardless of whether the purchase of such beverages is made in connection with a meal.

Proper internal control procedures will be developed and followed to insure the safeguarding of the cards to preclude their use by unauthorized personnel or for unauthorized purposes.

Bank-issued credit cards may be used when making small purchases of commodities and services. Bank-issued credit cards marked "For Purchase of Gasoline and Fuel Products only" may be used by school bus drivers and other personnel when traveling in county owned vehicles.

School credit cards are not permitted for employee travel or other expenditures.

Purchasing Cards

The Board has established a purchasing card program as an alternate payment method when making purchases of commodities and services. The treasurer is responsible for administering the purchasing card program for the county, in accordance with policies and procedures established by the State Auditor's Office. The responsibilities may be delegated to a purchasing card coordinator. The treasurer will establish the maximum monthly limit, maximum transaction limit, maximum number of daily transactions, and the maximum number of monthly transactions for each individual cardholder. These limits will not exceed the bid limits as identified in the county purchasing policy. The treasurer shall develop and update guidelines, as necessary, to implement this policy.
WVBOE Policy 8200

3.13 COOPERATIVE PURCHASING

The Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. Therefore, the Board encourages the administration to seek joint agreements for the purchase of supplies, equipment, or services with the governing bodies of other governmental units.

The Board authorizes the Superintendent, treasurer, and purchasing agent to negotiate such joint purchase agreements for services, supplies, and equipment that may be determined to be required from time to time by the Board. The Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate, in accordance with state law, the policies of this Board, and the dictates of sound purchasing procedures.

A cooperative or joint purchase requires an agreement approved by the Board and the participating contracting body. Such agreement shall specify the categories of equipment and supplies to be purchased, the manner of advertising for bids and of awarding contract, the method of payment by each

participating party, and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreement is subject to all legal bidding requirements.

3.14 LOCAL PURCHASING

The Board recognizes its position as a major purchaser in this community. While it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase from established local merchants within the county.

Provided that all statutes pertaining to public purchasing are duly observed and that nothing herein shall be construed so as to permit the rules and regulations governing bidding and the award of contracts to be ignored or compromised, the Board authorizes the purchasing agent to award purchases placed in accordance with state law and all policies of this Board otherwise applicable to local merchants when

A. their quotation is competitive;
B. freight charges are a factor;
C. maintenance service may be required; and
D. promptness of delivery is a consideration.

3.15 VENDOR RELATIONS

Unless specific exceptions exist in state code, the Board shall not enter into a contract, purchase any book or other thing to be used in the public schools, or give value to acquire any other goods or services, if any Board member, school official, the Superintendent, or any supervisor, principal or teacher has 1) voice, influence, or control over the decision to contract, purchase, or acquire and 2) a direct or indirect pecuniary interest in the proceeds of the transaction.

Vendors desiring to do business with Putnam County Schools shall complete a W-9 Request for Taxpayer Identification Number and Certification Form, if required.

Representatives of book companies, school supplies, and other commercial agents are prohibited from canvassing employees in the building without special permission of the principal. Representatives of payroll-related vendors are prohibited from canvassing employees in the building without prior approval of the treasurer. There is to be no canvassing of employees by any agent while classes are in session.

No endorsement of publications shall be made for use in the community.

3.16 PAYMENT OF CLAIMS

To take advantage of all possible discounts, the Finance Department shall promptly pay all authorized and verified invoices. The treasurer shall regularly report vendor payments to the Board. The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

The Finance Department shall not approve payment for any claim for services rendered or materials furnished unless an itemized account of the claim is filed by the claimant.

Payments shall not be made in advance of the materials being furnished or the services being rendered.

The Board shall not make payments from a summarized statement but rather from an itemized invoice that shows, among other things, the following:

A. the kind of services, the dates when the services were performed, the name of the person performing the services, and the signature of the person performing the services; or
B. the kind of material or supplies in detail, the quantity, unit price, total price, the date of delivery, and to whom they were delivered.

WV Code § 12-3-18
WVBOE Policy 1224.1

3.17 TRAVEL

The Board believes that in order to continue a superior school operation, the district should be represented in meetings at the state and national levels which are designed to

A. improve the teaching and learning in our schools,
B. make the school district aware of the latest developments in state and federal legislation and regulations, and
C. improve the management of the school district.

Educational conferences serve to provide in-service education for the personnel who participate. Because the participants have the responsibility of sharing information gained at the meeting with other employees, the number of employees attending any one (1) conference shall be limited to a number sufficient to effectively cover all the important areas offered.

The Board recognizes that travel to certain educational conferences and conventions to help staff members keep abreast of the latest developments and trends in the field of education is important. The Board also recognizes that attendance is requested and sometimes required at national, regional, and state meetings called by state, federal, or other authorities. The Board also recognizes that responsibilities of a few employees sometimes require frequent travel outside the school district and that daily travel within the school district is necessary for some employees to carry out their responsibilities.

Authorization

Board members shall be paid, upon presentation of an itemized, sworn statement, for all necessary travel expenses, including all authorized meetings incurred on official business, at the order of the Board.

The Board may reimburse the Superintendent from the current expense fund for all reasonable and necessary travel expenses actually incurred in the performance of official duties. No allowance shall be made except upon sworn itemized statements.

The Board has the authority to reimburse employees for their necessary travel expenses upon presentation of a monthly, itemized, sworn statement approved by the Superintendent or designee.

The Board has authority to pay all or part of the expenses of any employee whom it may designate to represent the Board at professional or educational meetings, conventions, conferences, school service meetings, or visitation to another school district.

The Board also is authorized to pay all or any part of the expenses of any personnel whom it may designate to represent the Board at any educational conventions, conferences, or school service meetings.

The prevailing rule for determining whether a travel expense is reimbursable is that

A. funds are available to meet the cost,
B. the total expense is reasonable,
C. the travel is associated with the performance of duties,
D. the benefits are commensurate with the cost, and
E. the benefits primarily accrue to the function or job rather than the person.

General Regulations

The standard travel expense account forms shall be used for all claims for travel expenses. All expenses shall be itemized in detail, and no items shall be designated as miscellaneous. The purpose of each trip and the name of each person or firm visited shall be noted on the form. Expense accounts must be signed by the employee and approved by the employee's supervisor before submission to the Finance Office for payment. Expense account forms should be filed at the end of each month. A separate form must be completed for each out-of-county trip and should be submitted for payment within one (1) week after completion of the trip. The supervisor shall affix the budget account from which the travel is to be reimbursed.

School principals, coaches, athletic directors, and others whose travel is reimbursed from their school's general fund shall file travel expense account forms at the school.

The regulations for expense reimbursement will govern travel expense reimbursement for all employees of the Board traveling on official business for the Board. When questions arise on these regulations, the Superintendent is authorized to render decisions on matters pertaining to them.

In-County Travel

Travel reimbursement, for travel in privately-owned vehicles within the county, will be made for mileage allowances at the current IRS rate (www.irs.gov - *Publication 463*). Detailed itemization on places visited and reasons must be shown. Mileage charged shall be that shown on district-generated distance tables, or employees may record actual odometer readings for distances not shown on the tables.

Reimbursement for travel expenses for commuting purposes is not permitted except where an employee has completed the normal workday and is required to return to a location other than

headquarters. Reimbursement will be made on the mileage from the individual's headquarters to the meeting site. Employees picking up or delivering packages in route to work from home or from work to home shall not be paid a mileage allowance.

Out-of County Travel Authorization

Prior authorization must be secured for out-of-county trips. The request for out-of-county travel authorization should be submitted to the Superintendent for approval at least ten (10) days prior to proposed in-state travel and 30 days prior to proposed out-of-state travel.

Out-of-state travel requests for all employees, including principals and others whose travel is paid from quasi-public funds, shall be approved by the Superintendent. Assistant superintendents and directors will be limited to one (1) national trip per fiscal year except for extenuating circumstances as may be deemed necessary by the Superintendent.

County funds will reimburse attendees at a reasonable rate for one (1) out of state trip per year for two (2) secondary, two (2) middle, and three (3) elementary principals to attend a conference. Principals will be selected by the Putnam County Principals' Association.

Transportation Reimbursement

Reimbursement for transportation will be limited to the actual cost supported by ticket stubs or other appropriate documentation based on the most practical route possible. Employees are encouraged to finalize their travel plans as early as possible in order to take advantage of discount air fares and registration fees.

Mileage allowance for use of privately-owned vehicles engaged in Board business will be at the current IRS rate. Mileage is to be reimbursed based on the mileage calculated for the most practical route. A copy of this route is to be attached to the travel expense form. If leaving directly from or returning directly to the employee's home, the mileage reimbursed will be the shorter of the distance from their home or the employee's official duty station.

Cost of parking and garage fees, as well as turnpike and bridge tolls, will also be allowed on out-of-county trips. Receipts shall be required for these expenses with the exception of parking charges of $3 per day or less.

Before commencing an out-of-county trip in a Board owned vehicle, oil company credit cards should be signed out from the Central Office designee. Reimbursement will be made for parking, storage, toll charges, and other actual costs. Cost of emergency repairs to county owned vehicles will be reimbursed, if not charged on a Board of Education credit card. Receipts for each of these expenses must be attached to the travel reimbursement request.

Subsistence

All persons traveling on Board business will be reimbursed in an amount equal to their actual hotel bill, excluding personal items as identified below. A receipt for the amount paid for the hotel room must

be submitted with the expense account. In the case of double occupancy by two Board employees, each shall be reimbursed 50% of the total room charge on their respective expense accounts.

Reimbursement for meals will be at the authorized rates as established by the U.S. General Services Administration (GSA) (www.gsa.gov). On the first and last days of travel of an overnight trip, the maximum allowable reimbursement will be 75% of the GSA per diem rate. Departure or arrival times are not considered. In the event meal costs are being reimbursed to the county by another state agency at a rate higher than the county's daily allocation, the employee will be allowed to claim the higher daily allocation.

Meal expenses will be reimbursed only when the employee is away from home overnight, with the following exceptions. When the cost of a meal is included in a registration fee for a one-day out-of-county meeting, it will be reimbursed. The cost of a banquet when a state-wide meeting is held in the county will be reimbursed. In the case of a separate charge for a meal being added to a registration as an option, this cost will be included as part of the authorized GSA rates and will not be reimbursed as part of the registration.

Costs Not Allowed

Reimbursement for tips and gratuities will not be allowed unless included in the meal and is, therefore, part of the daily allowable rate. Expenditures for laundry, valet service, travel insurance, entertainment, and similar expenses are considered to be personal in nature and shall not be allowed. Long-distance telephone calls itemized on hotel bills will not be allowed unless a notation is made on the bill that the calls were for business purposes only. Additional charges incurred due to travel guests will not be reimbursed.

Advance Allowance

An advance of expenses up to 80% of the estimated costs of the trip can be made by submitting the completed travel expense account form to the Finance Office after the proposed trip has been approved. The form shall show the account code to be charged, destination, purpose, date of approval, total estimated expenses, and advance requested.

Requests for advance payment must be made at least fifteen (15) working days before the trip is to occur. A final travel expense account form, with all expenditures and receipts included and the amount of the advance indicated, must be filed within one (1) week of return. For auditing purposes, a copy of the advance check received should be attached to the final travel expense report.

Duplicate Reimbursement

Notwithstanding any provision of these rules and regulations to the contrary, no official or employee shall be permitted to receive reimbursement from the Board for any expenses incurred in instances in which such expenses have been paid or are to be paid by any person, firm, corporation, partnership, association, school, or any other third party.

Affidavit

The travel expense account is a sworn affidavit for the expenditure of public funds. The employee's immediate supervisor shall verify the appropriateness and accuracy of expense reimbursement requests. The required supervisor's signature shall signify the legitimacy of the request and serve as payment authorization.

WV Code § 18-4-9, 18-5-4, 18-5-32, 18-8-3, 18A-5-4, 18A-5-4a

3.18 PAYROLL AUTHORIZATION

Employment of all county personnel must be approved by the Board. Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, the position inventory number and the effective date of employment.

WV Code § 18A-2-1 et seq., 18A-4-1 et seq.

3.19 EMPLOYEE PAY

The Board has established and authorized the uniform payday schedule for all Board employees. Pay dates shall be on or about the fifteenth (15th) and the thirtieth (30th) of each month.

For personnel electing to do so, the Board shall defer a portion of the annual salary to be paid to personnel employed less than twelve (12) months per year and pay the salary over the full year in pro-rata amounts over twelve (12) months. The Internal Revenue Service (IRS) calls this practice "annualized compensation." Personnel not electing annualized compensation will receive their annual salary divided over the number of paychecks determined by their employment term.

The IRS regulations provide that, once an employee has made an election before the beginning of the school year, the election may not be revoked for that school year.

Personnel who start after the employment term begins will receive annualized compensation to be paid in pro-rata amounts over the remaining period of the year.

IRS Code 409(a)
WV Code § 18A-4-9

3.20 PAYROLL DEDUCTIONS

The use of payroll deductions for employee benefits is a service provided by the Board. It should be limited to a cross section of services that will benefit a majority of Board employees. For this reason, the Board will consider approving employee benefit deduction plans only after the following conditions have been satisfied.

A. The service offered is in the best interest of a majority of employees.
B. Another company is not already providing a similar service plan.
C. The Finance Department will be able to handle the additional work load. And
D. computer limitations do not prohibit the addition of another benefit deduction.

The treasurer shall be the person to review additional employee payroll deduction plans. If they are considered to meet the above conditions, the treasurer shall recommend to the Board, during a regular meeting, that the plan be approved.

To the extent permitted by law, the Board authorizes deductions to be made from an employee's paycheck, upon proper authorization on the appropriate form, for the following purposes:

A. federal and state income tax,
B. social security,
C. municipal income tax,
D. West Virginia Retirement System,
E. Teacher's Retirement loans,
F. Section 125 deductions (cafeteria plans),
G. U.S. savings bonds,
H. savings in a chartered credit union,
I. payment of dues to labor or other organizations (five employee minimum),
J. payment of group insurance premiums for a plan in which at least 10% of the county employees participate,
K. United Way, and
L. AAA.

403(b) Plan Deduction

The Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary to purchase an annuity from any company approved by the Board, authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the county's guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

The agreement shall comply with all of the provisions of law and may be terminated as such law provides upon notice, in writing, by either party. Employees shall notify the Finance Office, in writing, if they wish to participate in such a program.

Unpaid Leave Deduction

In cases 1) when an employee is absent from duty and there is no available sick leave or 2) when the absence is unauthorized, the salary deduction for each day of absence will be based on the employee's current salary divided by the number of work days in the employee's contract.

Internal Revenue Code Section 403(b)
WV Code § 18-5-1, et seq.

3.21 SCHOOL FUND ACCOUNTING

For an efficient system of operation, only the minimum number of funds necessary for sound financial management should be maintained. The funds that may be maintained at a school are limited to a general fund used to account for the general operations of the school and all other financial resources of the

school. Every school is required to maintain a general fund. A school may establish as many separate sub-accounts within the fund as is considered necessary to accurately account for the financial activity of the school.

All Putnam County schools shall comply with *WVBOE Policy 1224.1-Accounting Procedures Manual for the Public Schools in the State of West Virginia*. Each school must maintain accurate financial statements, records, and revenue/expenditure accounts.
WVBOE Policy 1224.1

3.22 SCHOOL BANK ACCOUNTS

Each principal is responsible for all school funds subject to Board policies and procedures. They shall not delegate responsibility for care of funds to another school employee.

The principal has authority to contract only with school funds immediately available or that could be assumed to be available prior to the end of the school year. The principal may not bind the Board in contract. The Board will not assume responsibility for the debts of individual schools.

The principal is responsible for making appropriate investments of school funds to insure reasonable returns.

The principal shall see that bank deposits are made regularly. It is recommended that bank deposits be made daily. A bank deposit must be made whenever total collections on hand exceed $500 or before an extended holiday. Bank deposits must be made at least weekly regardless of the amount of collections.

Personal checks are not to be cashed from collections.

All monies earned or received by a school or authorized organizations within the school are school funds and must be receipted and deposited to the school's bank account.

All bank accounts in which school funds are deposited must contain the name of the Board, the name of the school, and the county Board's Federal Employer Identification Number (FEIN). The school principal and the treasurer must have signature authority for every such bank account.

3.23 BAD CHECKS

When a school receives a check that, when deposited, is returned marked "insufficient funds," the school shall allow such check to be redeposited. If the check is returned for insufficient funds a second time, it should be considered worthless and steps must be taken to recover the funds. In addition, an adjusting entry must be posted to the transaction journal to reduce the amount of funds recorded as having been received. The school will provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within 30 days, the payment schedule is not adhered to, or the monies do not appear to be collectible, the Board authorizes the principal to take appropriate action against the student, the parent/guardian, or other maker of the check. This includes not only recovering the face value of the check but all bank fees, court costs, or other charges incurred by the school as a result of the check.

When the funds are recovered, a receipt is to be issued for the total amount recovered and the total is to be deposited in the school's depository account.

If a check is determined to be uncollectible, the school is to file an annual report with the treasurer showing the names of the individuals from whom the checks were received and the total amount that has not been collected. A file should be maintained for each individual to show the actions taken.
WVBOE Policy 1224.1

3.24 PETTY CASH ACCOUNTS

Petty cash accounts are discouraged but may be opened if the principal determines there is a need for one. The petty cash fund is established by writing a school check to the principal. The check is cashed by the principal and that money is placed in the petty cash fund.

The maximum amount authorized for a petty cash fund is $50. The cash and receipts in the petty cash drawer must always equal the amount established. Personal checks are not to be cashed from petty cash.

The petty cash drawer is to be replenished periodically by a check made payable to the school principal for the amount required. The itemized receipts and/or invoices obtained as a result of the purchases made from petty cash are to be used as supporting documentation for the check. At all times, the amount of cash in the account and the dollar amount of receipts for expenditures shall equal the amount authorized. A principal shall make up all shortages from his/her personal resources.

Each custodian of a petty cash account shall ensure that the funds in his/her care shall be disbursed only for minor expenditures that require immediate cash payment. No petty cash account may be used to circumvent the purchasing procedures required by law and the policies of this Board.
WVBOE Policy 1224.1-24

3.25 CHANGE FUND

The Board authorizes its schools to establish a change drawer to be used as starting cash for athletic events, concession stands, and other school activities. The maximum amount that schools are authorized to have as change is $500 per gate. Anything above this amount must be approved, in writing, by the treasurer in advance of the event.

The cash in the change drawer must equal the amount established at all times. The balance in the drawer is to be deposited in the school's depository account at times when it is not needed or at the end of each school year. Personal checks are not to be cashed from the collections.

A night deposit must be made at the appropriate bank when gate receipts from an athletic event or other extracurricular activity cause large amounts of money to come into the school after regular working hours.
WVBOE Policy 1224.1

3.26 INSTRUCTIONAL RESOURCES AND SUPPLIES

The Putnam County School System shall provide all instructional resources and supplies that are deemed necessary to accomplish the goals of this school system and are, in fact, an integral, fundamental part of the elementary and/or secondary education, free of charge for students who are appropriately enrolled in the schools of this system.

Supplies shall include basic paper, basic writing utensils, and any other basic items that a student must have in order to participate in a curricular offering. The supplies required may vary from grade level to grade level and class to class and shall be determined by the school principal and the county curriculum administrator, with approval of the Superintendent.

It is acceptable for school administrators and teachers to request that students purchase their own equipment for performance-based classes such as band, orchestra, dance, theater, and choir. No child shall be denied participation in any curricular offering or penalized because of the inability of his/her parents/guardians to pay. If a student cannot afford to buy items such as instruments or costumes, the following options shall be explored to provide the equipment to any student in need:

A. donations,
B. booster organizations,
C. corporate sponsors,
D. fundraisers,
E. general revenue funds, and/or
F. Excess Levy allocations.

Any purchase made with school funds must be authorized by the principal and shall be made in accordance with established policy.

WV Code § 18-5-21a, 18-5-21b, 18-5-21c, 18-5-21d, 18-5-21e
West Virginia Constitution, Article XII, Section 1
WVBOE Policy 2445.4A
Randolph Co. Board v. Adams, et al. 196 WV Code 9, 467 E.E. 2d 150 (1995)
State Superintendent's Interpretation Re: School Supplies, August 13, 2007

3.27 SCHOOL PAYMENTS TO INDIVIDUALS

All payments made by a school to an individual for services rendered are to be considered wages and are to be remitted by the school to be paid through the normal payroll process at the Central Office, unless it can be clearly shown that the individual is an independent contractor in accordance with Internal Revenue Service guidelines.

When it is clearly determined that the individual is an independent contractor, a completed IRS Form W-9 must be obtained from the contractor prior to payment for services rendered. A copy of the W-9 form is to be submitted to the county Finance Department. The contractor must be flagged as a 1099 vendor in the school's accounting software in order that a 1099-MISC form can be issued in accordance with IRS regulations.

Regardless of the status of the person performing the service, payment to the individual can only be made from a signed itemized claim for payment. The claim must identify the kind of service, the date performed, the person performing the service, address (for independent contractors only), and the amount due.

3.28 AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS

The purpose of this policy is to permit the schools to expend funds for students, parents, teachers, and community recognition programs that may include plaques, pins, token retirement gifts, awards, meals, refreshments, and other amenities.

The use of public or quasi-public funds for the purchase of food and drink for consumption by school personnel is prohibited. Schools may only use funds it generates through a fundraising or donation-soliciting activity for such recognition program. Prior to commencing the activity, the school shall 1) publicize the activity as intended for this purpose and 2) designate the funds generated for this purpose.

Title I funds may be used to purchase food and drink in connection with parent involvement activities, particularly when the activity extends through a meal time.

The Board affirms that the expenses incurred, as listed above, do serve a valid and proper public purpose. However, under no circumstances will public funds be expended for the purchase of alcoholic beverages. The Board believes that the public purpose served is the promotion of education, rapport with the business community, community relations, and the encouragement of non-employees to serve as volunteers, as well as furthering other legitimate interests.

WV Code § 18-5-13(a)(2)

3.29 GIFTS, GRANTS AND BEQUESTS

The Board is duly appreciative of public interest in and good will toward the schools manifested through gifts, grants, and bequests. However, the Board reserves the right to specify the manner in which gifts are made; to define the type of gift, grant, or bequest that it considers appropriate; and to reject the ones that it considers inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

Gifts, grants and bequests shall become the property of the Board and will be subject to use by the county as determined by the policies and guidelines applicable to all properties, equipment, materials, and funds owned by the Board.

Any equipment proposed to be purchased by a parent organization for use in the school or at a county-related event shall be submitted to the Board prior to purchase so it can determine if the county would incur any liability by its use. The Board reserves the right to refuse such liability and, thus, deny the use of the equipment by students or school system employees.

Any cash gift (donation) received by the school will be utilized as general revenue unless a specific purpose is identified by the donor.

3.30 SCHOOL SUPPORT ORGANIZATIONS

It is recognized that parent-teacher organizations, booster groups, and many other school support organizations provide an essential function in the support and funding of various curricular and extracurricular programs offered by the public schools. Countless hours are devoted by teachers, parents, and other school supporters in fundraising activities to provide the funds and donate the uniforms, equipment, and other supplies necessary for such programs. Without this support, many schools would not have the financial resources to provide many of the programs that are being provided to the students.

The Board appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of the students, to help meet educational needs of students, and/or to provide extra educational benefits not provided currently by the Board.

Each volunteer organization shall work within the appropriate school setting, in cooperation with the principal and other staff members, and shall abide by the Board's policies. A school support organization must present any potential fundraising activity to the principal and receive written approval prior to the undertaking of such event.

Each group shall establish bylaws and be governed by an elected board of directors consisting of at least a president, vice-president, secretary, and treasurer. The secretary and treasurer can be the same person, but the other two officers must be different. None of the officers can live in the same household. The bylaws shall be submitted to the principal for review and approval. Written minutes of each meeting must be taken and maintained.

A list of all groups that will be collecting funds in the name of the school shall be approved by the Board annually.

All funds must be deposited into the school's general account. All transactions must be run through the school unless the organization has a separate checking account. If a school support organization desires to have a checking account separate from the school, the organization must have its own business registration certificate, and Federal Employer Identification Number. These organizations must ensure that adequate liability insurance is obtained for the organization's fundraising activities.

A school support organization may not pay a Putnam County Board of Education employee compensation, including bonuses, in any form. This includes, but is not limited to, cash and gift cards. Gifts of a non-cash nature with a value within the West Virginia Ethics Commissions Guidelines (generally $25 unless specific circumstances are met) will be allowed as long as a fund raiser has been held expressively for the purpose of staff appreciation. Both the fund raiser and the expenditure of funds must clearly be shown in in the organization's minutes.

A school support organization may not employ any individual directly. All such employment shall follow standard procedures and shall be posted and hired through the Putnam County Board of Education Personnel Department and will be paid through the Board's Payroll Department. The school support organization will be responsible for any and all costs of employment, including applicable fixed charges.

Officers and members of support organizations may not bind the school or Board in contract. The school and/or Board shall not assume responsibility for the debts of the organization.

The Board shall have the authority to examine the financial records of an organization or to require the organization to provide the Board with a set of audited financial statements. The Board requires that any organization that collects money in the name of the school provide annual financial statements to the principal.

All support organizations are subject to all procedures and requirements outlined in WVBOE policy.
WV Code § 18-5-13
WVBOE Policy 1224.1

3.31 SCHOOL AUDIT

The Board is responsible for ensuring that an annual examination of the financial records of every school in the county is conducted. The examination is to include all funds maintained by the school.

The financial records may be examined in accordance with agreed upon review procedures developed by the Board. However, such procedures must include a review of compliance with the West Virginia Board of Education's accounting procedures.

A report of the financial statement of each fund maintained by the school and all instances of noncompliance and other reportable conditions noted during the examination is to be issued for each school. The examination is to be completed and the report issued within twelve (12) months after the end of the fiscal year. The examination may be conducted by personnel employed by the Board, a certified public accountant or the Department of Tax and Revenue, Chief Inspector Division.

In addition to an annual examination of each school, periodic reviews may be made of each school by the treasurer or a member of that individual's staff. Such periodic evaluation shall include review of internal control procedures to ensure that transactions are being posted in a timely fashion and to provide assistance during the course of the year, if needed.
WV Code § 6-9-1-9a
WVBOE Policy 1224.1

3.32 FUNDRAISERS

All fundraisers, whether held by the school or a school support organization, must state the purpose of the fundraiser. If a fundraiser is to be held for multiple purposes, it must be clearly identified as to the breakdown of the proceeds both in the request and the advertisement of the fundraiser. The breakdown can be stated either in dollar amounts listed in order of priority or as a percentage of the profits.

A school trip may not be used as a fundraiser. Any payments received for a school trip are to be used for that trip or a future trip. If the trip is for a particular club, excess payments collected may be used for other club expenses directly benefitting the members of the club.

3.33 SCHOOL SUPPORT ORGANIZATIONS OPERATING OUTSIDE OF THE SCHOOL'S BANK ACCOUNT

It is recognized that outside school support organizations provide an essential function in the support and funding of various curricular and extracurricular programs offered by the public schools. Countless hours are devoted by teachers, parents, and other school supporters in fundraising activities to provide the funds and donate the uniforms, equipment, and other supplies necessary for such programs. Without this support, many schools would not have the financial resources to provide many of the programs that are being provided to the students.

The Board appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of the students, to help meet educational needs of students, and/or to provide extra educational benefits not provided currently by the Board.

It is important to note that outside school support organizations are raising quasi-public funds in the name of the school and therefore are a reflection upon the school and the county board as a whole. As such, they must maintain the trust and support of the school community. To do this, it is essential such organizations maintain an accurate accounting of all funds collected and expended.

Section 2-1 of State Policy 1224.1 strongly encourages student support organizations operate as a subaccount of the school's general fund and follow all school accounting procedures. In accordance with WV State Policy 1224.1 (Accounting Procedures Manual For The Public Schools In The State Of West Virginia) the Putnam County Board of Education has established the following local policy by which outside school support organizations are to operate. All references to a school support organization in this policy will be applicable to school support organizations operating outside the school's bank account only.

Two important factors a school support organization should take into consideration prior to organizing outside of the school's bank account are as follows.

1. If a school support organization desires to have a checking account separate from the school, the organization must have its own state business registration certificate and Federal Employer Identification Number (FEIN). For donations to outside school support organizations to be tax-deductible to their donors, 501(c)3 status must be obtained by the outside school support organization through the Internal Revenue Service. Section 2.9 of State Policy 1224.1 also requires donors be made aware of the outside school support organization's tax-exempt status at the time the donation is received. This 501(c)3 status exempts the outside school support organization from federal and state income taxes, local property taxes, and state sales tax (if the organization also meets specific requirements in the sales and use tax laws as discussed in Appendix B of State Policy 1224.1). Therefore, it is strongly recommended the outside school support organization acquire this status to maximize its support to students and minimize the personal risks to the individuals serving as officers.
2. Outside school support organizations must ensure that adequate liability insurance is obtained for the organization's fundraising activities.

Each outside school support organization shall establish bylaws and be governed by an elected board of directors consisting of at least a president, vice-president, secretary, and treasurer. The secretary and treasurer can be the same person, but the other two officers must be different. In order to reduce the appearance and/or potential for possible collusion, none of the officers can live in the same household. The bylaws and any changes shall be submitted to the principal for review and approval. After their approval the principal shall submit these to the Finance Department for review and approval. Written minutes of each meeting must be taken and maintained.

A list of all outside school support organization that will be collecting funds in the name of the school shall be approved by the Board annually.

Each outside school support organization shall work within the appropriate school setting, in cooperation with the principal and other staff members, and shall abide by the Board's policies. An outside school support organization must present any potential fundraising activity to the principal and receive written approval prior to the undertaking of such event.

All fundraising requests that could result in altering or constructing facilities on Putnam County School's property shall be approved in writing by the school's Principal and the Superintendent or designee prior to fundraising beginning for the project.

An outside school support organization may not pay a Putnam County Board of Education employee compensation, including bonuses, in any form. This includes, but is not limited to, cash and gift cards. Gifts of a non-cash nature with a value within the West Virginia Ethics Commissions Guidelines (generally $25 unless specific circumstances are met) will be allowed as long as a fund raiser has been held expressively for the purpose of staff appreciation. Parent and community recognition programs will be allowed as long as a fund raiser has been held expressively for this purpose.

An outside school support organization may not employ any individual directly. All such employment shall follow standard procedures and shall be posted and hired through the Putnam County Board of Education Personnel Department and will be paid through the Board's Payroll Department. The outside school support organization will be responsible for any and all costs of employment, including applicable fixed charges.

Officers and members of outside school support organizations may not bind the school or Board in contract. The school and/or Board shall not assume responsibility for the debts of the organization.

The Board shall have the authority to examine the financial records of an outside school support organization or to require the outside school support organization to provide the principal with two (2) copies of financial statements that have been examined by an independent accountant. The principal shall forward one (1) copy of the annual financial statements to the Finance Department and one (1) copy of the examined report of the financial records are to be provided to the Superintendent for presentation to the Board.

The Superintendent shall implement written administrative guidelines and procedures which ensure that each outside school support organization's activities and reporting requirements are in compliance with WV Policy 1224.1 and Board policies and that the funds are used for school-related projects that have the approval of the principal.

WV Code § 18-5-13 WVBOE Policy 1224.1
Approved Putnam County BOE December 5, 2022.

SECTION 4: PERSONNEL

4.1 EMPLOYMENT OF PERSONNEL

The Board believes in high quality educational programs for the students of the school district. It recognizes that the effective and efficient operation of the system depends on the quality of the people it employs. The Board is committed to staffing its positions with individuals who exhibit high standards of commitment and ethical conduct.

All employees of the Board are classified as either professional or service personnel. Professional personnel are those employees who work in the areas of administration, supervision, instruction, and professional support. Service personnel are those employees who work in the areas of administrative assistance, finance, instructional support, meal preparation, custodial support, maintenance, technology support, transportation, and warehousing. All of these positions are vital to the success of the school system, and each employee is a valued member of the educational community.

The Superintendent shall verify the right of all applicants for employment to work in the United States according to the federal immigration law, the Patriot Act, and other applicable state and federal laws, rules, and regulations. The Board shall not knowingly employ, hire, or recruit any person who is not legally authorized to be employed in the United States. The Board shall not 1) knowingly and willingly provide false records about an employee's legal status or authorization or 2) knowingly and willfully, with fraudulent intent, transfer or dispose of substantially all assets to evade the record-keeping requirements of the unauthorized work law.

The Board shall maintain a record of all employees, together with proof of their legal status or authorization to work. Failure to keep records on each employee constitutes a separate offense.

8 U.S.C. 12
Federal Immigration Reform and Control Act of 1986
WV Code § 18-1-1, 18A-1-1
WV Code of St. R. 42-31-1 et seq.

4.2 NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board does not discriminate on the basis of race, color, religion, national origin, sex, disability, age, or genetic information in its programs and activities, including employment opportunities.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that federal and state regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The compliance officer shall also require the proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public.

Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe

benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

42 U.S.C., 2000e et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C., 12112, Americans with Disabilities Act of 1990
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
20 U.S.C. 1681 et seq., Title IX
29 C.F.R. Part 1635

4.3 NEPOTISM

For the purposes of this policy, *immediate family* is defined as a spouse or any member of the employee's household. *Supervision* means the authority to direct, schedule, recommend scheduling, provide evaluation input, or formally evaluate daily work activities. For the purpose of this definition, central office administrators, principals, and assistant principals shall be regarded as supervisors of all subordinate employees assigned to the school or department.

Supervision of Immediate Family Prohibited

No person, either by new hire or reassignment, shall be placed in any position in which he/she is supervised by or supervises an immediate family member. However, that individual may be employed in some other location within the system.

Supervision Occasioned by Marriage or Household Member Addition

If a marriage or the addition of a household member results in the supervision of an immediate family member, the least senior employee shall be reassigned to an existing vacancy or to the next available vacancy for which the employee is most qualified or most senior.

Employment Procedure/Conditions of Employment

No person shall participate in the employment procedure that is used to fill a vacancy if one or more applicants are members of such person's immediate family. No person shall participate in matters involving salary, hours, career progress, benefits, or other terms and conditions of employment of a member of such person's immediate family.

Principal Employment Recommendation Limitations

A principal may not recommend for employment an individual who is related to him/her as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Employment of Board Member's Spouse

The spouse of a Board member may be employed only as a principal, teacher, or service employee in the same county as the Board member.
WV Code § 18A-2-1, 61-10-15

4.4 CREATING A POSITION

The Board recognizes the need to establish positions which, when filled by competent, qualified professional and service personnel, will assist the county in achieving the education goals set by the Board.

The Board reserves the right, subject to the recommendation of the Superintendent, to 1) create new positions, 2) specify the number of persons to be employed within each job category, and 3) set the initial salary for a new position, in accordance with state law.

In the exercise of its authority to create new positions, the Board shall give primary consideration to the

A. number of students enrolled,
B. special needs of the school community,
C. special needs of the students,
D. operational services of the school system,
E. number of positions allocated by the State Aid formula, and
F. budget.

West Virginia Code § 18A-2-1, 18-5-13, 21-1B-1 et seq.

4.5 JOB DESCRIPTIONS

The Board recognizes that it is essential for accountability purposes that each staff member is aware of the duties and responsibilities of his/her position. Job descriptions describe the essential functions for professional and service positions and, thereby, promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain an updated and comprehensive set of job descriptions for all staff positions.

All job descriptions shall be defined as guidelines of the Superintendent and will be originated and maintained in accordance with the provisions specified in the bylaws of the Board. They shall be available for review on the county web site, at the central office, and at all work locations.

Job descriptions shall include state adopted responsibilities and performance criteria. The purpose of performance criteria is to clarify responsibilities and help provide guidance to each employee in understanding job expectations. Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

The Board recognizes that the Superintendent may find it necessary, from time to time, to revise job descriptions. During the revision of a job description, the Superintendent may seek input from individuals

who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions with their immediate supervisor.

WV Code § 18A-4-7a, 18A-4-8b

4.6 PRE-EMPLOYMENT REQUIREMENTS

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the Superintendent recommends for employment. This requirement includes all substitutes and persons employed on a part-time basis, such as coaches or activity supervisors, who may have care, custody, or control of students. The Board shall request from the state criminal identification bureau the record of any and all criminal convictions of all of its employees hired on or after July 1, 1986. It is not required of any currently-employed staff member who is a candidate for another position in the county.

The Board shall pay the cost for obtaining the Central Abuse Registry record and the Federal Bureau of Investigation record for each new employee and approved auxiliary coach. The applicant for initial certification pays for the cost of obtaining these criminal history background checks.

Upon written consent to the West Virginia Department of Education by the applicant and within ninety (90) days of the state fingerprint analysis, the results of this analysis may be provided to the Board with which the applicant is applying for employment without further cost to the applicant. Information maintained by the state department or the Board that was obtained for the purpose of this policy is exempt from the disclosure provisions of the Freedom of Information Act. Nothing in this policy prohibits disclosure or publication of information in a statistical or other form, provided it does not identify the individuals involved or provide personal information.

If it is necessary to employ a person to maintain continuity of the program, prior to receipt of the criminal history record, the Board may employ the person on a provisional basis until the report is received.

WV Code § 18-5-15c, 18A-3-10, 29B-1-1
WVBOE Policy 5202

Drug Testing Program

In conjunction with Putnam County Schools policy, 4.10 Drug-Free Workplace, all outside applicants offered employment shall be required to submit to a test for the detection of illegal use of drugs, as part of the conditional offer. Applicants will be given a copy of this policy in advance of being offered a position with Putnam County Schools.

Applicants shall acknowledge having read or had this policy explained to them and should understand that, as a condition of employment, they are subject to the contents of this policy and the employee drug testing program. Applicants will sign an acknowledgement prior to the substance screening, permitting the summary result to be transmitted to the Assistant Superintendent of Personnel and the Superintendent of Putnam County Schools. An applicant refusing to complete any part of the drug testing procedure will not be considered a valid candidate for employment with the Putnam County School Board of Education, and such will be considered as a withdrawal of the individual's application for employment.

If substance screening shows a confirmed positive result for which there is no current physician's valid prescription, a second confirming test from the original sample will be requested by the Assistant Superintendent of Personnel or Superintendent of Putnam County Schools. If the first and any requested second confirming test is positive, any job offer will be revoked.

Physical/Mental Examination

The Superintendent reserves the right to require that a candidate submit to an examination in order to determine the physical and/or mental capacity to perform the essential functions of the position before making a recommendation to the Board. The Board also reserves the right to require employees to submit to such examinations. Such examinations shall be done in accordance with the Board's guidelines.

Reports of all such examinations or evaluations shall be delivered to the Superintendent who shall protect the individual's confidentiality. Reports will be discussed with the employee or candidate and made a part of a medical file kept separate from the employee's personnel file, in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act, as are all other medical records. In the event of a report of a condition that could influence job performance, the Superintendent shall base his/her decision regarding employment on substantiation that the condition will not allow the employee to fulfill the essential functions of the job, even with reasonable accommodations offered to the candidate.

The Board shall assume the costs for required examinations.

WV Code § 18A-2-10
42 U.S.C.12101 et seq. ADA; 42 U.S.C. 2000ff et seq., GINA
29 C.F.R. Part 1630; 29 C.F.R. Part 1635

Physical Examination for School Bus Operators

Each school bus operator must pass a physical examination from a medical examiner as specified in state board policy. This examination shall be conducted no earlier than April 1st to receive certification for the following school term.

The Superintendent has the right to require a physical and/or psychological examination from a designated healthcare provider when he/she has any reasonable questions regarding the physical ability of a school bus operator and/or the safety of students.

The original report of the physical examination of all county employed school bus operators is to be sent to the Director of Transportation. Physical examinations shall be recorded on the West Virginia Department of Education's Medical Examination Report form by a medical examiner.

The physical examination for all school bus operators shall ensure the following.

A. There must be no past or present history of convulsive seizures.
B. Current bus operator employees or bus operator candidates who are diagnosed with diabetes mellitus requiring insulin is no ineligible for employment as a school bus operator because of the diagnosis if the operator is issued a passenger and school bus endorsement for his or her commercial driver's license through the West Virginia Division of Motor Vehicles, subject to the following:

(1) A copy of the information required to be submitted to the Division of Motor Vehicles and proof of passenger and school bus endorsement is submitted to his or her employer, and
(2) the operator follows the stipulations and grounds for eligibility per Federal Motor Carrier Safety Administration, Division of Motor Vehicles, and State Board rules.

C. There must be no loss of use of joints of either hand that interferes with power grasping such that the applicant cannot receive or would not be able to renew a CDL with appropriate endorsements.

D. Hearing loss in the better ear of the school bus operator may not be greater than 40 decibels at 500 Hz, 100 Hz and 200 Hz. When needed, an approved hearing aid with backup batteries shall be used by the school bus operator.
E. There must be no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, or thrombosis.
F. There must be no cardiovascular disease of a variety that is accompanied by syncope, dyspnea, collapse, and/or congestive cardiac failure.
G. Blood pressure must be less than 140 systolic and 90 diastolic or current CDL requirements. If blood pressure equals or exceeds 140/90, the bus operator/applicant shall meet the requirements outlined in *FMSCA regulation 49 C.F.R. 391. 41 (Physical Qualifications for Drivers)*. If the employee fails the initial blood pressure test, the employee shall provide medical evidence of three (3) separate blood pressure readings below the above levels on three (3) different days within a seven (7) day period prior to certification. These readings shall be certified by a medical examiner.
H. When a school bus operator is required to use a pacemaker, his/her return to work must be approved by a panel of three (3) cardiologists.
I. While performing his/her duties, the school bus operator shall wear a truss for any small hernia. Large hernias must be surgically repaired.
J. There must be no medical history or clinical diagnosis of the following which interferes with the ability to operate a bus safely: rheumatic disease, arthritic disease, muscular disease, neuromuscular disease, and/or vascular disease.

K. There must be satisfactory passage of a tuberculin skin test, chest x-ray, or physician's certification prior to employment and/or more frequently if medically indicated.

C. Both eyes must be functional and the school bus operator:
   1. has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses;
   2. does not have monocular vision;
   3. has a field of vision not less than seventy (70) degrees in the horizontal meridian of each eye;
   4. is able to identify the colors: red, green, amber, and blue; and
   5. wears corrective lenses, if necessary, while operating a bus.

D. The school bus operator must have no mental, nervous, organic, or functional disease or psychiatric disorder and take no medication likely to interfere with his/her ability to operate the bus safely. Any questions regarding this matter will be decided by the State School Transportation Certification Advisory Board. If this advisory board determines a bus driver has a condition described above, the bus driver may be required to furnish the advisory board with a complete medical report. After receiving the medical report, the advisory board will consider the information and advise the State Superintendent as to whether the bus driver should be certified. The final decision will rest with the State Superintendent.

E. All school bus operators shall be subject to pre-employment, random, post-accident, and reasonable suspicion drug testing for the use of certain controlled substances and alcohol as per all regulations of the U.S. Department of Transportation, Federal Highway Administration of the Omnibus Transportation Employment Testing (OTETA). The Board shall provide the state department, by certified mail, the name and social security number of employees who hold safety sensitive positions as described by the OTETA and who test positive for the tested substances.

F. The school bus operator shall notify his/her supervisor and/or medical examiner of any illness or the use of any controlled and/or over-the-counter substance that may interfere with the safe operation of the school bus.

G. The medical examiner must print his/her name in the designated area as well as providing his/her signature on the physical form.

The Board shall provide the state department, by certified mail, the name and social security number of any school bus operator who fails to meet the physical and mental/emotional requirements identified above.

WV Code § 16-3D-3(c)
WV Code §60A-1-101
WVBOE Policy 3336

4.7 TUBERCULOSIS EXAMINATION

West Virginia law requires that all personnel with certain risk factors undergo a tuberculosis examination at the time of initial employment. The TB Risk Factor Assessment shall be completed upon employment. A school nurse will review the assessment where a risk factor may be indicated. An employee may be required to submit the approved tuberculin skin test performed by the local health department or the person's physician. Additional tuberculosis skin tests or other medical screens may be

required by the local health department or Commissioner of Health, if medically indicated. Positive reactors and those with previous positive skin tests are to be immediately referred to a physician for evaluation and treatment or further studies. School personnel found to have tuberculosis shall have their employment suspended until the local health officer, in consultation with the Commissioner of Health, approves a return to work. School personnel who have not had the required examination will be suspended from employment until reports of examination are confirmed by the local health officer or the employee's physician.

The local health officer shall be responsible for arranging proper follow-up of school personnel who are unable to obtain a physician's evaluation for a positive tuberculin skin test.

The Commissioner shall have the authority to require selective testing of school personnel for tuberculosis when there is reason to believe that they may have been exposed to the tuberculosis organism. School nurses shall identify and refer any school personnel to the local health officer in any instance where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

WV Code § 16-3D-3

4.8 CONTRACTS

Before entering their duties with the school system, all personnel shall execute a written contract with the Board. The contract will be in the form prescribed by the State Superintendent of Schools. The contract shall be signed by the employee and the president and secretary of the Board. Each contract shall be designated as a probationary or continuing contract.

Probationary Contract

Each new, regular professional and service employee shall receive a probationary contract for a period of not less than one (1) year or more than three (3) years.

Continuing Contract

After three (3) years of successful experience, a professional or service employee who enters into a new contract shall receive a continuing contract. A year of experience shall require successful employment for at least 133 days during a school year.

A professional or service employee holding continuing contract status with another county shall be granted continuing contract status with this county upon completion of one (1) year of acceptable employment, if such employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one (1) year.

The continuing contract of an employee shall remain in full force and effect except as modified by mutual consent of the Board and the employee, unless and until terminated in accordance with school law.

In the assignment of duties of an employee under a continuing contract, the Board may provide for release time for any special professional or governmental assignment without jeopardizing the contractual rights or any other rights, privileges, or benefits of the employee. Release time shall be provided for an employee while serving as a member of the Legislature, during any duly constituted session of that body and its committees and commissions, without jeopardizing his/her contractual rights or any other rights, privileges, and benefits, including accrual of experience for placement on the state minimum salary schedule in the following school year, under the provisions of state law and Board policy. An employee who is a member of the Legislature will not receive pay from the Board while executing legislative duties. The employee may use the four five (5) days of personal leave without cause or vacation days, if applicable, for that purpose.

WV Code § 18A-2-2, 18A-2-5, 18A-2-6, 18A-4-10

Non-Renewal of a Probationary Contract

At a meeting of the Board on or before the date established by WV Code of each year, the Superintendent shall provide, in writing, to the Board a list of all probationary employees that he/she recommends to be rehired for the next school year. The Board shall act upon the Superintendent's recommendation at that meeting. Any probationary employee who is not rehired by the Board at that meeting shall be notified of his/her not having been rehired or not having been recommended for rehiring, in writing, by certified mail, return receipt requested, to such person's last known address within ten (10) days following the Board meeting.

If the reason for non-renewal is based solely on lack of need, the employee shall be eligible for placement on the preferred recall list and, upon reemployment, shall resume the employment status that would have existed in the ensuing year of employment had the contract not been non-renewed.

If the reason for non-renewal is for cause, the reasons assigned must be legitimate and material to performance expectations. However, if a probationary teacher's performance has been mediocre, as judged by the Superintendent, the reason may constitute an expectation that a better employee may be secured if the position is reposted. It is not necessary that a probationary employee's performance be deemed unsatisfactory as a requirement for non-renewal of the contract.

Any probationary employee who receives notice that he/she has not been rehired may, within ten (10) days after receiving the written notice, request a statement of the reasons for not having been rehired and may request a hearing before the Board. Such hearing shall be held at the next regularly scheduled Board meeting or a special meeting of the Board called within 30 days of the request for a hearing. At the hearing, the reasons for the non-rehiring must be shown.

The hearing conducted must be conducted by a majority of the members of the Board. The hearing must be held in executive session of the Board, unless the employee requests the hearing be public. The hearing must be recorded. The Board may be represented by counsel, and the employee may be represented by counsel or a designee. The hearing shall include the opportunity for presentation of evidence, examination of witnesses, and the review of arguments of both the employee and the Board. A record of the hearing may be taken by either party at the expense of the party taking the record. Within

ten (10) days of the conclusion of the hearing, the Board shall issue, to the employee, a written decision containing an order affirming the intention of the Board not to reemploy the staff member or an order negating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing.

An employee may appeal an order affirming the intention of the Board not to reemploy the staff member to the West Virginia Public Employees Grievance Board.

WV Code § 18A-2-8a
Revised August 21, 2023

4.9 EMPLOYEE CODE OF CONDUCT

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

This policy also requires that Putnam County employees respond immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse, violence, or any other code of conduct violation that has a negative impact on students. The responses must effectively address incidents, deter future incidents, and affirm respect for individuals.

All Putnam County employees shall

A. exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance;
B. contribute, cooperate, and participate in creating an environment in which all employees/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development;
C. maintain a safe and healthy environment free from harassment, intimidation, bullying, substance abuse, violence, bias, and discrimination;
D. create a culture of caring through understanding and support;
E. immediately intervene in a manner that preserves confidentiality and the dignity of each person in any code of conduct violation that has a negative impact on students;
F. demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior; and
G. comply with all federal, state, and county laws, policies, regulations, and procedures.

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. In the belief that the quality of the services of the education profession directly influences the nation and its citizens, professional and service staff shall exert every effort to raise standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In the fulfillment of the obligation to the profession, professional and service staff shall not

A. make a deliberately false statement or fail to disclose a material fact related to competency and qualifications in an application for a position in education;
B. misrepresent qualifications;
C. assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;
D. knowingly make a false statement concerning the qualifications of a candidate for a position in education;
E. assist a non-educator into the unauthorized practice of teaching;
F. disclose information about colleagues obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law;
G. knowingly make false or malicious statements about a colleague; and/or
H. accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

An employee, who is approached by anyone in authority to participate in any action(s) or activity(ies) outside of regular employment duties that may be considered as infringements of that individual's rights or that impose a threat or intimated threat on employment, should inform any or all of the members of the Board immediately. The loyalties of the Board's employees are established in the following order: 1) to the students of the school district, 2) to the parents of the students of the district, (3) to the citizens and taxpayers of the county, and 4) to the Board and the administration of the Putnam County Schools. No employee shall be instructed otherwise.

The Board shall provide staff development on the Employee Code of Conduct to all employees.

At the time of initial employment, each employee shall sign the Employee Code of Conduct affidavit verifying that he/she received a copy of the code and agrees to abide by its contents.
WVBOE Policy 5902

4.10 DRUG-FREE WORKPLACE

The Board believes that quality education is not possible in an environment affected by drugs. Therefore, it will seek to establish and maintain an educational setting that is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispense of any controlled substance, alcohol, or drug paraphernalia, as the term is defined by law, by any member of the school system's staff at any time while on school system property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action.

Upon employment, each employee shall sign an affidavit verifying that s/he will not violate the Drug and Tobacco Free Workplace policy.
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988

20 U.S.C. 3224A
WV Code §60A-1-101

4.11 SUBSTANCE ABUSE

The Board recognizes alcoholism and drug abuse may impair the performance of staff members. When appropriate, and in its sole discretion, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of such illnesses. However, in no case, shall an employee's use and/or abuse of alcohol and/or drugs prevent disciplinary action from being taken. Furthermore, this policy in no way obligates the Board to provide any particular health care or other treatment or to become responsible for payment of the same.

The responsibility to correct unsatisfactory job performance, attendance, or behavioral problems resulting from suspected substance abuse rests with the employee. Regardless of whether a staff member has an illness or other problem relating to the use of alcohol or other drugs, it remains the responsibility of the staff member to report to work and perform his/her duties in a fit and appropriate condition at all times. Being under the influence of alcohol or other drugs while on duty, on school property, or at a school-related activity/event is not acceptable. Failure to correct unsatisfactory job performance, attendance, behavior, and/or working or reporting to work under the influence of alcohol or other drugs will result in appropriate corrective or disciplinary action as determined by the Board, up to and including termination.

No staff member will have his/her job security or promotion opportunities jeopardized by his/her voluntary request for counseling or referral assistance.

An employee who suspects that he/she may have an alcohol or other drug abuse problem is encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Rehabilitation Act of 1973, 29 U.S.C. 794

4.12 DRUG AND ALCOHOL TESTING OF PERSONNEL REQUIRING A COMMERCIAL DRIVER'S LICENSE

The Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each employee who is required to hold a commercial driver's license (CDL) and operate Board-owned vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.

B. The term *controlled substance* includes the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations, and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally- obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).

C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

D. The term *safety-sensitive functions* includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading County vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled County vehicle. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

E. The term Driver means all CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as, other service employees who may drive students in County vehicles or inspect, repair, and maintain Board-owned vehicles.

F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

G. The term CDL license holder means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.

The Board will not tolerate the possession, use, sale, or distribution of alcohol and/or any controlled substance or drug, other than those approved for administration by the appropriate school personnel on school property. All CDL license holders must comply strictly with this policy. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus operator, as well as any other staff member who holds and utilizes a CDL license on behalf of the Board, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances: marijuana, cocaine, opiates, amphetamines, and/or phencyclidine (PCP).

The drug tests shall be conducted in accordance with federal and state regulations

A. prior to employment (controlled substances only);
B. for reasonable cause;
C. upon return to duty after alcohol or drug rehabilitation;
D. after an accident;
E. on a random basis; and/or

Candidates shall also be tested for the presence of alcohol in their system prior to employment.

Any CDL license holder who tests positive shall be prohibited from performing his/her safety-sensitive functions and may be referred to an independent consultant for a psychological assessment at Board expense and shall be:

A. prohibited from driving any school vehicle and using Board-owned equipment;

B. referred to the District's Employee Assistance Program;

C. provided information regarding drug/alcohol counseling;

D. evaluated for assistance resources;

E. subject to discipline, up to and including discharge, in accordance with District procedures and the terms of any applicable collective bargaining agreements.

It shall be the responsibility of any employee who has first-hand knowledge of another employee who commits one of the following actions to report such information to the appropriate law enforcement office and the Superintendent or his/her designee:

A. possesses, sells, distributes, or markets any substance or product in this state, or transports such a substance or product into this state with the intent that the substance or product will be used to defeat a drug or alcohol screening test;
B. attempts to defeat a drug or alcohol screening test by the substitution of a false sample;
C. advertises for sale or distribution any substance or product the advertised purpose of which is to defeat a bodily fluid screening test for drugs or alcohol;
D. adulterates a bodily fluid sample with the intent to defeat a drug or alcohol screening test;
E. possesses adulterants for the purpose of defeating a drug or alcohol screening test; and/or
F. sells adulterants that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defeating a drug or alcohol screening test.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then

A. the test will be considered positive, and the employee shall be prohibited from driving any school vehicle and may be referred to an independent consultant for a psychological assessment at Board expense, and

B. the employee will be retested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall be prohibited from performing his/her safety-sensitive functions and shall be considered to have abandoned his/her job.

A staff member who voluntarily discloses that he/she has an addiction to alcohol or a controlled substance may qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such staff member is covered by any health insurance policy that provides for such benefits made available by the Board. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action, unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use, regardless of whether the employee has disclosed that he/she has an alcohol or drug addiction.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

A. reports for duty or performs work while under the influence of alcohol or any controlled substance or drug prohibited herein;
B. reports for duty or performs work while testing positive for using a prohibited drug, whether or not the employee can be said to be under the influence of the prohibited substance;
C. refuses to submit to drug and/or alcohol testing;
D. alters or attempts to alter or unduly influence alcohol and/or drug testing results; and/or
E. fails to remain readily available for post-accident testing, including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care.

Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program that will inform each CDL license holder about 1) the dangers of illegal drug use and controlled substance and alcohol abuse and 2) the sanctions that may be imposed for violations of this policy and 3) Board Policy 4.10 Drug Free Workplace, 4.11 Substance Abuse.

Time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the split specimen at a federally certified laboratory, if so requested by a staff member. The Board will not pay for the employee's time while not on duty if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential, medical records as appropriate (i.e. test results shall be provided on a right to know basis to the employee, the employer, and the substance abuse professional, and the results shall not be presented until analyzed by and reported on by someone competent to understand and interpret the test results).

Upon written request, a tested individual will have access to any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide written authorization before his/her test results can be provided to any other person except a government agency specified in the applicable federal regulations.

All tests shall be conducted in accordance with federal testing guidelines and performed by a laboratory that is federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent or his/her designee.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, the procedures for testing, and the proper assistance to staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

A. testing of all first and second test urine samples;
H. clear and consistent communication with the person or entity performing the testing and/or interpreting the results;
I. methodology and procedures for conducting random tests for controlled substances and alcohol; and
J. preparation and submission of all required reports to the Board, federal, and state governments as required.

The Superintendent shall also select the agency or persons who will conduct the alcohol Breathalyzer test and the drug collection site(s) in accordance with the requirements of law.

Educational materials explaining the requirements of the federal regulations and of the Board's policies and procedures to meet the federal regulations shall be provided to all staff members and include the following:

A. the name of the person designated by the Board to answer questions about the materials;
B. a statement that all CDL License holders and other employees who perform safety-sensitive functions are subject to 49 CFR 382.601. which is a Federal regulation that addresses the misuse of alcohol and other controlled substances;
C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations;
D. information concerning what conduct is prohibited;

E. the circumstances under which employees are subject to testing;
F. the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test, results and to confirm that the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations;
G. the requirement that employees must submit to testing as required by the regulations;
H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences;
I. the consequences of testing positive, including the requirement of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment; and
J. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a drug or alcohol problem is suspected.
K. Information regarding the requirement that certain personal information collected and maintained under 49 CFR 382.601 be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse.

These materials are to be distributed to each staff member required to hold a CDL upon being hired or transferred into such position. Each staff member must sign a statement certifying receipt of these materials. Each employee shall receive written notice of the availability of this information and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return to Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return to duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

49 C.F.R. §382.101 et seq.
WV Code
WV Code § 60A-4-412(a)
WVBOE Policy 4336
Updated August 4, 2025

4.13 USE OF TOBACCO BY STAFF

The Board recognizes that the use of tobacco presents a health hazard that can have serious consequences for both the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, *use of tobac*co shall mean the use of a cigar, cigarette, pipe, snuff, chewing, or any other matter or substance that contains tobacco.

In order to protect students and staff from an environment noxious to them, the Board prohibits the use and the distribution of tobacco by staff members

A. on any property owned, leased or operated by the Board;
B. at any county education-sponsored event;
C. on a school bus or other vehicle used for a school related event or other school/county function; and/or
D. at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building, or other property used or operated by the Board.

Individuals supervising students off school grounds are prohibited from using tobacco products in the presence of students and/or at any time while engaged in activities directly involving students.

Upon employment each staff member shall be required to sign the appropriate form verifying that he/she has been advised of the Drug-Free/Tobacco-Free Workplace policy and will abide by this policy while employed by the school system.

20 U.S.C. 6081 et seq.
WV Code §16-9A-4
WVBOE Policy 2422.5

4.14 STAFF DRESS AND GROOMING

The Board believes that all staff members set an example in dress and grooming for students to follow. A staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to county duty, all staff members shall

A. be physically clean, neat, and well groomed;
B. dress in a manner consistent with their responsibilities;
C. dress in a manner that communicates a pride in personal appearance;
D. dress in a manner that does not cause damage to county property; and
E. dress and groom in such a way that does not disrupt the educational process or cause a health or safety hazard.

4.15 UNIFORM REQUIREMENT FOR SERVICE PERSONNEL

As part of the county safety program, service personnel classified as bus operator, bus aide, computer specialist, cook, maintenance, and mechanic are required to wear uniforms provided by the Board so they

are easily recognized as employees of the Board. When an employee in one of these classifications resigns, retires, or is terminated, the uniforms shall be returned to the Board.
WV Code § 18-5-13(m)

4.16 CONFLICT OF INTEREST

Conflict of interest occurs when any employee personally takes or authorizes any action by which the school system, a school, a school-related organization, or a county facility is used to produce personal gain for that employee, immediate family, or persons living in the same household.

Potential conflicts of interest may be resolved by submitting the matter to the Board for a decision, providing the Board is fully informed of the nature and extent of the conflict.

The following actions are specifically prohibited:

Sale of products

A. Employees may not advertise, promote, or sell products for private profit on school time or in school facilities.
B. Employees may not sell products or services in the name of a school or the Board unless the entire profit accrues to the school or the Board.

Commissions and gifts

A. Employees may not accept commissions for the purchase of entertainment, services, or goods for a school.
B. Employees may not accept personal gifts, services, or anything of value in return for the purchase of entertainment, services, or goods for a school.

Purchase of goods or services

A. Employees may not use the name of a school or the Board to purchase products for personal use.
B. Employees may not purchase, with school funds in their charge, any product or service from themselves, immediate families, members of the Board, or any business in which any of these have a substantial pecuniary interest.
C. Employees may not purchase for a school, with school funds in their charge, any product or service from an employee under their supervision without approval by the Board.
D. Employees may not require students to purchase goods or services from any particular individual or business.

Employment of relatives

A. No employee may employ or pay with school funds any member of his/her immediate family or other person living in the same household without approval of the Board.
B. No employee shall be permitted to call in or use any member of his/her immediate family as a substitute under his/her direct supervision or for his/her own absence, unless such call is in accordance with state law.

For the purpose of this policy, immediate family includes parent, child, brother, sister, relations in law or any person living in the same household.

WV Code § 18A-4-8b, 18A-4-10, 18A-4-15, 61-10-15

4.17 STAFF GIFTS

Employees are prohibited from soliciting any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family. No employee may solicit for a charitable purpose any gift from any person who is also a Board employee and whose position is subordinate to the soliciting employee.

With seven (7) exceptions, no employee shall knowingly accept a gift from any person who the employee has reason to know

A. is doing or seeking to do business of any kind with the school district;
B. is engaged in activities that are regulated by the Board; or
C. has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of the employee's official duties.

The seven (7) exceptions include the following gifts, if they do not impair the employee's impartiality and independent judgment and the employee did not have reason to think that they were offered for those purposes:

A. meals and beverages;
B. ceremonial gifts or awards of insignificant monetary value;
C. unsolicited gifts of nominal value or trivial items of informational value;
D. reasonable expenses for food, travel, and lodging of the employee for a meeting at which he/she participates in a panel or speaking engagement;
E. gifts of tickets or free admission extended to an employee to attend charitable, cultural, or political events, if the purpose of the gift is a courtesy or ceremony customarily extended to the office;
F. gifts that are purely private and personal in nature; and
G. gifts from relatives, by blood or marriage, or a member of the same household.

The Board considers the presentation of gifts to staff by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that

A. professional staff members may accept gifts of nominal value from students or parents; and
B. individual gifts from a staff member to each student are strongly discouraged. It is suggested that if a staff member wishes to give a gift, he/she may do so as a gift to the classroom, for example, library books or other educational resources for the class.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Employees shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from that vendor. In addition, staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the school district or a vendor with whom the Board is doing business, whereby an individual staff member receives compensation in any form for services rendered.

In the event that a staff member receives such compensation, albeit unsolicited, from a vendor, the staff member shall notify the treasurer, in writing, that he/she received such compensation and shall promptly transmit such compensation to the treasurer.

WV Code § 61-10-15 and 6B-2-5

4.18 HARASSMENT AND VIOLENCE

Racial, sexual, gender, religious/ethnic, and disability harassment are forms of discrimination that violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq., and WV Code § 5-11-1, et seq., the West Virginia Human Rights Act and the Disability Discrimination Act of 1992.

No staff member shall engage in harassment or violence during any school related activity or during any education sponsored event, regardless of the location. An employee found to have violated this prohibition shall be subject to disciplinary action.

The Board will act promptly and confidentially to investigate all harassment and violence complaints and take appropriate disciplinary action based on the results of the investigation. Furthermore, the Board is committed to providing an educational setting that is safe, secure, and free from harassment for all of its students and employees.

Nothing in this policy shall prohibit contacting law enforcement or other personnel, including the Human Rights Commission, regarding the actions of any party subject to a complaint.

Sexual Harassment

All allegations of Sexual Harassment will be investigated and handled pursuant to the Putnam County Title IX Policy 4.35, in the event the sexual harassment alleged does not fall under the Title IX Policy, this policy shall control.

Racial Harassment

Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct

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

B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; and/or
C. adversely affects an individual's employment or academic opportunities.

Gender Harassment

Gender harassment consists of physical, verbal or written conduct that is related to an individual's gender when the conduct

A. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; and/or
C. adversely affects an individual's employment or academic opportunities.

Religious/Ethnic Harassment

Religious/ethnic harassment consists of physical, verbal, or written conduct that is related to an individual's religion or ethnic background when the conduct

A. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; and/or
C. adversely affects an individual's employment or academic opportunities.

Disability Harassment

Disability harassment occurs when a disabled individual is treated less favorably than a non-disabled individual would be treated in the same situation.

It is the responsibility of all employees to promote and maintain an environment free of all types of sexual, racial, gender, and religious/ethnic harassment.

Sexual Violence

Sexual violence is a physical act or threat of aggression or force that 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.

Racial Violence

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

Gender Violence

Gender violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, gender.

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.

Disability Violence

Disability violence is a physical act of aggression upon another because of, or in a manner reasonably related to, a disability.

Assault

Assault is defined as an act done with intent to cause fear of immediate bodily harm or death to another person or the threat to do bodily harm with the ability to carry out the threat to another person.

Reporting Procedures

In Each School Building

The principal or assistant principal, if so designated, is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report of employee misconduct, the principal must notify the county Title IX Coordinator promptly and commence investigation of the complaint. Anytime the report is given to the principal or designee verbally, he/she shall reduce it to written form before the close of the next working day. Upon completing the investigation, and in most cases, not later than ten (10) working days of receiving the complaint, a written report will be forwarded to the county Title IX Coordinator and the Superintendent.

If the report alleges employee misconduct on the part of the principal, the complaint shall be submitted directly to the county Title IX Coordinator who will conduct the investigation. Within ten (10) working days of receiving the complaint, he/she shall provide a written status report to the Superintendent.

If the complaint involves the Title IX Coordinator, the complaint or report shall be filed directly with the Superintendent who shall then be responsible for the investigation.

For facilities that do not have a principal, the supervisor of such facility will be the person responsible for receiving reports of harassment or violence and conducting the investigation unless the Title IX Coordinator takes such responsibility.

County-Wide

The Board hereby designates its Title IX Coordinator to coordinate the county's anti-harassment and anti-violence programs by providing training to the county administrators and assisting with the investigative process. The name of the Title IX Coordinator, including a mailing address and telephone number, shall be conspicuously posted in the office of each school and in other buildings to which employees of the Board are assigned to work.

Submission of a complaint or report of harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.

Use of county reporting forms is recommended but not mandatory.

All alleged incidents of harassment or violence observed by employees of the Board must be reported to either the principal or the Title IX Coordinator within 24 hours of observing the incident.

The Board's investigation of harassment or violence complaints will be conducted with maximum effort to protect the confidentiality of all those involved in the complaint or investigative process and to facilitate prompt resolution of the complaint. In their discretion, school officials may take immediate steps to protect individual privacy and safety pending resolution.

Investigation and Recommendation

Upon receipt of a report or complaint alleging harassment or violence, the individual designated to investigate shall do so immediately. The investigating party shall provide a written report of the result of the investigation and a recommendation of discipline within twenty-one (21) calendar days to the Superintendent and the Title IX Coordinator. If the Superintendent is the subject of the complaint, the report shall be submitted to the Title IX Coordinator and to the president of the Board. 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.

In determining whether alleged conduct constitutes harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the conduct involved, relationships between the parties involved, and the context in which the alleged incidents occurred.

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

Confidentiality

Confidentiality of 1) the filing of complaints, 2) the identity of subjects and witnesses of any complaint, and 3) any action taken as a result of such complaints is essential to the effectiveness of this policy. Only individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, alleged perpetrators, witnesses, and investigators will be vigorously protected. Violations of such confidentiality may be grounds for disciplinary action.

Results of the Investigation

The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant or his/her legal guardian by the Superintendent, or, if the Superintendent is the subject of the complaint, by the president of the Board.

Discipline and Other Actions

In determining the appropriate response and/or punishment, the Board shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

A. Upon receipt of a finding that the complaint is substantiated, the Board will take such action, as deemed appropriate, based on the results of the investigation. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, or termination.
K. The Board shall also initiate such other action as is appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy. And
L. The Superintendent shall immediately file a report with the West Virginia Department of Education of all cases of substantiated harassment or violence and include actions taken in response to the incident.

Discipline of Non-School Related Personnel

If a person who is not an employee or student of the Board is found to have violated this policy, that person shall be prohibited from entering any school building, facility, or property.

Reprisal

The Board will discipline, as deemed appropriate, any employee who retaliates against any person who reports allegations of harassment or violence or any person who cooperates, testifies, assists, or participates in any harassment or violence investigation, proceeding, or hearing. The Board will also discipline, as appropriate, any employee who falsely reports harassment.

Student-Employee Relationships Prohibited

Amorous relationships between employees of the Board and students are prohibited. Any employee found to have violated this prohibition shall be subject to the penalties and disciplinary action defined herein.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse that may include the filing of charges with the West Virginia Human Rights Commission, filing an employee grievance, filing a citizen's appeal, filing a Title IX grievance under the appropriate procedures, filing charges with the federal Equal Employment Opportunity Commission, or initiating civil or criminal action under state and/or federal law.

Dissemination of the Policy

A summary of this policy shall be conspicuously posted throughout each school or facility of the Board in areas accessible to employees. A summary shall also appear in the employee handbooks.

Groups and persons utilizing school property for curricular and extracurricular activities shall be provided a copy of this policy prior to the use of any Board facility. Failure to comply with this policy by a non-student group will result in the immediate forfeiture of the group's use of school property.

Training of Staff

The employees of the Board shall be trained on these regulations and on means for effectively promoting the goals of this policy.

Review of the Policy

The Board policy shall be reviewed at least bi-annually to assure compliance with state and federal law and WVBOE policy.

Implementation and Education

The Title IX Coordinator shall develop a program designed to raise the awareness of the different types of harassment; how it manifests itself; and its emotional, educational, and legal consequences. Multi-cultural education programs must be established to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

The Title IX Coordinator shall present written and verbal information to all staff at least once annually. Dissemination of the information may be made by a designee(s) of the Title IX Coordinator as deemed appropriate.

29 C.F.R. Part 1635
29 U.S.C. 621 et seq.
29 U.S.C. 794
42 U.S.C. 12101 et seq.
42 U.S.C. 2000d et seq.; 42 U.S.C. 2000e et seq.; 42 U.S.C. 2000f et seq.
42 U.S.C. 1983
WV Code § 18-2-7b, 49-6A-2
WVBOE Policy 2421

4.19 REPORTING STUDENT ABUSE AND NEGLECT

The Board is concerned with the physical and mental well-being of the students of this county and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Each employee who knows or suspects child abuse or neglect shall be responsible for reporting the suspected abuse or neglect in accordance with the Superintendent's guidelines. Such reporting shall be required in every case that reasonably indicates that a child, under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21), has been abused or neglected or faces the threat of being abused or neglected. Additionally, any school teacher or other school personnel, who has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources. In any case where the reporter believes that the

child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public school, or entity that provides organized activities for children, facility, or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized for children, facility, or agency, or a designated agent thereof, who may supplement the report or cause an addition report to be made: Provided, that notifying a person in charge, supervisor, or superior does not exempt a person from his or her mandate to report suspected abuse or neglect.

Any employee who knowingly fails to report child abuse or neglect or prevents another person from doing so shall be guilty of a misdemeanor.

The Mandatory Reporter must follow any additional reporting requirements established by the organization.

In instances where a Mandatory Reporter personally witnesses any of the following acts, or receives credible information from a witness of any of the following acts, he or she must notify a local law enforcement entity immediately:

- Sexual contact of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose.
- Sexual intercourse of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose.
- Sexual intrusion of a child on school premises, on a school bus, or on transportation used in furtherance of a school purpose.

In determining whether conduct falls within the mandatory reporting requirement, Mandatory Reporters are encouraged to err on the side of caution and report the conduct within the mandatory time frame.

Mandatory Reporters may notify the school's principal or assistant principal when receiving credible information or observing the acts described above

Any employee acting in good faith shall be immune from any civil or criminal liability. The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

Each principal shall be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, shall be dealt with in accordance with this policy.

County Boards of Education shall provide all employees with a written statement setting forth the requirements contained in this section and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement. Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a ch8ild has been abused to neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonable result in abuse or neglect.

WV Code § 49-6A-1 through 9

4.20 STUDENT SUPERVISION AND WELFARE

Each staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their certification, classification, assigned duties, and/or responsibilities.

A. A staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation he/she detects.
B. A staff member shall provide proper instruction in safety matters as presented in assigned course guides.
C. Each staff member shall immediately report to the building administrator knowledge of threats of violence by students.
D. A staff member shall not send students on any personal errands.
E. A staff member shall not inappropriately associate with students at any time in a manner that may present the appearance of impropriety, including, but not limited to, the creation, instigation, encouragement of, or participation in any situation or activity that could be considered abusive, sexually suggestive, or involve illegal substances such as drugs, alcohol, or tobacco. Any inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.
F. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the school system or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. Under no circumstances shall a staff member attempt to counsel, assess, diagnose, or treat the student's problem or behavior unless he/she is properly licensed and authorized to do so. No staff member shall disclose personally identifiable information concerning the student to third persons not specifically authorized by law. A report of the staff member’s actions with regard to the student shall be made to the principal or other appropriate supervisory person no later than the end of the following school day.
G. A staff member shall not transport students in a private vehicle except in an emergency situation and then only with the approval of the principal. Such approved transportation shall be

performed in a manner consistent with the *West Virginia School Bus Transportation Policy and Procedures Manual*.

H. Staff members are strongly discouraged from engaging students on social media sites, such as Facebook, Twitter, Instagram, etc.

I. Staff members are expressly prohibited from posting any video or comment pertaining to personally identifiable information of any student on interactive media sites or similar forums, such as YouTube. And

J. since most information concerning a child in school is confidential under federal and state laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

WVBOE Policies 4336, 4350

4.21 WEAPONS

The Board hereby finds that the safety and welfare of the citizens of this county are inextricably dependent upon assurances of safety for children attending and the persons employed by schools in this county.

The Board prohibits employees from possessing, carrying, or causing the possession or carrying of any firearm or other deadly weapon as described in WV Code § 61-7-2, in any setting that is under the control and supervision of the Board, the site of any school-sponsored event, or in a Board-owned vehicle. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

The term *deadly weapon* means an instrument that is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term *deadly weapon* shall include, but not be limited to objects described in WV Code §61-7-2.

The term *deadly weapon* does not include any item or material owned by the school or Board intended for curricular use and used by a student solely for curricular purposes.

An administrator with authority shall report any violation of this policy to the Superintendent immediately and to the West Virginia State Police and the State Superintendent of Schools within 72 hours after the violation occurs. Any employee who violates this policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy, as per WV Code 61-7-11a include:

A. a law enforcement officer acting in her/his official capacity;

B. persons with written approval from the Board or the building principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved);

C. programs or raffles conducted, with the approval of the Board or school, that include the display of unloaded firearms, provided that such unloaded firearms must have had the firing mechanism removed and been checked by a member of the West Virginia State Police to ensure that it is safe;

D. official mascot of West Virginia University, commonly known as "The Mountaineer," acting in his/her official capacity;
E. theatrical props (never to include any working firearm or other deadly weapon as defined above) used in appropriate settings; and/or
F. starter pistols used in appropriate sporting events.
G. Individuals that are otherwise lawfully permitted to possess a firearm or deadly weapon may have an unloaded firearm or weapon in a locked motor vehicle on school premises. Said weapon must not be visible when on school property.

Employees shall report any information concerning weapons and/or threats of violence by students, other employees or visitors to the school administrator or a central office administrator immediately. Failure to report such information may subject the employee to disciplinary action, up to and including termination.

18.S.C. 922
WV Code § 61-7-2, 61-7-11, 61-7-11a
Amended August 21, 2023

4.22 EMPLOYEE FREEDOM OF SPEECH

The Board acknowledges the right of its employees, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the Board, however, the staff member's expression must be balanced against the interests of the school system.

The following provisions are adopted by the Board to help clarify and avoid situations in which a staff member's expression could conflict with the Board's interests. In such situations, he/she should:

A. state clearly that his/her expression represents personal views and not necessarily those of the school system;
B. consider carefully before making expressions that will likely disrupt harmony among coworkers or interfere with the maintenance of discipline by school officials;
C. not make threats or abusive or personally defamatory comments about coworkers, administrators, or officials of the school system; and
D. refrain from making public expressions that he/she knows to be false or are made without regard for truth or accuracy.

4.23 OUTSIDE ACTIVITIES OF STAFF

The Board promulgates this policy so that employees avoid situations in which their personal interests, activities, and associations conflict with the interests of the school system. If such situations threaten a staff member's effectiveness within the school system, the Superintendent shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities.

A. Staff members shall not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.

B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises.
C. Staff members shall not engage in business transactions on behalf of private enterprises in which he/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
D. Staff members shall not campaign on behalf of any political candidate for local, state, or national office while on school property during duty hours. And
E. staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.

Research and Publishing

A. Staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
B. Materials that identify the county school system in any manner shall be cleared with the Superintendent prior to publication and/or production.
C. Copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time generally do not inure to the benefit of the Board, provided that
    1. the books, materials, devices, etc. were prepared without the use of county data developed or marshaled by the Board and considered confidential;
    2. the county is granted the privilege of purchasing the materials or products free of any copyright or royalty charges; and
    3. the staff member does not become involved in any way in the selling of the product to the Board.

The Superintendent shall make the decision regarding whether materials were produced independently of any work assignment and/or without using school facilities, data, and equipment following input from all persons with knowledge of the facts. The Superintendent shall submit such decisions to the Board.

Any disagreement as a result of the Superintendent's decision may be appealed to the Board. Nothing herein shall preclude the subject staff member from availing him/herself of any legal remedies provided by law.

A staff member who wishes to publish or produce materials on his/her own time should make such action known to the Superintendent prior to the start of such work so that proper procedures can be established to assure that the Board's and the staff member's interests are protected.

All books, materials, devices, or products that result from paid work time and/or prescribed duties of professional staff members shall remain the property of the Board. The Board shall retain all rights and privileges pertaining to the ownership.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. that will ensure ownership of the product by the Board.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the product(s).

4.24 PARTICIPATION IN POLITICAL ACTIVITIES

One of the primary purposes of a school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program and the many extracurricular activities sponsored by the school. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Non-school related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive, and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board to regulate such activities on all Board owned or used property, within all school buildings, and at all school sponsored activities.

Specifically,

A. Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature; and other non-school related literature shall not be distributed on or in Board-owned or occupied buildings or grounds, inside of school buildings, or on school buses immediately before or after school or while school is in session.
B. Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature; and other non-school related literature shall not be distributed at school sponsored extracurricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events, which are held on property and/or in buildings not owned and/or controlled by the Board, providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session.
C. Non-school related political and/or commercial literature or campaign posters supporting one (1) or more candidates, issues, or a particular point of view shall not be displayed within the schools or on school owned or occupied property, unless done as part of any approved teaching unit.
D. When school facilities are used as polling places, state regulations with respect to political activities, the display of political posters, and distribution of political literature on school property will be followed. And
E. during the course of their employment, employees of the Board shall not engage in any activities that support or oppose one (1) or more candidates, issues, or a particular point of view while engaged in the performance of their duties. The right to express political or other opinions and exercise constitutional rights as citizens is reserved to all employees.

4.25 BENEFITS

The State of West Virginia and the Putnam County Board of Education offer numerous benefits to the employees of this county. Such benefits include, but are not limited to, group health plans, hospital and medical care, life insurance, flexible benefits plans, liability protection, holidays, out-of-school environment days, worker's compensation, retirement plans, an early retirement notice bonus, county pension for certain employees, numerous types of leave, personal leave banks, a personal leave donation program, flexible spending accounts, vacation for employees with extended contracts and 403(b) tax sheltered annuities.

Fully Insured Group Health Plans

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans: medical plan, dental plan, and vision plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA).

The fully insured group health plans require the Board to

A. refrain from taking any retaliatory action against any individual for exercising his/her right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule, provided that the individual has a good faith belief that the practice opposed is unlawful;
B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility for benefits; and
C. retain a copy of any plan document, as amended by the requirements of HIPAA, for six (6) years from the date of its amendment or the date when it was in effect last, whichever is later.

As plan sponsor of the fully insured group health plans, the Board shall not use or disclose protected health information from such plans, except for

A. health information that summarizes claims history, claims expenses, or types of claims experienced by health plan participants; and/or
B. information on whether or not an individual is participating in a group health plan.

42 U.S.C. 2000ff et seq.,
29 C.F.R. Part 1635
WV Code § 5-16-7, et seq.

Hospital/Medical Care, Dental and Vision Benefits

The State of West Virginia, through the Public Employees Insurance Agency (PEIA), shall offer all eligible personnel, through a flexible benefits program, the opportunity to enroll in hospitalization, surgical, prescription drug, and other medical care benefits.

The Board, through a private insurance company, shall offer all regular employees dental and vision insurance at no cost to the employee. This coverage shall continue until the end of the calendar month of the last pay date for an employee who resigns, retires, or is terminated. Coverage shall continue for a period of up to twelve (12) months in the case of an approved medical leave of absence, providing a doctor certifies on a monthly basis that the employee remains unable to return to work.

Effective July 1, 2021 any employee who has retired, and at the time of his or her retirement, the employee has completed the last 15 full, consecutive years of his or her employment in a regularly scheduled position working a minimum of seventeen and a half (17.5) hours per week at Putnam County Schools shall be offered dental and vision insurance.

The dental and vision insurance is contingent upon continued funding through the Excess Levy. If funds are not provided through a future Excess Levy, the coverage provided to all retired employees will terminate on June 30 of the last year in which an Excess Levy applies.

WV Code § 18-5-13, 18-5-35

Life Insurance

A basic $10,000 decreasing term life insurance policy is provided at no additional cost if enrolled for health benefits. If an employee is not enrolled for health benefits, he/she may enroll for basic life insurance at no cost. Optional life insurance is available up to $500,000 with the cost based upon age. If an employee enrolls for more than $100,000, a statement of health must be completed and approved. Dependent life insurance is available for an employee's spouse in amounts of $5,000 to $40,000 and children in amounts of $2,000 to $15,000.

WV Code § 5-16-24

Flexible Benefits Plan

The Mountaineer Flexible Benefits Plan enables employees to choose from among several options for dental, vision, short and long term disability insurance, and medical and dependent care flexible spending accounts and to pay for these benefits on a pre-tax basis. A Legal Plan is also available as a post-tax benefit option.

WV Code § 5-16-15

Liability Insurance

The State Board of Risk and Insurance Management (BRIM) shall provide appropriate professional or other liability insurance for the Board members, all employees, and volunteers.

The insurance shall cover any claim, demand, action, suit, or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building, if, at the time of the alleged injury, the employee, Superintendent, Board member, or volunteer was acting in the discharge of his/her duties, within the scope of his/her office, position of employment, under the direction of the Board, or in an official capacity.

The insurance coverage shall be in an amount to be determined by the BRIM, but in no event less than $1,000,000 for each occurrence.

Excess Liability Coverage

In addition to the liability insurance provided by the state, the Board shall purchase excess coverage of at least $5,000,000 for each occurrence. Any insurance purchased under this section shall be obtained from a company licensed to do business in this state. The insurance policy shall include comprehensive coverage, personal injury coverage, malpractice coverage, corporal punishment coverage, and legal liability coverage as well as a provision for the payment of the attorney's fees in connection with any claim, demand, action, suit, or judgment arising from such alleged negligence or other act resulting in bodily injury under the conditions specified in this policy.

The Superintendent and other school personnel shall be defended by the Board or an insurer, in the case of suit, unless the act or omission was not within the course or scope of employment or official responsibility or was motivated by malicious or criminal intent.
WV Code § 29-12-5a

Holidays

The following days are designated by the State of West Virginia as holidays for school employees if the days are within their contract period: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King's birthday, Memorial Day, and West Virginia Day.
WV Code § 18-5-45, 18A-5-2

Out-of-School Environment Days

Six (6) days shall be designated by the Board to be used by the employees outside the school environment. However, such days may be converted to instructional days if the county Board determines that it is not possible to complete 180 separate days of instruction.
WV Code § 18-5-45

Workers' Compensation

West Virginia State Law requires Workers' Compensation to be provided to all employees of the Board.

When an employee is injured or contracts an illness on the job, he/she must notify his/her immediate supervisor within 24 hours of the injury or illness. Failure to report may result in a delay in Workers' Compensation benefit payments.

Claims shall be filed through the Personnel Department located at the central office. Procedures established in state board policy will be followed.
WV Code § 23-5A-1, et seq.
WVBOE Policy 5612

Retirement

All regular employees are required to join the West Virginia Consolidated Public Retirement Board. Individuals employed prior to July 1, 1991, became members of the Teachers' Defined Benefit Plan referred to as Retirement I. Six percent (6%) of their salary is deducted as the employee's contribution to their retirement plan and is matched by the employer. Employees in Retirement I may use their accumulated personal leave to buy health insurance or additional years of service when they retire.

Individuals employed between July 1, 1991, and June 30, 2005, became members of the Teachers' Defined Contribution Plan referred to as Retirement II. Four and one-half percent (4½%) of their salary is deducted as the employee's contribution and matched with seven and one-half percent (7½%) by the employer. Employees in Retirement II may use their accumulated personal leave to buy a portion of health insurance when they retire. A one (1) time option for these employees to transfer to the Teachers' Defined Benefit Plan was offered by the West Virginia Consolidated Public Retirement Board.

Employees hired on or after July 1, 2005, become members of the Teachers' Defined Benefit Plan described above but referred to as Retirement III. These employees may use their accumulated personal leave to buy additional years of service when they retire.

Employees who accrue vacation days may use them to buy health insurance or additional years of service when they retire, depending upon the retirement plan to which they belong.
WV Code § 18-7A-1, et seq.

Early Notification of Retirement

If a classroom teacher submits to the Board, on or before the date established by WV Code, written notice of her/his intent to retire at the end of the current school year, he/she shall be paid $500 from the *Early Notification of Retirement* line item established by the West Virginia Department of Education for this purpose, subject to appropriation by the Legislature. If the regular and supplemental appropriations for this program are not sufficient to compensate all such classroom teachers, the priority of payment will be for the classroom teachers who give written notice the earliest.

For the purpose of this section, *classroom teacher* has been defined by the State Superintendent of Schools to include only classroom teachers, counselors, librarians, and speech/language pathologists.

Any classroom teacher who does not receive the state bonus due to lack of funds and any other regular employee who submits, to the Board on or before the date established by WV Code, written notice of her/his intent to retire at the conclusion of the current school year shall be paid $500 provided by the Board through local funding.

Early notification bonus payments will be made after the retirement is effective but no later than June 30th. This payment shall not be counted as part of the final average salary for the purpose of calculating retirement benefits.

Any regular employee who submits to the Board, on or before the date established by WV Code, written notice of her/his intent to retire at the conclusion of the current school year shall receive one year

of free dental and vision insurance, subject to appropriation by the Board. The insurance coverage shall be consistent with the coverage (single or family) that the employee has at the end of employment.
WV Code § 18A-2-2, 18A-2-5a

County Pension

A retired employee may receive county supplemental pension benefits, provided

A. the employee provides documentation of approved eligibility for state retirement benefits;
B. the employee was hired in a regular, full-time position with Putnam County Schools prior to July 1, 1990;
C. the employee
    1. retires from Putnam County Schools with a minimum of five (5) years of service,
    2. retires from another system but has a minimum of twenty (20) years of service with Putnam County Schools, or
    3. has a minimum of five (5) years of service with Putnam County Schools and became permanently disabled during service in the county prior to retirement age;
D. the employee makes application for such benefits; and
E. the application is approved by the Superintendent.

Monthly benefits shall be computed at a rate based on the following formula: $3.50 times years of service in Putnam County. A year of service must be a minimum of 133 working days of employment. A leave of absence is not considered as employment in calculating years of service for purposes of the county pension plan.

Payment of benefits shall begin the month following the effective date of retirement provided an application has been approved. Benefits shall not be made retroactive prior to the month of application. Payment shall continue through the month in which the death of the employee occurs but may not continue thereafter to survivors.

If an overpayment occurs, it must be returned to the Board.

Personal Leave

Personal Leave with Cause

At the beginning of the school year, each full-time employee of the Board shall be granted use of one and one-half days (1½) of personal leave for each employment month or major fraction thereof in the employee's employment term. If an employee resigns for any reason prior to the end of the employment term, the days accrued will be pro-rated to reflect the number of days earned. These days allow the employee to be absent with pay for sickness, accident, or death in the immediate family for a limited number of days. Immediate family shall include spouse; parent; grandparent; child; step-child; grandchild; sister; brother; the following in-laws: mother, father, daughter, son, sister, or brother; or any person living in the same household.

An employee's verification of a death in the immediate family will be sufficient for an absence of three (3) or fewer days. If special circumstances require an absence for more than three (3) days, the employee must request the Superintendent's approval for the extension. The request must be submitted in writing upon return to work.

Unused leave shall be accumulative without limitation and shall be transferable within the state. A change in job assignment during the school year shall in no way affect the employee's rights or benefits.

Personal Leave without Cause

Five (5) days of accumulated personal leave without cause may be used annually for purposes for which the employee does not have to specify. An employee employed on a half-time basis shall be granted personal leave at one-half (1/2) the rate of a full-time employee. These days are considered days "without cause." These days allow the employee to take care of business, attend to family illness, or any other matter not defined as personal sickness, accident, or death in the family.

All regular full-time employees shall be permitted to take up to five (5) personal leave days annually, without regard to the cause for the absence. However, personal leave without cause may not be taken on consecutive workdays unless authorized or approved by the employee's principal or immediate supervisor, the employee may provide 14 day notice. For non-consecutive days, the employee shall notify the employee's principal or immediate supervisor at least 24 hours in advance. Except that in the case of sudden or unexpected circumstances, such notice shall be given as soon as reasonably practicable. The use of such day may be denied if, at the time notice is given, either fifteen percent (15%) of the employees or three (3) employees, whichever is greater, under the supervision of the principal or immediate supervisor have previously notified the principal or immediate supervisor of their intention to use that day for such leave. Personal leave shall not be used in connection with a concerted work stoppage or strike.

Any "without cause" days remaining at the end of the school year shall be converted to personal leave to be used for cause.

WV Code § 18-1-1, 18A-2-2a, 18A-4-10,
Johnson v. Ritchie County Bd. Of Edu. Docket No. 01-43-509, Jan 15, 2002
Revised August 21, 2023

Family and Medical Leave

The Family and Medical Leave Act (FMLA) was enacted to allow an employee the ability to balance work and family life without losing his/her job. The Board shall consider employees to be entitled to Family and Medical Leave Act (FMLA) leave according to the definitions, criteria and notice procedure set forth in the FMLA and accompanying regulations. No policy, procedure or action by the Board shall constitute a waiver of the requirements of the FMLA.

Basic Leave Entitlement

The Family and Medical Leave Act of 1993 requires that the Board allow up to twelve (12) work weeks of unpaid, job-protected leave during any twelve (12) month period for eligible employees who must miss work because of one of the following circumstances:

A. for incapacity due to pregnancy, prenatal medical care or child birth;
B. to care for the employee's child after birth or placement for adoption or foster care;
C. to care for a spouse, child, or parent who has a serious health condition;
D. for a serious health condition that makes the employee unable to perform his/her duties;
E. for organ donation; or
F. for qualifying requirements arising out of the fact that the employee's spouse, child, or parent is on active duty during the deployment to a foreign country or call to active duty status as a member of the National Guard, Reserves, or Armed Forces.

Leave for Service Member Care

The Family Medical Leave Act includes a special leave entitlement that permits certain eligible employees to take up to 26 weeks of leave to care for a covered service member during a single twelve (12) month period.

A *covered service member* is

A. a current member of the Armed Forces (including National Guard or Reserves) who has a serious injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the service member medically unfit to perform his/her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retirement list; or
B. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness as designated by the Secretary of Labor that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

For the purpose of this policy, this special leave entitlement is called *military caregiver leave*. For purposes of *military caregiver leave*, an eligible employee is a spouse, son, daughter, parent, or next of kin of a covered service member, as defined by the FMLA regulations.

An eligible employee may be entitled to up to a total of twelve (12) work weeks of unpaid leave during the normal 12-month period established by the Board for FMLA leave for qualifying requirements arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Qualifying requirements may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Limited Leave for Employed Spouses

Spouses who are both employed by the Board are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care or to care for a parent who has a serious health condition to a combined total of twelve (12) weeks (or 26 weeks, within the applicable time period, if leave to care for a covered service member with a serious injury is also used).

Intermittent Leave

Generally, an employee is not required to use this leave entitlement in one block of time. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Board's operations. Leave due to qualifying requirements and military caregiver leave may also be taken on an intermittent basis. Intermittent FMLA leave may be taken for the birth and care of a newborn child or placement for adoption or foster care.

Employee Eligibility

The Board shall consider an employee to be eligible for FMLA leave in accordance with the criteria set forth in the FMLA. Generally, to be eligible for FMLA benefits, an employee must:

A. work for the Board;
B. have worked for the Board for a total of twelve (12) months;
C. have worked at least 1,250 hours over the previous twelve (12) months; and
D. work for the Board where at least 50 employees are employed by the Board within 75 miles.

In addition, employees must comply with all applicable time frames for providing notice of the need for FMLA leave and certification of a serious health condition, many of which are summarized in this policy.

Serious Health Condition

For purposes of FMLA leave, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other chronic conditions may also meet the definition of serious health condition.

Leave Period

The Board uses the rolling backward method of calculating how much FMLA leave is available and/or remaining. If an employee has worked for the Board for the twelve (12) month period prior to requesting FMLA leave and has actually worked 1,250 hours within that twelve (12) month period, he/she may qualify

for FMLA leave for a total of 60 work days within the next twelve (12) month period. Unpaid breaks, such as summer break, are not included in the calculation.

Notification and Certification Responsibilities

An employee seeking to use FMLA leave is required to provide a 30 day advanced notice of the need to take such leave when the need is foreseeable. When this advance notice is not possible, the employee must provide notice a soon as practicable (usually the same or next business day) and generally must comply with the Board's normal call-in procedures.

An employee must provide sufficient information for the county Family and Medical Leave Manager to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Depending on the situation, such information may include that the employee or qualifying family member is unable to perform job functions or daily activities, is incapacitated due to pregnancy, is hospitalized or requires continuing care from a health provider, and/or that circumstances exist supporting the need for military family leave.

When an employee seeks leave for a FMLA qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. However, when an employee seeks FMLA any time thereafter, he/she must specifically reference either the qualifying reason for leave or the need for FMLA leave.

The Board must post, in conspicuous places at all job sites, a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. When an employee requests FMLA leave or the Board becomes aware that leave may be for a FMLA reason, the Board must notify the employee of his/her rights and responsibilities under FMLA. If the employee is not eligible, the Board must provide a reason for the ineligibility.

When the Board has enough information to determine that leave is being taken for a FMLA-qualifying reason, the Board must notify the employee that the leave will be counted as FMLA leave, including the amount of leave counted against FMLA leave entitlement. If the Board determines that the leave is not FMLA protected, the Board must notify the employee. All FMLA leave shall be placed on an agenda for Board approval.

Medical Certification

The Board requires that an employee's request for FMLA leave due to a serious health condition affecting the employee or a covered family member be supported by certification from a health care provider. The required form, available through the Personnel Department or the county website, must be returned to the Board within fifteen (15) days unless a medical emergency prevents it. If the employee fails to provide a complete and adequate certification, FMLA leave may be delayed, denied, or revoked. The Board may require second or third medical opinions at the Board's expense and periodic recertification of a serious health condition.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family

member of the individual, except as specifically allowed by this law. To comply with this law, the Board asks that an employee not provide any genetic information when responding to this request for medical information. *Genetic information*, as defined by GINA, includes an individual's family medical history, the results of an employee's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Fitness for Duty Certification

The Board will require an employee who is on FMLA leave for a serious health condition to submit a fitness for duty certification from the attending physician prior to returning to work. This certification must be submitted to the Personnel Department prior to the start of the first return day.

Benefits Protection

The Board is required to maintain group health insurance coverage for an employee on FMLA leave on the same terms as if the employee had continued to work. An employee is required to pay his/her share of the health insurance premiums while on unpaid leave and must make arrangements for the same. Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Job Restoration

Upon return from FMLA leave, an employee must be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Failure to Return to Work at Completion of Leave

Under certain circumstances, if an employee fails without good reason to return to work at the conclusion of the FMLA leave, the Board may be entitled to recover its cost of the health care premium directly from the employee. In addition, an employee who fails to return to work at the conclusion of FMLA leave may be subject to disciplinary action, up to and including termination.

Use of Personal Leave

An employee may substitute accrued, paid personal leave for unpaid leave during FMLA leave. However, the employee will be limited to a total of twelve (12) weeks of FMLA leave within any twelve (12) month period.

Other Benefits during FMLA Leave

An employee taking FMLA leave generally shall not become entitled to any additional vacation or other benefits while on leave. Upon return from approved FMLA leave, an employee's entitlement to vacation and other benefits shall resume from the level at which such benefits were entitled as of the last date worked prior to the leave, taking into consideration any benefits taken during the leave.

Confidentiality of Medical Information

As with all other federal medical information laws, FMLA information will be maintained by the Personnel Department in a confidential medical file.

Disciplinary Action

An employee providing false or misleading information in his/her request for FMLA leave will be subject to disciplinary action up to and including termination. An employee found to be working or otherwise engaged in gainful employment elsewhere while on FMLA leave shall be subject to disciplinary action up to and including termination.

Unlawful Acts

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice made unlawful by FMLA or for involvement in any proceedings under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

29 U.S.C. 2601 et seq. (as amended)
29 C.F.R. Part 825
45 C.F.R. Part 160, 164

Parental Leave Act

The West Virginia Parental Leave Act requires that the Board allow up to twelve (12) weeks of unpaid leave in any twelve (12) month period, following the exhaustion of all annual and personal leave, for eligible full-time employees who must miss work because of one of the following circumstances:

A. the birth of a child of the employee;
B. the placement of a son or daughter with the employee for adoption; or
C. to care for the employee's son or daughter, spouse, parent, or dependent who has a serious health condition.

The Board shall consider employees to be entitled to parental leave in accordance with the definitions, criteria, and notice procedures set forth in the Parental Leave Act.

Employee Eligibility

The Board shall consider a full-time employee to be eligible for Parental Leave if the employee has worked at least twelve (12) consecutive weeks for the Board and meets one (1) of the circumstances identified above. The Superintendent shall not be considered an employee for the purpose of this policy.

Serious Health Condition

The Parental Leave Act defines a serious health condition as a physical or mental illness, injury, or impairment that involves one of the following situations: 1) inpatient care in a hospital, hospice, or

residential health care facility or 2) continuing treatment, health care or continuing supervision by a health care provider.

Leave Request Process

A. Employee Designated Leave
   1. If a leave because of birth or adoption is foreseeable, the employee shall provide two (2) weeks' written notice of such expected birth or adoption.
   2. If a leave because of planned medical treatment or supervision is foreseeable, the employee shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the Board. The employee shall provide written notice two (2) weeks prior to the medical treatment or supervision of a dependent.

The request for Parental Leave must be submitted to the Assistant Superintendent for Personnel/Pupil Services who will review the request to determine if the employee is eligible. If the employee qualifies, the Superintendent shall present the request to the Board for approval. Failure to submit a timely written request may be cause for denial.

M. Leave Period - The Board shall use a rolling twelve (12) month period measured backward from the date the staff member uses family leave (i.e. the "leave year" is specific to each individual staff member) to calculate how much leave under the Parental Leave Act is available or remaining.
N. Part-time Leave - An employee may take family leave on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve (12) consecutive months. Such leave shall be scheduled so as not to disrupt unduly the operations of the Board.

Physician Certification

If an employee requests family leave to care for a family member with a serious health condition, the Board may require the employee to provide certification of the health condition by a health care provider. The certification shall be sufficient if it contains the following:

A. that the child, dependent, parent, or employee has a serious health condition;
B. the date the serious health condition commenced and its probable duration; and
C. the medical facts regarding the serious health condition.

Employment and Seniority Benefits during Parental Leave

The Board is required to maintain group health insurance coverage for an employee on Parental Leave on the same terms as if the employee had continued to work. The employee is required to pay his/her share of the health insurance premiums while on unpaid leave and must make arrangements for the same. The Board may not reduce or deny any employment benefit or seniority that accrued to the employee before leave commenced.

Confidentiality of Medical Information

As with all other medical information, parental leave information will be maintained in a confidential medical file.

Failure to Return to Work at Completion of Leave

Under certain circumstances, if an employee fails, without good reason, to return to work at the conclusion of the leave granted under the Parental Leave Act, the Board may be entitled to recover its cost of the health care premium directly from the employee. In addition, an employee who fails to return to work at the conclusion of leave taken under the Parental Leave Act may be subject to disciplinary action, up to and including termination of employment.

Disciplinary Action

The Parental Leave Act was enacted to allow employees the ability to balance work and family life without losing their jobs. However, it is important that employees do not take leave for purposes other than that which the Parental Leave Act designates. An employee providing false or misleading information in his/her request for leave under the Parental Leave Act will be subject to disciplinary action, up to and including termination.

WV Code § 21-5D-1, et seq.

Leave Time for Organ Donation

A full-time employee shall receive up to 120 hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of any portion of an adult liver or because of the employee's donation of an adult kidney.

A full-time employee shall receive up to 56 hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of adult bone marrow.

A full-time employee who uses leave granted under this policy shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

The Assistant Superintendent for Personnel/Pupil Services shall provide information about this policy to full-time employees.

WV Code § 29-6-28

Surviving Spouse Use of Deceased Spouse's Personal Leave

The Board may credit a surviving spouse, in certain circumstances, with all of the personal leave days to which the deceased spouse was entitled at the time of his/her death.

The provisions of this policy shall apply only if all the following conditions are met.

A. Both spouses were employed by the Board at the time of the death of the deceased spouse.
B. The deceased spouse had unused personal leave days which he/she was entitled to use.
C. The surviving spouse is an active employee with less than five (5) days accumulated personal leave.
D. The death of the deceased spouse was by accident.

E. It is determined by the Board, on evidence provided by a licensed physician, that the surviving spouse is physically disabled to work in his/her position. And
F. it is determined by the Board that the cause of the disability to the surviving spouse arose from the same accident that resulted in the death of the deceased spouse.

The Board periodically shall review the status of the surviving spouse. Upon a determination of the Board that the surviving spouse is able to work at his/her assigned position, any personal leave days credited to the surviving spouse pursuant to the terms of this policy shall be extinguished.

Personal leave days credited to the surviving spouse pursuant to this policy may be used only for the purposes of this policy and may not be used for any other purpose including, but not limited to, the enhancement of retirement or health insurance benefits.
WV Code § 18A-4-10d

Involuntary Medical/Maternity Leave of Absence

An involuntary medical or maternity-medical leave of absence may be requested when an employee has exhausted personal leave but has not been released by a physician to return to work.

An involuntary medical or maternity-medical leave of absence is subject to the following provisions.

A. A licensed physician, including one designated by the Board, must certify that the employee is unable to work before the leave of absence can be approved.
B. The employee must remain under the care of a licensed physician throughout the leave of absence.
C. The approved leave of absence automatically terminates on the date the attending physician certifies that the employee is able to return to work.
D. The employee must immediately notify the Superintendent when he/she expects to be or is released to return to work and provide written notification of the release.
E. Failure to return to work shall constitute willful neglect of duty.
F. After one (1) year of approved medical leave, the employee shall be required to undergo a physical examination by a physician designated by the Board before an extension of such leave can be approved.
G. Medical leave may not be extended beyond two (2) years. If the employee remains unable to return to work, the employee shall pursue disability retirement.
H. If the employee returns to work within one (1) calendar year, he/she shall be entitled to return to his/her former position. If the leave of absence extends beyond one (1) year, the employee shall be entitled to the first position, appropriate to certification or classification that becomes available after the release date. And
I. if an employee takes leave under the Family and Medical Leave Act or Parental Leave Act prior to requesting an involuntary medical leave of absence, the two (2) leaves shall run concurrently.

An employee who is approved for an involuntary medical or maternity-medical leave of absence may continue to carry his/her insurance provided he/she submits a monthly statement from the attending physician verifying that the employee is unable to return to work. During the first twelve (12) months of

unpaid leave, the employee shall be responsible for only his/her portion of the insurance premium. However, the employee shall be responsible for both the employee's and the county's portions of the insurance beyond the initial twelve (12) month period.
WV Code § 5-16-24

Voluntary Leave of Absence

An employee who is eligible for continued employment may request an unpaid voluntary leave of absence for an approved purpose. A professional employee is not eligible for a voluntary leave of absence after his/her license required for employment has expired.

A voluntary leave of absence can be revoked if it is not used for its intended purpose. Such leave must be approved by the Board.

A voluntary leave of absence may not exceed one (1) twelve (12) month period. If the employee finds it necessary to continue the leave, a new request must be submitted. However, there is no guarantee that the second request will be approved.

Requests for two (2) consecutive leaves of absence for different reasons may be approved only if the total leave does not exceed one (1) twelve (12) month period or when extraordinary circumstances exist.

An employee who is on an approved voluntary leave of absence and wants to retain his/her insurance coverage through the Board shall be responsible for the employee's and the county's portion of the insurance premium(s).

If the employee returns to work within one (1) calendar year, he/she shall be entitled to return to his/her former position. If the leave extends beyond one (1) year, the employee has no guarantee of returning to the same position. Failure to return to work at the expiration date of the leave may result in termination of the employee's contract.

Pregnancy or Maternity Leave of Absence

An unpaid pregnancy or maternity leave of absence may be requested when an employee desires to interrupt work earlier in the pregnancy than the physician requires.

Child Care Leave of Absence

An unpaid child care leave of absence may be requested when an employee (mother, father, or adoptive parent) desires to interrupt work in order to care for an infant.

Family Illness

An unpaid family illness leave of absence may be requested when a physician verifies that the employee is required to care for a member of the immediate family.

Educational Leave of Absence

An unpaid educational leave of absence may be requested when an employee is interested in completing an undergraduate or advanced degree.

An employee who wishes to take an educational leave of absence must submit a written request to the Superintendent and provide documentation that he/she has been accepted into a program offered by an institution of higher education.

Political Leave of Absence

An unpaid leave of absence may be requested when an employee is performing any service related to an elected or appointed political office. Such absence shall not be chargeable to accumulated personal leave.

WV Code § 18-2-11, 18A-2-2a, 6-5-12

Military Leave

An employee who is a member of the National Guard or Armed Forces Reserves shall be entitled to a military leave of absence from the Board without loss of pay, status, or efficiency rating, on the days during which he/she is ordered, by properly designated authority, to be engaged in drills, parades, or other duty, field training, or active service of the state for a maximum period of 30 working days in any one (1) calendar year.

An employee called to active duty by the properly designated federal authority shall be entitled to military leave of absence from the Board without loss of pay, status, or efficiency rating for a maximum period of 30 working days for a single call to active duty. If the employee called to active duty has not used all or some portion of the 30 working days of military leave of absence granted by the first paragraph of this policy, he/she shall be entitled to add the number of unused days from that calendar year to the 30 working days granted by this paragraph, up to a maximum of 60 days for a single call to active duty. However, none of the unused days of military leave of absence granted by the first paragraph may be carried over and used in the next calendar year.

WV Code § 15-1F-1

Jury Duty or Court Appearance

Employees shall be required to serve on any jury during the period of his/her contract with the Board unless excused by the judge of the court.

An employee under summons to appear before any court or grand jury shall be relieved of assigned regular duties for the period of service. Verification of required appearances and a report of compensation received shall be submitted upon return to work.

The employee shall receive her/his regular salary minus the jury pay for each day of service that falls on a day of the employment calendar. The employee is entitled to keep his/her travel expenses paid by the court.

An employee who is absent to appear in court for personal reasons (not under summons) shall be absent with full loss of pay, unless such absence is allowed as unquestionable personal leave.
WV Code § 18A-5-3

Vacation

All 240, 250, and 261-day employees shall accrue vacation days on a calendar month basis in accordance with the adopted eligibility schedule.

A. An individual employed on or before the 15th of the month shall be given accrued credit for the entire month.
B. Vacation days will be available for usage at the beginning of the fiscal year. If an employee vacates a position entitled to vacation accrual prior to June 30th, the days accrued will be prorated to reflect the number of days earned.
C. Unused vacation days at the end of any fiscal year may be carried over to the subsequent year, not to exceed a carry-over accumulation of 40 days.
D. Employees are required to take their vacation days at a time that will not materially affect the efficient operation of the school system.
E. All vacation leave must be approved by the employee's immediate supervisor. It is the supervisor's responsibility to maintain an adequate work force. Therefore, each department head should establish a vacation leave selection system to preserve equity and to assure retention of an adequate work force.
F. An employee who takes vacation leave during a week wherein a legal (paid) holiday occurs will exhaust payment for the paid holiday and will not be charged annual leave for that date. In the event schools are closed or the work force is not required to report when an employee has previously scheduled a vacation day, the day of vacation leave will not be charged to the employee.
G. Accrued vacation leave is payable under the formula set forth in this policy, and upon termination, the employee will retain title to all accrued vacation days to be used as follows:
    1. In the event of an employee's *death***,** payment for accrued vacation days will be made payable to the estate of the deceased employee.
    2. An employee who *transfers* to another position in the district with less than a 240-day employment term must make every effort to use all vacation leave prior to the effective date of the transfer. If the employee is unable to use all this time prior to the effective date of the transfer, he/she may use vacation days during the new employment term, provided that they are used on a day when students are not in school, but the employee is required to report to work or after students leave at the end of the school year and the employee has days remaining in his/her employment term. If the vacation days are still not exhausted, they will remain in reserve to be utilized if and when the employee returns to a position that accrues vacation days.
    3. An employee who *resigns* from his/her job with accrued vacation days may take all of his/her leave prior to the effective date of the resignation, elect to receive payment for the unused vacation days at the end of the contract, or may freeze the leave for transfer to the Public

Employees Insurance Board, to be used in conjunction with accumulated personal leave for the purpose of extending insurance coverage or years of service at the time of retirement as provided by state law. However, once accumulated vacation days are frozen at the time of resignation, the former employee will not be due pay for these accumulated days.

4. Payment for any days used but not earned will be refunded to the Board.

Schedule for Accrual of Vacation Leave

The following schedule shall govern accrual of vacation leave. Years shall be defined as years of experience paid as reflected in the payroll records.

Length of Service - Monthly - Annual

A. 240-day contract
   1. 0 through 2 years - .25 days - 3 days
   2. 3 through 5 years - .50 days - 6 days
   3. 6 through 9 years - .75 days - 9 days
   4. 10 or more years - 1.00 days - 12 days
B. 250-day contract
   1. 0 through 2 years - .50 days - 6 days
   2. 3 through 5 years - .75 days - 9 days
   3. 6 through 9 years - 1.00 days - 12 days
   4. 10 or more years - 1.25 days - 15 days
C. 261-day contract
   1. 0 through 2 years - 1.00 days - 12 days
   2. 3 through 5 years - 1.25 days - 15 days
   3. 6 through 9 years - 1.50 days - 18 days
   4. 10 or more years - 1.75 days - 21 days

WV Code § 5-16-12, 18A-5-2

Personal Leave Banks

The Board has established separate personal leave banks, one for regular professional employees and one for regular service employees. The purpose of the banks is to relieve employees from undue financial burdens due to extended absence from work for personal illness, injury, or incapacitation of a catastrophic, life threatening, and/or disabling nature. Both banks are administered by a single committee that determines if a request for days shall be approved or denied.

The Personal Leave Bank Committee is chaired by the Superintendent or designee and consists of the Putnam County Education Association president, Putnam County Federation of Teachers president, Putnam County School Service Personnel Association president, and the Putnam County Education Association Service Personnel Organization.

The Board shall require that personal leave bank days be used only by an active employee with less than five (5) days of accumulated personal leave and shall prohibit the use of such days with extension of insurance coverage pursuant to state law.

Membership in the personal leave bank is voluntary. An employee may join the appropriate personal leave bank by submitting a Personal Leave Bank Enrollment form to the Superintendent or designee no later than September 30th. An employee may contribute no more than two (2) days of personal leave each school year. Such contribution may not reduce the employee's *without cause* personal leave days.

Participation in the personal leave bank is limited to those who donate two (2) days to the bank on an annual basis. If the committee determines that there are sufficient days accumulated in the sick leave bank, it may inform its members from the previous year that additional days will not be required to maintain membership for the next school year.

Membership will be renewed automatically each year on behalf of each existing member unless the member notifies the committee, in writing, that he/she is withdrawing from the bank. Membership ceases immediately upon the termination of employment with the Board. A member may withdraw membership from the bank at any time upon written notice to the Superintendent or designee. However, a member may not withdraw days once they have been donated.

The total of all days donated from each professional and service employee shall comprise the respective personal leave bank.

Personal leave bank days may be used only by an active member who has exhausted all accumulated sick leave and vacation days.

A personal leave bank Request for Days form must be completed and submitted to the Superintendent or designee. The committee shall respond to a request for days within ten (10) working days. The request must be approved by the Personnel Leave Bank Committee before the days are forwarded to the Payroll Department.

Upon approval by the committee, a maximum of 30 days may be deposited in the requesting member's account, subject to review by the committee. Additional days may be requested with the total days granted not to exceed 120 days in any school year.

Unused bank days deposited in a member's account shall revert to the bank at the end of each school year. An employee so affected is eligible to reapply after allocated days each year have been used.

In the event that an initial or renewal request is denied, the member may appeal to the committee. The appeal will be considered if sufficient, new information is provided. The Personal Leave Bank Committee's decisions shall be final unless appealed and overturned. The decision of the Personal Leave Bank Committee is not grievable unless the appeal is considered arbitrary and capricious.

No member of the personal leave bank who is receiving payments from the West Virginia Workers' Compensation Fund shall be permitted to receive days from the bank. A member who requests and receives a leave of absence approved by the Board cannot receive days from the bank while on such leave.

The Personal Leave Committee reserves the right to exercise all powers not specifically enumerated by statute or this policy by the adoption of operating regulations and its own internal accounting procedures.

If the committee determines, by a majority voted, that revisions to this policy are necessary, a recommendation shall be made to the Board through the Superintendent for consideration.
WV Code § 18A-4-10

Leave Donation Program

Under the provisions of the Leave Donation Program, an employee may transfer accrued personal leave to the personal leave account of another employee who has exhausted all accrued personal leave, is not eligible to receive leave (or any more leave) from the personal leave bank, and requires additional personal leave because of a medical or physical condition that incapacitates the employee or an immediate family member for whom the employee will be providing care.

The Board shall not limit the number of days that an employee may transfer to another employee nor shall it limit the total number of personal leave days an eligible employee receives under this program.

To determine eligibility for leave donation, the following definition will be used. *Catastrophic medical emergency or incapacitation* means a medical or physical condition that 1) incapacitates an employee or an immediate family member for whom the employee will provide care and 2) is likely to require the prolonged absence of the employee from duty.

All donations must be voluntary, with the donor selecting the recipient. Each donated day shall be credited to the receiving employee as one (1) personal leave day and must be used only for an absence due to the reason for which the leave was transferred. Transferred days will be given to the recipient in the order in which they are received. Transferred days remaining when the catastrophic medical emergency ends will revert back to the donor(s) in the reverse order in which they were received, with the most recent donor's leave account being credited first.

Any employee who is on an approved leave of absence may not accept donated days once the leave has commenced.
WV Code § 18A-4-10f

403b Tax Sheltered Annuities

All employees, including substitutes, are eligible to participate in a 403(b) Tax Sheltered Annuity Program in accordance with the Putnam County Board of Education Plan Document. This policy shall remain in effect unless and until it is changed by the Board or unless otherwise required by the Internal Revenue Service under applicable rules and regulations.
Section 125 Internal Revenue Code
WV Code § 18A-4-12

457(b) Deferred Compensation Plans

Effective July 1, 2021, all employees, including substitutes, are eligible to participate in the West Virginia Retirement Plus Plan, a 457(b) Deferred Compensation Plan. This policy shall remain in effect unless and until it is changed by the Board of unless otherwise required by the Internal Revenue Service under applicable rules and regulations.

Section 125 Internal Revenue Code
WV Code §18-25-1

Restriction due to amount eligible for tax-deferred reductions of income

Due to the restrictions to the total amount eligible for tax-deferred reductions of income as reflected in WV Code §18-25-1, an employee can only participate in either a 403(b) Tax Sheltered Annuity or the 457 Deferred Compensation Plan, but not both. If WV Code §18-25-1 is modified to increase the amount eligible for tax-deferred reductions of income to match the amount allowed by the Internal Revenue Service, this restriction will automatically be removed.

WV Code §18-25-1

Flexible Spending Accounts

Through a cafeteria style, flexible spending plan, regular employees have an option for paying some medical, dental, vision, and child care costs with pre-tax dollars.

Section 125 of Internal Revenue Code
WV Code § 18A-4-11

4.26 ABSENTEEISM

Regular attendance of employees is vital to the success of the educational process. Leave and attendance policies for employees are designed to protect individuals during illness and the educational process from the effects of excessive absences.

This policy

A. provides an orderly system for administering records of employee absences,
O. provides reasonable verification requirements for employees with good attendance records,
P. provides stricter verification requirements for employees with records of frequent absences,
Q. provides for conferences to notify employees if absences become a problem,
R. provides assistance to employees in dealing with underlying problems that cause absences, and
S. provides for disciplinary action for employees with continuous records of excessive absenteeism.

For purposes of this policy, the following definitions have been adopted.

A. *Absence* – a single employment day for which an employee does not report to work
B. *Consecutive work days* – successive work days, Friday, and the following Monday and work days immediately preceding and following holidays

C. *Employment day* – the employee's normal working period during one (1) day: three and one-half (3½) hours for a regular half-day employee and seven and one-half (7½) or eight (8) hours for a regular full-day employee according to his/her contract
D. *Employment month* – twenty (20) days
E. *Employment term* – the employee's regular contractual period of employment (i.e. 200 days for ten (10) month personnel)
F. *Immediate family* – parent, grandparent, spouse, child, step-child, grandchild, sister, brother, parent-in-law, child-in-law, sibling-in-law, and any person living in the same household
G. *Unpaid absence* – an absence for which no pay is requested
H. *Unquestioned absence* – an absence taken under the provisions allowing three (3) days without regard to cause
I. *Unverified absence* – an absence for personal illness or accident for which a physician's verification is not submitted
J. *Verified absence* – an absence on one (1) or more days for which official verification is submitted.

Verification

Death in Immediate Family

An employee's signed verification of a death in the immediate family will be sufficient for an absence of three (3) days or less. The verification shall include the name and relationship of the family member. If special circumstances (lengthy travel, family responsibilities, etc.) require the absence of the employee for more than three (3) days, the employee must request the Superintendent's approval for the extension. The request must be made in writing.

Personal Illness

An employee must submit a physician's signed verification of illness or incapacity or submit a personally signed and notarized statement for an absence lasting from three (3) to five (5) consecutive work days. A physician's signed verification shall be required for six (6) or more consecutive work days missed.

A physician's signed verification of illness or incapacity for further absences of one (1) or two (2) days may be required after

A. the employee has claimed nine (9) employment days in the current employment term for illness without verification,
B. the employee's attendance record shows a pattern of frequent unverified absences of ten (10) or more days,
C. the principal or immediate supervisor has held a conference with the employee to discuss his/her absences; and
D. the employee has been notified in writing that such verification is required.

Illness of Immediate Family Member

The Superintendent may require a physician's verification of the serious illness of an immediate family member that requires the employee's presence before considering authorization of leave for this cause.

Reporting of Absences

Each employee must accurately report his/her absence in the automated calling system at the time of the absence. An absence should be called in so that a substitute employee, if needed, can be contacted early enough to assume the assignment at the regular employee's reporting time.

The principal or immediate supervisor is responsible for properly reporting all employee absences on the prescribed payroll forms.

Review of Absence Records

At the end of each month, the principal or immediate supervisor shall review the absence records of all employees under his/her supervision.

A. If current or cumulative absences suggest a potential problem, such as frequent use of leave without verification or a pattern of absences immediately preceding or following weekends or holidays, the supervisor shall hold a conference with the employee.
B. The first conference shall be an attempt to identify the problem, find ways to solve it and offer assistance. The supervisor shall inform the employee that improvement in attendance is expected.
C. Subsequent conferences shall be held if improvement does not occur.
D. All conferences shall be documented, signed by the employee and the supervisor, and filed at the work site and with the Assistant Superintendent for Personnel/Pupil Services. The employee shall also receive a copy.
E. The Payroll Accountant shall provide all principals, immediate supervisors, and the Assistant Superintendent for Personnel/Pupil Services with a monthly list of employees who are in unpaid status.
F. If the Superintendent's prior approval was not secured, the principal or immediate supervisor shall meet with the employee to determine why the request was not made in advance and notify him/her that he/she must submit a written request for a leave of absence for the approval of the Superintendent immediately.
G. At the end of each semester, the Assistant Superintendent for Personnel/Pupil Services shall send a letter to each employee who claimed nine (9) or more personal with cause and/or unpaid days. The principal or immediate supervisor shall receive a list of his/her employees who fall in this category.
H. The principal or immediate supervisor shall hold a conference with any employee on the list.

The Assistant Superintendent for Personnel/Pupil Services shall review individual cumulative absence records as needed. He/she may direct principals to hold conferences with employees based on these records and may determine when verification of illness will be required.

A probationary employee with a high rate of absence (12-15 days or more per year), not related to a specific serious illness or accident, will be reviewed carefully before contract renewal will be considered.

A tenured employee who develops a pattern of excessive short-term absences from year to year will be carefully reviewed prior to evaluation.

The Superintendent has authority to recommend disciplinary processes according to WVBOE Policy 5300 for any employee who is repeatedly absent without cause or who misinterprets the reasons for using personal leave.

The principal or immediate supervisor may grant an employee's request to be absent from duty for up to two (2) hours for a *personal or family emergency*. Such permission may be granted only if, in the judgment of the supervisor, the matter is of a serious nature or no other family member is available to respond to the emergency.

An *emergency absence* is not preplanned or scheduled but occurs when serious circumstances require that the employee be called away from work. Such absences must remain infrequent and irregular.

The principal shall record all emergency absences. Verification of emergencies may be required of an employee with a record of absenteeism.

With the approval of the immediate supervisor, an employee may be absent from duty without using personal leave subject to the following restrictions:

A. The immediate supervisor shall have full authority to deny such request in the best interest of the school or work site.
B. Such absences shall be limited to no more than two (2) instances per semester and shall generally not be allowed immediately preceding a weekend or holiday.
C. The length of such absences shall not exceed the time needed for the circumstance and, in all cases, shall not exceed two (2) hours.
D. Prior to obtaining permission, the employee must arrange for adequate and appropriate coverage of responsibilities without use of a substitute.

Repeated, non-emergency absences for any portion of the school day, other than the thirty (30) minute duty-free lunch are not permitted.

WV Code § 18A-4-10

4.27 EMPLOYEE HEALTH AND SAFETY

The Board is committed to providing a safe and healthy workplace for its employees. Employees are entitled to work in an environment free from unsafe conditions and hazards. Accidents can result in serious bodily harm, loss of time, property damage, and legal issues. It is the intent of the Board to take every reasonable precaution for the safety of its employees. Preventing injuries and illnesses is our primary objective. Each employee has a role and responsibility in maintaining a safe workplace.

Putnam County Schools shall maintain good standing in the West Virginia Workers' Compensation system and shall cooperate with its representatives in preventing accidents, processing claims of any injured employee, and assisting the employee in remaining at or returning to work as soon as possible.

It is the responsibility of each employee to immediately report any injury sustained at work to the immediate supervisor, regardless of medical treatment being needed at the time. An accident report form shall be completed by the employee and the immediate supervisor. Prompt reporting is necessary to provide accurate data on the nature and cause of the injury in order for appropriate analysis and remedial measures to be undertaken.

Employees are expected to assist in maintaining a safe workplace by being alert to potential hazards that could cause an injury and promptly reporting such to their supervisor. Reporting forms will be available at all work locations and shall be submitted to the Coordinator of Energy/Safety Management. All reports shall be reviewed and corrective action shall be taken where appropriate.

All employees shall be provided with a safety handbook to assist them in recognizing and avoiding hazardous situations that could result in on-the-job injuries.

Putnam County Schools recognizes the importance of establishing and managing an effective program to facilitate a prompt and safe return to work following an employee injury. The program shall be designed to return injured workers back to productive, gainful employment.
WV Code § 23-2-1 et seq.

4.28 PERSONNEL RECORDS

Personnel records maintained at the county office include all documents relevant to the employment or evaluation of any applicant, employee or previous employee. Types of records maintained are listed below.

A. Confidential records - applications, transcripts, recommendations, contracts, evaluations, signed formal complaints, commendations, documentation of incidents or special concerns involving specific employees, grievances, or other information of a personal nature that are deemed confidential
B. Public records - official minute records relating to employment, assignment, or dismissal of employees, certification and annual salary

The Assistant Superintendent for Personnel/Pupil Services shall maintain personnel records safely in the following files

General Employment File

For each employee, one (1) general file shall contain all personnel action forms; contracts; evaluations; certification, if applicable; educational background including transcripts; test scores; previous employment documentation; reference letters; letters of reprimand; commendations; and other related materials. No complaint, commendation, recommendation, or other personal statement about the employee may be placed in the general file unless it is signed and dated.

Employment Application File

All applications and related records generated by the application process will be maintained ln the Applicant Tracking platform. These records may include letters of recommendation, résumés, transcripts, test scores, certification, employment summary, and other information relevant to the application process.

Inactive File

When a person leaves employment, personnel records shall be kept in an inactive file for one (1) year. After one (1) year, relevant records shall be scanned on the laser optic filing system. The certification documents shall be maintained as permanent records. All other general records shall be destroyed.

Grievance File

When an employee files a grievance, all documents relevant to the grievance shall be maintained in a separate file in the Assistant Superintendent for Personnel/Pupil Services' office. Older grievances shall be archived in the warehouse.

Harassment File

When an employee files a harassment complaint or is the alleged perpetrator in a harassment case, all documents relevant to the complaint shall be maintained in a separate file in the Assistant Superintendent for Personnel/Pupil Services' office. However, letters of reprimand related to a harassment case shall also be placed in the employee's general personnel file. Older harassment files may be archived in the warehouse.

Medical File

Medical information on an employee shall be maintained in a separate file in the Assistant Superintendent for Personnel/Pupil Services' office as per the Health Insurance Portability and Accountability Act (HIPAA).

Inspection

An employee has the right to inspect his/her own personnel records. Personnel records are housed and accessible for employees via the online records platform. A request for specific information sought may be made in writing to the Assistant Superintendent for Personnel/Pupil Services. Upon receiving the request, the Assistant Superintendent shall make the records available during office hours within ten (10) workdays. A reasonable cost may be charged for the reproduction of records. An employee may authorize the right of inspection or release to a representative subject to the same regulations. School officials, including the immediate supervisor, appropriate central office personnel, Board attorney, and members of the Board, sitting in session, may inspect personnel records as necessary for the performance of their duties.

Public inspection or disclosure of confidential personnel records will not be permitted unless 1) such records are placed under subpoena, or 2) the public interest, by clear and convincing evidence, requires disclosure in a particular instance.

Release

Public information relating to personnel will be released as specified under the Freedom of Information Act (FOIA). A reasonable fee may be charged for material release under the FOIA.

Objection to Entries

If an employee questions or objects to any material in his/her personnel file, the employee may attach a written objection to that item, making the objection a part of the permanent file. The Assistant Superintendent for Personnel/Pupil Services may not remove formal evaluations, certificates, applications, transcripts, and other such documents. If a formal complaint has been included in the record, the Assistant Superintendent shall remove the complaint if it is proven to be malicious, false, or unwarranted. An employee may not compel removal of any document except through the courts.

Request for Certificate

When an individual's employment with Putnam County Schools ceases, the employee may obtain his/her Professional Certificate upon request.

WV Code § 18A-5-5, 29B-1-1 et seq.

4.29 UNAUTHORIZED WORK STOPPAGE

The Board is obligated and committed to providing certain basic services to students participating in Board programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the school system could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Any employee who fails to perform his/her normal duties during a concerted, unauthorized work stoppage will be subject to disciplinary action, up to and including termination.

WV Code § 18A-2-8

4.30 STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct and consistent with appropriate procedural and substantive due process, state law, and Board policy.

WV Code §18-5-1, 18A-2-7, 18A-2-8

4.31 SUSPENSION

The Superintendent, subject only to approval of the Board, shall have authority to suspend school

personnel. The suspension may be with or without pay. The Superintendent's authority to suspend school personnel shall be temporary pending a hearing upon charges filed by the Superintendent with the Board. Such period of suspension shall not exceed 30 days unless extended by order of the Board.

The Board may suspend or dismiss any person in its employment at any time for

A. immorality,

B. incompetency,

C. cruelty,

D. insubordination,

E. intemperance,

F. willful neglect of duty,

G. unsatisfactory performance, and/or

H. a finding of abuse by the Department of Health and Human Resources.

I. The conviction of a misdemeanor or a guilty plea or a plea of nolo contendere to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job

J. Any time the health, safety, and welfare of students is jeopardized, or the learning environment of other students has been impacted, and/or a charge of unsatisfactory performance shall be made except as the result of employee performance evaluation.

J.1 Upon commencement of any fact-finding investigation involving the conduct outline in letter "J" the affected employee to be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils, whether being conducted internally, or in cooperation with police or Department of Health and Human resources

K. conviction of a felony or a guilty plea or a plea of nolo contendre to a felony charge.

The charges shall be stated, in writing, served upon the employee within two (2) days of presentation of said charges to the Board. The employee so affected shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a Level Three hearing and appeals pursuant to the state grievance procedure. However, dismissal for the conviction of a felony or guilty plea or plea of nolo contendre to a felony charge is not by itself grounds for a grievance proceeding. An employee charged with the commission of a felony may be reassigned to duties that do not involve direct interaction with students pending final disposition of the charges.

Any teacher, principal, counselor, coach, other employee, school resource officer or volunteer of any private or public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or sexual contact, as those terms are defined in §61-8B-1, with any student enrolled in the school regardless of the age of the student is guilty of a felony and upon conviction thereof, shall be imprisoned in a state

correctional facility for not less than one nor more than five years or fined not more than $5000.00 or both imprisoned and fined. The fact that the student may have consented to such an act or that the act did not occur on school property or during a school function is not a defense. A final conviction under this section shall cause the permanent forfeiture of any teaching or other certificate issues.

Students enrolled in a secondary school and engaged in a wage-earning registered youth apprenticeship Program may not be criminally prosecuted under this law for engaging in consensual sexual activity with other students enrolled in any private or public school. This exception covers, but may not be limited to, students under the age of 18 years participating in the Grow Your Own teacher pathway or any Career Technical Education school service personnel training programs.

West Virginia Code 61-8B-11b (c).
WV Code § 6C-2-1 et seq., 18A-2-7, 18A-2-8
Revised August 21, 2023

4.32 TERMINATION

The Superintendent shall have authority to recommend dismissal of personnel to the Board. The Board may dismiss any person in its employment at any time for the reasons listed above in section 4.31 Suspension. Dismissal for unsatisfactory performance shall not be made except as the result of an employee performance evaluation and an opportunity to improve. The charges shall be stated, in writing, and served upon the employee within two (2) days of presentation of said charges to the Board.

The terminated employee shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a Level Three hearing and appeals pursuant to the state grievance procedures, except that dismissal for a finding of child abuse or for the conviction of a felony or guilty plea or plea of nolo contender to a felony charge is not by itself grounds for a grievance proceeding. Any employee charged with the commission of a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse to be suspended, placed on administrative leave, or reassigned to duties that do not involve direct interaction with students pending final disposition of the charged.

WV Code § 6C-2-1 et seq., 18A-2-2, 18a-2-8

4.33 RESIGNATION

Professional Personnel

Any teacher who fails to fulfill his/her contract with the Board, unless prevented from doing so by personal illness or other just cause or who violates any lawful provision thereof, shall be disqualified to teach in any other public school in the state for the next ensuing school year. The West Virginia Department of Education may hold all papers and credentials of such teacher on file for a period of one (1) year for such violation.

Any classroom teacher who desires to resign employment with the Board, with such resignation to become effective on or before July 15th of the same year and after completion of the employment term, may do so at any time during the school year by written notification. Any such notification received by a Board shall automatically extend such teacher's public employee insurance coverage until August 15th of the same year.

Service Personnel

A service employee who wishes to resign may do so by mutual consent between the employee and the Board.

All Personnel

For any school employee, a resignation may not be rescinded once it is approved by the Board.
WV Code § 18A-2-2, 18A-2-6

4.34 GRIEVANCE PROCEDURE

The West Virginia Legislature has established a procedure to resolve employee grievances in a fair, efficient, cost-effective, and consistent manner without prohibiting the informal disposition of grievances by stipulation or written settlement agreement.

A grievance may be processed at three administrative levels. Within fifteen (15) days following a grievable event or within fifteen (15) days after the event became known to the employee or within fifteen (15) days of the most recent occurrence of a continuing practice giving rise to a grievance, a school employee triggers the process by filing a written grievance with the Superintendent at Level One and forwarding a copy to the Public Employees Grievance Board. The written complaint must state the nature of the grievance and the relief sought. The grievant must include a request for either a conference or hearing. Within the next twenty (20) days, the Superintendent or a designee must hold the conference or hearing in private, issuing a written decision within twenty (20) days.

Within twenty (20) days of receiving an adverse Level One decision, a grievant may file an appeal to Level Two, where the grievance will be mediated by one of the Grievance Board's administrative law judges (ALJ) unless the parties, in writing, agree to mediation by a private mediator at the parties' expense or mediation-arbitration by a Grievance Board ALJ. The mediation or mediation-arbitration must be scheduled within twenty (20) days of the grievant's filing and occur in private. The parties must participate in good faith. Any mediated agreements or arbitrated decisions must be documented within twenty (20) days after they occur and are enforceable in the courts.

Within fifteen (15) days after the conclusion of an unsuccessful mediation or mediation-arbitration, the ALJ who conducted the process, as a neutral evaluator, may supply the parties with a written summary of the issues and issue a binding scheduling and discovery order in preparation for a Level Three hearing. After receiving a written report that the Level Two process was unsuccessful, a grievant has ten (10) days to appeal to Level Three by filing a written appeal with the Board and the Grievance Board. An administrative law judge employed by the Grievance Board, in consultation with the parties and within

thirty (30) days of receipt of the appeal from a lower-level decision, will schedule a public or private hearing and any other proceedings or deadlines. Hearings may be rescheduled at the request of either part for good cause shown or by the administrative law judge. Within 30 days after a Level Three hearing, the ALJ must issue a written decision.

In any grievance, the employee may skip Levels One and Two, proceeding directly to Level Three, if the Superintendent agrees. Even without the Superintendent's agreement, an employee may appeal directly to Level Three when suspended or terminated by the Board for cause (unless dismissed for conviction of or plea of no contest to a felony) and whenever suspended without pay or demoted or reclassified resulting in a loss of compensation or benefits, such as a reduction-in-force.

The grievant and an employee representative shall be granted time off during working hours, not to exceed four (4) hours per grievance, for the preparation of the grievance without loss of pay and without charge to annual leave credit. However, an employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee as determined by the employer. An employee may be the representative in no more than five (5) grievances per year. Time spent in preparing for and attending grievance proceeding will be accounted for on leave request forms by stating the amount of time expended in such activities. Each employee representative shall request annual leave for any time in excess of four hours per grievance spent in grievance preparation. In addition, the grievant, witnesses, and an employee representative shall be granted reasonable and necessary time off during working hours for grievance proceedings without loss of pay and without charge to annual leave credit. A grievant or an intervenor may not be on any type of leave time or worker compensation at the time of the conference, mediation, hearing, or other proceeding. The proceedings shall be held in abeyance until the grievant returns to work.

Any party may appeal to the West Virginia Intermediate Court of Appeals within 30 days of receiving the ALJ's decision. By separate motion, a party to the appeal may ask the West Virginia Intermediate Court of Appeals to stay the Level Three decision pending the outcome of the appeal. The West Virginia Intermediate Court of Appeals must decide the appeal based upon a review of the entire record that was before the ALJ at Level Three. The Court may also hear oral arguments and require written briefs. The Court may reverse, vacate, or modify the Level Three decision or remand the grievance at Level Three or Level One for further proceedings.

Any party may appeal to the West Virginia Intermediate Court of Appeals decision to the West Virginia Supreme Court of Appeals. If the grievant substantially prevails upon an appeal, the grievant may recover, from the employer, court costs and reasonable attorney's fee for the appeal to be set by the court. If grievance decision is not being followed, any party may file their enforcement action in the county where the grievant is employed.

WV Code § 6C-2-1, 6C-2-4(a), (b), (c), 6C-2-5, 6C-2-6, 18A-2-8(c)

Revised August 21, 2023
Revised July 17, 2024

4.35 TITLE IX SEXUAL HARASSMENT POLICY

Title IX of the Education Amendments of 1972 ("Title IX") prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. In May of 2020, the United Stated Department of Education released new Title IX regulations that change the way school districts are required to respond to allegations of sexual harassment. This policy and the administrative procedures that implement it have been revised accordingly so as to comply with the new Title IX regulations which are currently in effect as of August 14, 2020.

The Putnam County Board of Education ("District") does not discriminate and does not permit the discrimination on the basis of sex in its educational programs or activities that it operates. The purpose of this policy and the administrative procedures that implement it is to secure prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment, in violation of Title IX of the Education Amendments of 1972, and violation of District policies that prohibit this type of discrimination. This policy and administrative procedures only apply to complaints alleging discrimination on the basis of sex as prohibited by Title IX including sexual harassment, quid pro quo, sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

This policy and the administrative procedures shall be available in every school site administrative office, posted on the District website, and included in student handbooks. Annually, the District will provide to applicants for admission and employment; students; parents or legal guardians of students; employees; and all unions or professional organizations notice of its grievance procedures and grievance process, including how to report or file a complaint of sexual discrimination or sexual harassment, how to report or file a formal complaint of sexual harassment, and how the District will respond.

Sexual Harassment – "Sexual Harassment" is defined by this policy to mean conduct on the basis of sex that satisfies one or more of the following:

A. "Quid Pro Quo"- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; or
B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program(s) or activity(ies); or
C. "Sexual assault" as defined in 20 U. S. C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U. S. C. 12291 (a)(8), or "stalking" as defined in 34 U. S. C. 12291 (a)(30).

Employees are strictly prohibited from dating, attempting to cultivate a romantic relationship, or becoming involved in an inappropriate relationship with students, regardless of the student's age or consent. This prohibition shall be in force as long as the student is considered a student within the school system, including during the summer break, holidays and other times away from school, and also shall apply to all graduated students for 12 months after the student's graduation.

Any District employee with actual knowledge of sex discrimination, including sexual harassment in an education program or activity as defined in the Policy, must report the sex discrimination to the Title IX Coordinator. Failure to report may result in disciplinary action, up to and including termination, being taken against the employee.

Any person may report sex discrimination, including sexual harassment as defined by this Policy, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail. Reports may be made at any time, including during non-business hours.

Each employee shall be responsible to maintain learning and working environment free from all forms of unlawful discrimination and harassment, and to report all incidents of unlawful discrimination or harassment promptly in a manner that is not deliberately indifferent, which he/she observes or is informed about to the building principal, school based Title IX representative, or the Title IX coordinator.

The District shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

The District's **TITLE IX COORDINATOR** shall be tasked with coordinating the District's response to all allegations involving possible sexual harassment. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with District and Federal Title IX regulations.

The Title IX Coordinator can be reached at:

Title IX Coordinator
Putnam County Schools
77 Courthouse Drive
Winfield, West Virginia 25213

(304) 586-0500 ext. 1109

Putnam County Schools Title IX

A "Complainant" is an individual, either student or employee, who is alleged to be the victim of conduct that could constitute sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy, unless the Title IX Coordinator is alleged to be the victim of conduct that could constitute sexual harassment.

The "Respondent" is any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Upon receipt of a report of alleged sexual harassment, the Title IX Coordinator will promptly contact the Complainant and discuss the following:

A. The availability of supportive measures that are available to the Complainant to immediately restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.
B. The availability of supportive measures with or without the filing of a formal complaint; and
C. The process for filing the formal complaint.

"Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or class locations, leaves of absence, increased security and monitoring of certain areas of the District's facilities, and other similar measures. The District shall maintain as confidential any supportive measures provided to the Complainant and/or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures. The Title IX Coordinator will coordinate the effective implementation of supportive measures.

A "Formal Complaint" is a document filed by a Complainant or by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or through the District's on-line portal on its webpage.

The "Grievance Process" shall be those provisions, rules, or practices included within this Policy and the administrative procedures for processing formal complaints of sexual harassment. The Grievance Process shall be applied equally to both the Complainant and the Respondent.

The "Preponderance of the Evidence Standard" is the evidentiary standard to be used during the investigation and final determination of a formal complaint. Preponderance of the Evidence means that the evidence shows that the action alleged is more likely to have occurred than not to have occurred.

The filing of a formal complaint does not preclude the District from responding to the complaint by also applying other District policy violations, such as Code of Conduct violations, violations of the Putnam County Student or Employee Handbook, Safe Schools Act, to allegations that are not related to sexual harassment to allegations that are not related to sexual harassment. Non-sexual harassment allegations and/or findings shall be promptly reported to the principal of the student and/or the supervisor of the Respondent to process pursuant to the District's applicable policies, including its disciplinary policies.

If the Complainant refuses to initiate a formal complaint, the Title IX Coordinator may submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the

Complainant/Complainant's parent's or guardian's consent, if based upon the allegations and information received there is the possible likelihood of sexual harassment.

The Title IX Coordinator shall submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the Complainant/Complainant's parent's or guardian's consent, if the allegations and information received involve sexual harassment of a student by an employee.

Throughout the course of the investigation of the formal complaint and throughout the grievance process (collectively, "Formal Complaint Process"), the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.

Any individual designated by the District as a Title IX Coordinator, Investigator, Decision-Maker, or any person designated by a recipient to facilitate an informal resolution process, must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a conflict of interest or bias is alleged by any party, the Superintendent shall appoint another person to fulfill the role of the person alleged to have a conflict of interest.

The District will endeavor to complete investigations within sixty (60) days of the date on which the formal complaint was received; however, the District's primary objective is a thorough and equitable investigation and grievance process.

The District shall coordinate its investigation and grievance process with any other ongoing criminal investigation of the incident, if any. The District may determine whether to delay its investigation pending the conclusion of a criminal investigation or for criminal proceedings to begin. If the fact-finding portion of the investigation is suspended due to the existence of a criminal investigation, the District's investigation shall resume promptly once law enforcement officials have completed their evidence gathering state of the criminal investigation.

District employees and students are required to participate fully in an investigation, but in no event will a Complainant be subjected to any disciplinary sanctions or consequences for refusing or failing to participate.

An informal resolution process may be facilitated at any time after the Formal Complaint is filed and prior to the determination regarding responsibility, with the exception that an informal resolution is not permitted to resolve allegations than an employee of the District sexually harassed a student.

Upon a finding of responsibility, disciplinary sanctions against an employee may include any available sanction available for the discipline of employees, up to and including termination of their employment contract pursuant to W. Va. Code 18A-2-8. Disciplinary sanctions against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the District.

If an employee subject to possible discipline for violations of this Policy retires or resigns prior to the completion of the investigation, or before a final disposition is made, or during the course of a disciplinary

hearing, the Superintendent shall report the allegations to the database maintained by the West Virginia State Superintendent of Schools pursuant to the requirements set forth in W. Va. Code 18A-2-8 and any revisions thereto.

No person shall, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, intimidate, threaten, coerce, or discriminate against any individual who is the victim of or who reports alleged sexual harassment or testifies, assists, or participates in an investigation, final determination of any proceeding or hearing related to a sexual harassment complaint. Should retaliation occur, the victim shall promptly report the actions to principal or the Title IX Coordinator. Persons found guilty of retaliation shall be subject to discipline.

Effective August 14, 2020

SECTION 4A PROFESSIONAL PERSONNEL

4A.1 EMPLOYMENT OF REGULAR PROFESSIONAL PERSONNEL

The Board recognizes that it is vital to the successful operation of the school district that positions created by the Board be filled with highly qualified and competent professional personnel. Professional personnel include professional educators and other professional employees as defined in WV Code §18A-1-1.

The employment of professional personnel shall be made by the Board only upon nomination and recommendation of the Superintendent. The Superintendent shall provide the principal at the school at which the professional educator is to be employed an opportunity to interview all qualified applicants and make recommendations to the Superintendent regarding their employment; however, nothing shall prohibit the timely employment of persons to perform necessary duties. The faculty senate at each school may establish a process for faculty members to interview new prospective professional educators for their school and submit recommendations regarding employment to the principal who may also make independent recommendations for submission to the Superintendent. The faculty senate process shall be chaired by the school principal and must permit the timely employment of persons to perform necessary duties.

If the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct.

All professional personnel nominated and recommended for employment shall meet the certification, licensing, training, and other eligibility classifications as may be required by law and state board regulations.

Professional personnel employed as administrators are addressed in section 2.11 Employment of Administrative Staff.

The spouse of the Superintendent or a Board member may not be employed by the Board in any professional position of employment except principal, assistant principal, or classroom teacher. If a Board member's spouse is being considered for such employment, the Board member must not participate in the discussion or vote and must leave the Board meeting during the discussion and vote. If the Superintendent's spouse is being considered, the Superintendent must not participate in the discussion.

The Board will not employ the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent or any member of the Board. Otherwise, the Board may employ a member’s or the Superintendent's relatives, including his/her parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, child, son-in-law, daughter-in-law, grandparent, or grandchild. When any such relative of a Board member is employed as a professional employee, the related Board member shall not participate in the discussion or vote on the employment and the Board member must leave the Board meeting during the discussion and vote. Likewise, when any such relative of the Superintendent is employed, the Superintendent shall not participate in the discussion. Thereafter, the affected Board

member may not vote on a personnel matter involving such a relative unless the matter affects the relative as a member of a profession or occupation or as a member of a class of at least five (5) persons.

No candidate for employment as a professional staff member shall receive a recommendation for such employment without having provided evidence of proper licensure or eligibility for appropriate licensure. The licensure shall meet the minimum requirements of state law for the position for which he/she is being recommended. Additionally, if a teacher is employed in good faith on the anticipation that he/she is eligible for a certificate and it is later determined that the teacher was not eligible, the State Superintendent of Schools may authorize payment by the Board to the teacher for a time not to exceed three (3) school months or the date of notification of his/her ineligibility, whichever occurs first.

The Board shall make decisions affecting the filling of professional vacancies on the basis of the applicant with the highest qualifications. The Superintendent shall be hired under separate criteria pursuant to state law.

Qualifications

In judging qualifications for the filling of vacancies of professional positions of employment, consideration shall be given to each of the following:

A. appropriate certification, licensure, or both;
B. amount of experience relevant to the position or, in the case of a classroom teaching position, the amount of teaching experience in the required certification area;
C. the amount of course work or degree level or both in the relevant field and degree level generally;
D. academic achievement;
E. certification by the National Board for Professional Teaching Standards (for classroom teachers and principals only);
F. specialized training relevant to the performance of the duties of the job;
G. past performance evaluations conducted pursuant to state law or, in the case of a classroom teacher, past evaluations of the applicant's performance in the teaching profession;
H. seniority;
I. other measures or indicators upon which the relative qualifications of the applicants may fairly be judged;
J. in the case of a classroom teaching position, the recommendation of the principal of the school at which the applicant will be performing a majority of his/her duties; and
K. in the case of a classroom teaching position, the recommendation, if any, by the faculty senate of the school at which the employee will be performing a majority of his/her duties.

The Board is entitled to determine the appropriate weight to apply to each criterion when assessing an applicant's qualifications. If one (1) or more permanently employed instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting, each criterion A-I shall be given equal weight. Criteria J and K shall each be double weighted.

If the applicant with the most seniority is not selected for a position, he/she may request a written statement of the reasons and suggestions for improving his/her qualifications.

20 U.S.C. 6319
20 U.S.C. 7801
WV Code § 18-1-1, 18-4-10(2), 18A-1-1, 18A-2-1, 18A-2-3, 18A-2-12, 18A-3C-2, 18A-4-2, 18A-4- 7a and b
WVBOE Policy 5202
4B.25

4A.2 EMPLOYMENT OF SUBSTITUTE TEACHERS

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular professional personnel.

The Superintendent, subject to approval of the Board, may employ and assign substitute teachers to any of the following duties:

A. to fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;
to fill a teaching position of a regular teacher on leave of absence; and
to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, provided the absence is approved by the Board in accordance with the law.
The substitute shall be a duly certified teacher.

Long-Term Substitute Teacher

A long-term substitute is a substitute employee who fills a vacant position that the Superintendent expects to extend for at least 30 consecutive days and is either

B. listed in the job posting as a long-term substitute position of over 30 days, or
listed in a job posting as a regular, full-time position and is not filled by a regular, full-time employee.
Other than a retired teacher, a substitute teacher, who is approved by the Board to serve in a long-term position, shall qualify for PEIA benefits.

A substitute shall have standing to file a grievance only on matters related to days worked or when there is a violation, misapplication, or misinterpretation of a statute, policy, rule, or written agreement relating to such substitute.

A day-to-day substitute teacher shall not earn sick leave and shall not be paid for days when students are not required to attend school.

A retired teacher may substitute a maximum of 140 days per year and may substitute in the same fiscal year in which he/she retires. However, a retired teacher may not substitute more than 140 days in the same fiscal year in which he/she retires. The total number of days worked shall be determined by dividing the total number of hours worked by the standard number of hours that a full-time teacher works per day (7.5 hours).

The Personnel Department shall provide principals with a current list of all professional substitutes as they are hired.

The automated calling system shall be used to call substitute teachers for day-to-day assignments. The principal may create a preferential list of substitutes to be called for his/her school. However, a teacher certified in the specialization applicable to the assignment must be utilized before any other substitute is called.

The principal may request a particular substitute for a long-term assignment of no more than 30 days. However, the Personnel Department must be contacted so the position can be posted and filled through the standard hiring procedures if the assignment is going to last more than six (6) weeks.

Each substitute teacher is responsible for signing in on the appropriate form at the work site each day. The principal is responsible for submitting the substitute teacher's name on the appropriate payroll report for each day worked.

A substitute teacher, who has been assigned as a classroom teacher in the same classroom continuously for more than one-half (½) of a grading period and whose assignment remains in effect two (2) weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitored student progress or has been approved to return to work by his/her physician.

Critical Need and Shortage Policy

A retired teacher may accept employment as a substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retiree is otherwise entitled provided no non-retired substitute teacher who holds the appropriate certification is available to accept the assignment within the parameters of this policy. A retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment.

When a retired teacher is employed as a substitute to fill a vacant position, the county board shall continue to post the vacancy until it is filled with a regularly employed teacher who is fully certified or permitted for the position. The position vacancy shall be posted electronically and easily accessible to prospective employees. Provided that:

A. The posting is only required to occur once at the beginning of the year and once mid-year;
B. This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and
C. This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

Area of critical need and shortage for substitute teachers' means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. The areas of critical need and shortage areas are those for which the county anticipates difficulty in obtaining a certified teacher for a long-term position include Elementary Title I, Art, Exceptional Education, Social Studies, Family Consumer Science, Business Education, Science, Mathematics, English, Music, Spanish, Computer Science, Universal Pre-K, Careers in Education, Law Enforcement, Medical Assisting, Automotive Tech, Diesel Tech, Manufacturing Prod. And Design, Hospitality/ProStart, Emergency Medical Tech, Collision Repair, Dental Assisting, Plumbing, Electrical Tech, Masonry, Practical Nursing, Welding, Dental Assisting, Drivers Education/Wellness and Administration.

Prior to employment of a substitute teacher under the critical need and shortage provision, the county superintendent must submit to the Consolidated Public Retirement Board (CPRB) and to the West Virginia Board of Education (WVBOE), in a form approved by the retirement board, an affidavit stating the name of the county, the fact that the county has adopted this policy to employ retired teachers as substitutes to address areas of critical need and shortage. The form shall also include and the name(s) of the person(s) to be employed pursuant to this policy, critical need and shortage area as well as the position filled, the date the person gave notice of intent to retire, and the effective date of the person's retirement. Affidavits will be submitted to the WVDE and CPRB on an annual basis.

A teacher is eligible to be employed as a critical needs substitute only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute. Any person who retires and begins work as a substitute teacher under the critical need and shortage provisions within the same fiscal year in which he/she retires shall lose retirement benefits attributed to the annuity reserve, effective from the first day of employment 5.26to perform service as a substitute.

A retired teacher employed under these critical need and shortage provisions is considered a day-to-day, temporary, part-time employee and is not eligible for additional pension or other benefits paid to regular employees. Such a substitute shall not accrue seniority.

This policy is effective for the current 2026-2027 school year only. The policy must be renewed by the county board annually and is subject to approval by the state board of education. The provisions allowed by this policy expire 30 June 2027

WV Code § 18A-2-3, 18A-4-7, 18A-4-14, 18A-4-7a, 18A-2-12, 16-3D-3, 61-10-15
revised August 21, 2023
revised August, 4, 2025
Revised July 20, 2026

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2030 unless extended by the legislature.

4A.3 EMPLOYMENT OF PROFESSIONAL PERSONNEL IN SUMMER PROGRAMS

Summer positions for professional personnel shall be filled based on certification and length of time the professional employee has been employed in the Board's summer programs. A professional educator who is regularly employed by the Board shall be given employment preference over applicants who are not regular employees. In the event that no employee who has been previously employed in a summer program holds valid certification or licensure, the Board shall fill the position as a classroom teaching position in accordance with 18A-4-7a. All summer positions shall be posted, filled, and reduced in accordance with school law.

WV Code § 18-5-39, 18A-4-7a, 18A-4-7c

4A.4 PROFESSIONAL STAFF POSITIONS

All professional personnel must be assigned to one or more of the following positions: Superintendent, deputy superintendent, assistant superintendent, treasurer, assistant treasurer, director, coordinator, specialist, educational diagnostician, principal, assistant principal, counselor, school nurse, school psychologist, speech/language pathologist, teacher, and/or vocational teacher. When a job assignment includes more than one title, the employee shall receive the higher of the two salaries based on established pay scales. The employment term for the specific assignment shall fall within the established range.

Position	Days	Position	Days
Superintendent	261	Assistant Principal	215-225
Deputy Superintendent	261		
Assistant Superintendent/Treasurer	261	Counselor	200-220
Director/Instructional Support Spec./Ass. Treas./ Exceptional and Alternative Education Specialist	220-261	School Nurse	200
Coordinator	210-261	School Psychologist	200
Specialist	200-250	Speech/Language	200
Educational Diagnostician	210	Teacher	200
Principal	220-239	Vocational Teacher	201-239

WV Code § 18-1-1, 18A-1-1

Revised July 20, 2026

4A.5 SALARY SCHEDULES

Teachers' Basic Salary

The salary of a teacher, counselor, librarian, nurse, or other degree-holding health or instructional specialist shall be based on the teacher's salary classification, years of experience, and employment term. The basic salary shall be determined from the 200-day teachers' salary schedule. If the employment term of a person exceeds 200 days, the additional days shall be calculated at the regular daily rate. The Professional Salary Schedule for Putnam County Schools is published annually in the Employee Handbook.

School Psychologists

Due to the competitive salaries in the private sector, each school psychologist shall receive an annual supplement of $4,000. This supplement shall be paid in equal monthly installments.

Career and Technical Education Teachers

A teacher assigned to career or technical education may receive experience pay for up to ten (10) years of direct or related work experience as verified by the Assistant Superintendent for Personnel/Pupil Services. Experience pay granted by this policy shall be paid from county funds.

Nationally Board Certified Administrator

A regularly employed administrator who acquires certification through a national board in his/her respective field shall receive an annual supplement of $2000 for the first five (5) years of certification and an annual supplement of $4000 each year thereafter, provided that the certification is maintained. The bonus shall be paid from local funds.

Nationally Board Certified Teacher

A regularly employed teacher who acquires certification through the National Board for Professional Teaching Standards shall receive an annual supplement of $2,000 for the first five (5) years of certification and an annual supplement of $4,000 each year thereafter, provided that the certification is maintained. This bonus shall be paid from local funds.

Board Certified Speech/Language Pathologist, Audiologist, Counselor, School Psychologist, or School Nurse

A regularly employed speech/language pathologist, audiologist, counselor, school psychologist, or school nurse who acquires Board certification in his/her respective field, as defined by WVBOE Policy 5202, shall receive an annual supplement of $2,000 for the first five (5) years of certification and an annual supplement of $4,000 each year thereafter, provided that the certification is maintained. The bonus shall be paid from local funds.

Nationally Board Certified School Business Official

The treasurer, who also serves as the chief school business official shall receive an annual supplement of $2,000 for the first five (5) years of certification through the Association of School Business Officials International and an annual supplement of $4,000 each year thereafter, provided that the certification is maintained. This bonus shall be paid from local funds.

Substitute Teacher Salary Schedule

A substitute teacher who works up to ten (10) consecutive instructional days in the same position shall be paid 90% of the daily state basic salary at the substitute teacher's salary classification.

Thereafter, a substitute teacher shall be paid 90% of the daily state basic salary at the substitute teacher's salary classification and years of experience for working 11-30 consecutive instructional days in the same classroom.

Thereafter, a substitute teacher shall be paid 100% of the daily county salary at the substitute teacher's salary classification and years of experience for more than 30 consecutive instructional days in the same classroom.

Administrative Salary Schedule

Administrators include deputy superintendent, assistant superintendents, treasurers, assistant treasurer, directors, instructional support specialist, coordinators, principals, and assistant principals. The salary for such employees shall be computed using the following formula.

Step 1: Base Salary

The base salary shall be determined from the 200-day teachers' salary schedule using the following guidelines.

A. The MA+15 salary classification shall be the minimum salary level for all administrators, other than coordinators. A master's degree salary classification shall be the minimum level for coordinators. A CPA shall be paid, at a minimum, a MA +30. Any administrator holding a higher salary classification shall have his/her *base* salary computed at the appropriate higher salary classification.
B. Five (5) years of teaching experience shall be the minimum experience level. Any administrator with more than five (5) years shall have his/her base salary computed at the appropriate experience level.

Step 2: Administrative Experience

Years of experience as a superintendent, deputy superintendent, assistant superintendent, treasurer, assistant treasurer, director, instructional support specialist, coordinator, principal, assistant principal, college/university administrator, West Virginia Department of Education administrator, and/or RESA administrator shall be used to determine the administrative experience salary. Three-tenths of one percent (.3% or .003) of the base salary times the number of years of previous administrative experience equals the administrative salary computation.

Step 3: Student Enrollment

The enrollment shall be determined on the basis of the second month enrollment of the preceding year and will include daytime adult vocational students.

When the enrollment increases more than ten percent (10%) of the enrollment, as determined above, the enrollment computation shall be based on the second month of the current school year.

Factors for per pupil enrollment are as follows.

A. Principal - .015% of base pay
B. Assistant Principal - .009% of base pay

C. Central Office Administrators – no enrollment factor

Step 4: Length of Employment

The base salary plus the administrative experience factor plus the enrollment factor shall be multiplied by the appropriate length of employment index as follows.

Days	Index
210 days	1.050
215 days	2.075
220 days	1.100
225 days	1.125
230 days	1.150
239 days	1.195
240 days	1.200
250 days	1.250
261 days	1.305

Step 5: Responsibility

The responsibility increment shall be as follows.

Position	Percentage
Deputy Superintendent	51.0%
Assistant Superintendent/Treasurer	43.0% of base
Director/Instructional Support Specialist/Asst. Treas. Treasurer/Exceptional and Alternative Education Specialist	33.0% of base
Service Director	24.0% of base
Coordinator	15.0% of base
Coordinator I	7.5% of base
Principal	14.0% of base
Assistant Principal	10.0% of base

Step 6: State Increment for Principals and Assistant Principals

West Virginia Code §18A-4-3 requires an increment for principals and assistant principals paid from local funds. This increment shall be determined by multiplying the basic salary for teachers, in accordance with the classification of certification and training of the administrator, by the appropriate percentage prescribed below.

Number of teachers	Principal Increment	Assistant Principal Increment
1-7	11.0%	5.50%
8-14	11.5%	5.75%
15-24	12.0%	6.00%
25-38	12.5%	6.25%
39-57	13.0%	6.50%
58+	13.5%	6.75%

Superintendent's Salary

The Superintendent's salary shall be established by the Board.

Other Professionals' Salaries

The basic salary of any professional employee, other than those identified above, may be independently determined by the Board at the time of employment. Such employees shall be eligible for increments for experience and/or increase in salary classification plus any state and/or county raises according to the teachers' salary schedule but shall not receive any other increase in pay without specific Board action.

Tutoring Services

A professional educator may not be paid for tutoring students in a school building unless approval has been granted by the Board.

WV Code § 18-5-33, 18A-4-1, 18A-4-2, 18A-4-2a, 18A-4-2b, 18A-4-3, 18A-4-5a, 18A-5-3, 18A-5-3a
(Retroactive to July 1, 2015)
Amended September 18, 2023
Amended Dec. 1, 2025
Amended July 20, 2026

4A.6 ADVANCED SALARY CLASSIFICATIONS

A professional educator may increase his/her salary by completing an advanced salary classification. These classifications include BA+15, master's degree, MA+15, MA+30, MA+45, or doctorate degree. The West Virginia Department of Education's definition for each classification can be found in the county *Employee Handbook*.

A teacher of a career and technical program may qualify for an advanced salary classification based on criteria different from those required for other professional educators. The qualifications for a vocational advanced salary classification can be found in the county *Employee Handbook*.

It is the professional educator's responsibility to apply for any advanced salary classification for which he/she qualifies through the county Personnel Department. The West Virginia Department of Education will not backdate an advanced salary classification more than three (3) months from the date the application is received by the department.

The effective date of the advanced salary classification shall be the date reflected on the educator's professional certificate. The pay increase shall not be paid until the certificate is received by the county Personnel Department.

WV Code § 18A-4-1, 18A-4-4

4A.7 TEACHERS' SCHEDULES

All professional personnel will be assigned appropriate starting and dismissal times by the principal or chief administrator, provided that their total regular workday will be no longer than seven and one-half (7 ½) hours. All professional personnel are expected to arrive at their work station on time and not depart

until the designated dismissal time unless an unforeseen emergency prevents the employee from complying with his/her schedule.

School professional personnel shall have the right to leave the building during their lunch period, provided that they notify the office when leaving and upon returning.

Personnel violating this policy shall be subject to disciplinary measures.

4A.8 DUTY FREE LUNCH

Every teacher who is employed for more than one-half (½) of the class periods of the regular school day shall be provided a paid daily lunch recess of not less than 30 consecutive minutes. Teachers shall not be assigned any responsibilities during this recess. The duty free recess is included in the number of hours worked, and the Board may not increase the number of hours to be worked by a teacher as a result of such employee being granted a recess.

A teacher may exchange his/her lunch recess for any compensation or benefit mutually agreed upon by the employee and the Superintendent or his/her agent. The teacher and the Superintendent or his/her agent may not agree to terms that are different from those available to any other teacher granted rights within the individual school or to terms that discriminate among such teachers within the individual school. The agreement shall be in written form, dated and signed by the teacher and the Superintendent or his/her agent.

WV Code § 18A-4-14

4A.9 DAILY PLANNING PERIOD

Every teacher who is regularly employed for more than one-half (½) of the class periods of the regular school day shall be provided at least one (1) paid planning period within each school instructional day to be used to complete necessary preparations for the instruction of students. A teacher may not be assigned any responsibilities during this period, and the county shall not increase the number of hours to be worked by a teacher as a result of the teacher being granted a planning period.

The duration of the planning period shall be in accordance with the following.

A. For grades where the majority of instruction is delivered by only one teacher, the planning period shall be no less than 40 minutes. And
T. for grades where students take separate courses during at least four (4) separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teachers but no less than 40 minutes.

Substitute teachers may be utilized to assist with classroom responsibilities in cases where the regular teacher is unavailable for teaching purposes as a result of this policy. However, any substitute teacher who is employed to teach a minimum of two (2) consecutive days in the same position shall be granted a planning period.

A teacher may exchange his/her planning period for any compensation or benefit mutually agreed upon by the employee and the Superintendent or his/her agent. A teacher and the Superintendent or his/her agent may not agree to terms that are different from those available to any other teacher within the individual school or to terms that discriminate among such teachers within the individual school. This agreement shall be in written form, dated and signed by the teacher and the Superintendent or his/her agent.

Planning Time at Middle Schools

Because of the unique and transitional nature of the middle school instructional program, careful planning is essential. Goals of the middle school include the delivery of a program that is tailored to meet the physical, social, emotional, and intellectual needs of pre-adolescents. By definition, this program is interdisciplinary in nature, with a combination of team and individual planning time.

To clearly delineate the key role of middle school planning time, the planning time should be directed toward the following goals to

A. provide an interdisciplinary approach for instruction so learning opportunities may be enhanced,
U. provide a block of time for team as well as individual planning,
V. promote increased flexibility for team organization and length of instructional time,
W. allow flexibility by providing the opportunity to group and regroup students as needed, and
X. encourage the setting of long-range and short-range instructional goals based on student needs.

Planning time in the middle school program should serve the following applications:

A. provide and devise schedules for every student assigned to the particular interdisciplinary team;
B. schedule three (3) team meetings per week to discuss instructional goals based on student needs;
C. provide a portion of the planning time for requested parent/guardian and/or student conferences, as needed;
D. provide time for telephone contacts or written correspondence to parents/guardians apprising them of student progress and/or deficiencies; and
E. provide time for updating individual student records, report cards, and other data associated with the operation of the instructional program.

For middle school principals to be more fully informed as to the direction of the interdisciplinary team and the scope of its program, a weekly planning meeting report should be filed on the last day of each school week.

WV Code § 18A-4-14

4A.10 REGULAR SENIORITY FOR PROFESSIONAL PERSONNEL

A professional employee shall begin to accrue seniority upon commencement of the employee's assignment as a regular employee. Employment for a full employment term shall equal one (1) year of seniority, but no employee may accrue more than one (1) year of seniority during any given fiscal year. Seniority for less than one full employment term shall be prorated.

Seniority While on Leave of Absence

An employee shall receive seniority credit for each day the employee is professionally employed, regardless of whether the employee receives pay for that day, except that no employee shall receive seniority credit for any day the employee is suspended without pay pursuant to state law. An employee who is on an approved leave of absence shall accrue seniority during the period of time that the employee is on the approved leave of absence.

WV Code § 18A-2-8

Seniority Upon Reemployment After Termination or Reduction-in-Force

Upon reemployment with the same Board in a regular full-time position, a professional employee, whose employment with the Board is terminated either voluntarily or through a reduction-in-force, shall receive credit for all seniority previously accumulated with the Board at the time the employee's employment was terminated.

Any professional employee whose employment has been terminated through reduction-in-force and whose name is on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with the county from which he/she was terminated.

Seniority for Regular Part-Time Assignment

Any professional employee employed for a full employment term but in a part-time position shall receive seniority credit for each day of employment prorated to the proportion of a full employment day the employee is required to work. If a part-time position is scheduled to work less than five (5) days per week, seniority shall be prorated in relation to the weekly schedule, provided that nothing herein allows a regular full-time employee to be credited with less than a full day of seniority credit for each day the employee is employed by the Board. However, this calculation of seniority for part-time professional personnel is prospective and does not reduce any seniority credit accumulated by any employee prior to May 26, 1993. For the purposes of this policy, a part-time employee shall be defined as an employee who is employed less than three and one-half (3½) hours per day or less than two and one-half (2½) days per week.

Seniority as Classroom Teachers

The seniority of classroom teachers, with the exception of guidance counselors, is determined on the basis of the length of time the employee has been employed by the Board as a regular full-time certified or licensed professional educator. This seniority is granted in all areas in which the employee is certified or licensed.

Seniority as Guidance Counselors

When filling guidance counselor positions, seniority shall be calculated on the basis of the length of time the employee has been employed by the Board in a counseling position at the relevant grade levels.

Seniority as Administrators

When filling administrative positions, seniority shall be calculated on the basis of the length of time the employee has been employed by the Board in an administrative position.

Identical Seniority Dates

If two or more employees with the same certification establish an identical seniority date as a result of initial employment as a regular teacher on or after July 1, 2019, the priority between these employees shall be determined by a random selection provided by the personnel department. A Board shall conduct the random selection within 30 days of the time the employees with the same certification establish an identical seniority date. All employees with an identical seniority date and the same certification shall participate in the random selection. As long as the affected employees hold the identical seniority date within a certification, the initial random selection conducted by the Board shall be permanent for the duration of the employment of the employees by the Board.
WV Code § 18A-4-7

Distribution of Seniority List

By July 1st of each year, the Board shall compile a list of the certification and seniority of all professional employees employed by the county. The list shall be made available to all employees through electronic or other means.
WV Code § 18A-4-7a, 18A-4-7b

Substitute Teacher Seniority

Upon completion of a minimum of 133 days of employment in any one school year, a substitute teacher, except a retired professional educator serving as a substitute teacher, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee. The 133 or more days shall be prorated and shall vest as a fraction of the school year worked by a permanent full-time teacher.
WV Code § 18A-4-7a

Professional Summer Seniority

The seniority for a professional educator employed in summer school programs is based on the length of time the professional educator has been employed in any of the county's summer programs. Seniority is not tied to a specific summer program.
WV Code § 18-5-39

4A.11 ASSIGNMENT OF PROFESSIONAL PERSONNEL

Assignment of all professional personnel is made upon the recommendation of the Superintendent and with the approval of the Board.

Unless terminated, transferred, reassigned, rehired, or dismissed pursuant to the provisions of the school laws of West Virginia, all professional personnel with continuing contracts shall be considered as reassigned to their present position or job for the next school year.

WV Code § 18A-2-7, 18A-2-1, 18A-4-7a

4A.12 CERTIFICATION OF PROFESSIONAL PERSONNEL

Professional Certificate

A professional employee who is required to hold certification and/or licensure for the position(s) he/she holds is personally responsible for meeting and maintaining the certification and licensure requirements for that assignment.

As a courtesy, the Personnel Department shall send written notification to employed professional personnel a year prior to the expiration date of their professional certificates and again during the year that the certificate expires. This notification is to remind the professional educator that he/she may need to complete appropriate college course work to renew his/her certificate in order to maintain his/her employment with the Board.

Permit or Out-of-Field Authorization

An educator assigned to a position for which he/she does not currently hold the required certification must make application for a permit or out-of-field authorization through the Personnel Department. A permit or out-of-field authorization must be renewed annually with six (6) semester hours of course work within the approved program for which the educator is seeking certification.

WV Code § 18A-3-2, 18A-3-2a, 18A-3-3

4A.13 JOB SHARING

Recognizing the value of obtaining the services of quality staff members, who may not be available on a full-time basis but wish to offer their knowledge and skills part time through a job sharing process, the Board authorizes the Superintendent to create a job sharing program, provided that it does not create an adverse impact on the county, students, or any current staff member**.**

The county will consider job share requests only if the cost (including benefits) of employing two (2) or more staff members does not exceed the cost of employing one (1) full time staff member.

Provisions

The following provisions shall apply when entering into job sharing arrangements with employees.

A. A job sharing arrangement shall meet all the requirements relating to posting, qualifications, and seniority as established in state law.
B. The Board shall provide the mutually agreed upon employee coverage but shall not offer insurance coverage, including any group plan or group plans available under the state Public Employees Insurance Act, to more than one (1) of the job sharing employees.
C. Each job sharing agreement shall be in writing on a form prescribed and furnished by the Board. The agreement shall designate specifically one (1) employee only who is entitled to the insurance coverage.

D. All employees involved in the job sharing agreement meet the requirements of state law, including, but not limited to, the requirement that the employee must work at least one-third ($^1/_3$) of the time required for a full time employee.
E. The county Board and the employees involved in the job sharing agreement shall consider issues such as retirement benefits, termination of the job sharing agreement, and any other issue the parties to the agreement consider appropriate. Any provision in the agreement relating to retirement benefits shall not cause any cost to be incurred by the retirement system that is more than the cost that would be incurred if a single employee were filling the position.
F. Each job sharing participant will accrue seniority based upon the proportion of the time spent on the job. Each paid full-day or half-day of service shall count as a day for seniority purposes.
G. Each job sharing participant will accrue one year of service based on 133 days or the equivalent of 133 days of experience within each school year.
H. It is anticipated that once agreed upon, each job sharing participant will fulfill the one (1) year contract. However, should one of the partners not be able to complete the contract or ask to be relieved of their obligation, the remaining partner(s) shall cover the position full-time and be paid accordingly until a suitable replacement can be found.
I. An employee working in a job sharing arrangement has no guarantee of returning to a full-time position if and when the job sharing position is eliminated. Regular employment procedures will be followed in filling all vacancies, including those vacancies created by termination of the job sharing contract.

WV Code § 5-16-2, 18-5-13(t), 18A-4-1

4A.14 TRANSFER OF PROFESSIONAL PERSONNEL

The Superintendent, subject only to approval of the Board, shall have authority to transfer professional personnel. However, the employee shall be notified, in writing, by the Superintendent on or before the date established by WV Code if he/she is being transferred or considered for transfer.

Only those professional employees whose considered or intended transfer is based upon known or expected circumstances shall be considered for transfer, and the notification shall be limited to only those employees.

Any professional employee who desires to protest such proposed transfer may request, in writing, a statement of the reasons for the proposed transfer. The statement of reasons shall be delivered to the employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board. The hearing on the proposed transfer shall be held on or before the date established by WV Code. At the hearing, the reasons for the proposed transfer must be shown.

At a meeting of the Board on or before April 15th, the Superintendent shall furnish to the Board a written list of employees to be considered for transfer and subsequent assignment for the next school year. An employee who was not provided notice and an opportunity for a hearing may not be included on the list. All employees not listed shall be considered as reassigned to the positions or jobs held at the

time of this meeting. The list of employees recommended for transfer shall be included in the minute record of such meeting. These employees shall be notified, in writing, by certified mail return receipt request, within ten (10) days following the Board meeting, of their having been recommended for transfer and the reasons for such transfer.

After the 20th day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the county during that instructional term, unless the person holding that position does not have valid certification subject to the following.

A. The person may apply for any posted, vacant positions with the successful applicant assuming the position at the beginning of the next instructional term.
B. Professional personnel who have been on an approved leave of absence may fill these vacancies upon their return from the approved leave of absence.
C. The Board, upon recommendation of the Superintendent, may fill a position before the next instructional term when it is determined to be in the best interest of the students. The Superintendent shall notify the state board of each transfer of a person employed in a professional position to another professional position after the fifth (5th) day prior to the beginning of the instructional term.
Note: The Legislature finds that it is not in the best interest of the students, particularly in the elementary grades, to have multiple teachers for any one (1) grade level or course during the instructional term. It is the intent of the Legislature that the filling of positions through transfers of personnel from one professional position to another after the twentieth (20th) day prior to the beginning of the instructional term should be kept to a minimum.

WV Code § 18A-2-7 18A-4-7a

4A.15 REASSIGNMENT OF PROFESSIONAL PERSONNEL

Reassignment Due to Surplus Personnel

When actual student enrollment in a grade level or program, unforeseen before the date established by WV Code of the preceding school year, permits the assignment of fewer teachers to or within a school under any pupil-teacher ratio, class size, or caseload standard established in state law or any policy of the West Virginia Board of Education, the superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school, if needed, to comply with any such pupil-teacher ratio, class size, or caseload standard.

Before any reassignment may occur, notice shall be provided to the employee who shall be given the opportunity to appear before the Board to state the reason(s) for his/her objection(s), if any, prior to the Board voting on the reassignment.

Except as otherwise provided, the reassignment may be made without following the notice and hearing provisions of state law and at any time during the school year when the conditions of this subsection of law are met, provided that the reassignment may not occur after the last day of the second (2nd) school month.

A professional employee reassigned under this subsection shall be the least senior of the surplus professional personnel who holds certification or licensure to perform the duties.

No professional employee's annual contract term, compensation, or benefits shall be changed as a result of a reassignment under this provision.
WV Code § 18-5-18a

Reassignment to New or Existing Classroom Teaching Position

Upon recommendation of the principal and approval by the classroom teacher and the Board, a classroom teacher assigned to the school may, at any time, be assigned to a new or existing classroom teaching position at the school without the position being posted.
WV Code § 18A-2-7, 18A-4-7a

4A.16 REDUCTION-IN-FORCE OF PROFESSIONAL PERSONNEL

It is the responsibility of the Board to provide classroom teachers and other professional personnel necessary for the implementation of the educational programs of the county.

The Board reserves the right to abolish and/or reduce classroom teaching and other professional positions whenever reasons of decreased student enrollment, return to duty of regular professional staff members after leaves of absence, lack of need, change in financial conditions, or other good cause warrant such action.

When circumstances warrant a reduction-in-force, the Superintendent shall recommend the decrease of classroom teaching and other professional personnel positions in accordance with federal requirements, state laws, local board policies, and the best interests of the county.

For the purposes of implementing a reduction-in-force, the term *lateral* shall be defined and applied as follows.

A. Classroom teaching positions shall be deemed lateral to classroom teaching positions requiring one (1) or more of the certifications and/or licenses held by such teacher.
Y. Guidance counseling positions shall be deemed lateral to guidance counseling positions requiring certification in a span of grade levels in which the guidance counselor holds seniority. Guidance counselors lacking seniority to move to a lateral guidance counseling position shall be lateral to classroom teaching positions requiring one (1) or more of the certifications and/or licenses held by such guidance counselor.
Z. Administrative positions shall be deemed lateral as follows.
    1. Elementary principal positions shall be lateral to elementary principal positions.
    2. Elementary assistant principal positions shall be lateral to elementary assistant principal positions.
    3. Middle school principal positions shall be lateral to middle school principal positions.
    4. Middle school assistant principal positions shall be lateral to middle school assistant principal positions.

5. High school principal positions shall be lateral to high school principal positions.
6. High school assistant principal positions shall be lateral to high school assistant principal positions.

Whenever the Board is required to reduce the number of professional personnel in its employment, the employee that is least qualified, based upon seniority, certification, licensure and performance evaluations, shall be properly notified and released pursuant to the provisions of state law. Such provisions are subject to the following.

A. A professional employee who holds a permit in the certification area to be reduced shall be released before a fully certified employee in such position is released.
B. All employees subject to release shall be considered applicants for any vacancy in an established, existing, or newly created position that, on or before the date established by WV Code, is known to exist for the next school year and for which they are qualified. Upon recommendation of the Superintendent, the Board shall appoint the successful applicant from among those qualified before posting such vacancies for application by nonemployees.
C. All professional employees who are required to be reduced shall be notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination on or before the date established by WV Code of the current year.
D. If two or more employees with the same certification establish an identical seniority date as a result of initial employment as a regular teacher on or after July 1, 2019, the priority between these employees shall be determined by a random selection system established by the employees and approved by the county board. A board shall conduct the random selection within 30 days of the time the employees with the same certification establish an identical seniority date. All employees with an identical seniority date and the same certification shall participate in the random selection. As long as the affected employees hold the identical seniority date within a certification, the initial random selection conducted by the board shall be permanent for the duration of the employment of the employees by the board.
E. A professional employee subject to release shall be employed in any other professional position in which he/she is certified and/or licensed and was previously employed or to any lateral area for which he/she is certified or licensed provided his/her seniority is greater than any other employee in that area of certification or licensure.
F. Reduction-in-force vacancies shall be identified by matching the most senior employee with the position vacated by the least senior employee who is serving in the relevant area of certification and/or licensure.
G. If the reason(s) for a particular reduction-in-force no longer exists prior to August 1st of the year the reduction-in-force was approved, the Board shall rescind the reduction-in-force and notify the released employee, in writing, of his/her right to be restored to his/her position of employment. Within five (5) days of being so notified, the released employee shall notify the Board, in writing, of his/her intent to resume his/her position of employment or the right to be restored shall terminate. If there is another employee on the preferred recall list with proper certification and

greater seniority, that person shall be placed in the position restored as a result of the reduction-in-force being rescinded.

WV Code § 18-9A-4, 18A-2-2, 18A-4-7a

4A.17 REDUCTION IN ELEMENTARY CLASSROOM TEACHING POSITIONS

When the total number of classroom teaching positions in an elementary school needs to be reduced, the employee that is least qualified, based upon seniority, certification, licensure and performance evaluations, shall be properly notified and recommended for transfer and recommended for transfer.

When a specified grade level needs to be reduced and the least qualified employee in the school is not in that grade level, the least qualified classroom teacher in the grade level that needs to be reduced shall be reassigned to the position made vacant by the transfer of the least qualified classroom teacher in the school, without that position being posted, provided that the employee is certified and/or licensed and agrees to the reassignment.

WV Code § 18A-4-7a

4A.18 PREFERRED RECALL OF PROFESSIONAL PERSONNEL

All professional employees whose seniority with the Board is insufficient to allow their retention by the Board during a reduction-in-force shall be placed upon a preferred recall list.

Such employees shall be recalled on the basis of seniority for any professional opening within the area where he/she had previously been employed or to any lateral area for which he/she has certification, licensure, or both, provided that no regular, full-time professional personnel or those returning from leaves of absence with greater seniority are qualified, apply for, and accept the position.

Before position openings that are known or expected to extend for twenty (20) consecutive employment days or longer may be filled by the Board, the Board shall be required to notify all qualified professional personnel on the preferred recall list and give them an opportunity to apply. However, failure to apply shall not cause the employee to forfeit any right to recall. The notice shall be sent by certified mail to the last known address of the employee. It shall be the duty of each professional employee to notify the Board of continued availability annually, of any change in address, or of any change in certification, licensure, or both.

Any professional employee, whose employment has been terminated through reduction-in-force and whose name is on the preferred recall list, shall retain all accumulated seniority for the purpose of seeking reemployment with the county from which he/she was terminated.

When rescinding a reduction-in-force, if there is another employee on the preferred recall list with proper certification and greater seniority, that person shall be placed in the position restored.

WV Code § 18A-4-7a, 18a-4-7B

4A.19 PROFESSIONAL VACANCIES

A vacancy occurs when the Board takes official action to create a position, accept a resignation or retirement, terminate an employee, or approve a transfer.

The Assistant Superintendent for Personnel/Pupil Services shall observe the requirements of state law and district procedures in posting professional vacancies as follows:

A. identify the vacant position;
B. prepare the vacancy bulletin based on consultation with the principal and other administrative personnel to ensure that the job description meets the instructional needs of the position;
C. provide at least five (5) work days for the posting;
D. provide postings that are written so as to ensure that the largest possible pool of qualified candidates may apply;
E. provide postings that do not include criteria unnecessary for the successful performance of the job and not written with the intent to favor a specific applicant;
F. post vacancies on the West Virginia Department of Education and county websites, the county hotline, at the central office, and in the schools and other work sites; and
G. provide for the filling of the position within 30 working days of the end of the posting period if one or more applicants meet the qualifications listed in the job posting.

Multiple Posting of Professional Positions

The Board is required to post and date notices of each opening at least once. At its discretion, the Board may post an opening for all positions more than once in order to attract more qualified applicants.

Posting of Deceased Employee's Position

The Board may not declare a position vacant and post a job opening sooner than ten (10) days following the death of the individual employed in that position.

Limiting of Postings

The number of professional vacancies posted during the school year should be kept to a minimum to provide stability for the students.

WV Code § 18A-4-7a, 18A-4-21

4A.20 UNUSED – INTENTIONALLY BLANK

4A.21 BEGINNING EDUCATOR INTERNSHIP PROGRAM

The Board recognizes its role to create a supportive learning climate for new members of the teaching profession and to provide a continuum of growth from pre-service to the professional teaching level.

Each new teacher shall be required to successfully complete an internship program under the supervision of a mentor teacher. An exception is given to those persons who were awarded a professional teaching certificate on the basis of having five (5) or more years of teaching experience in another state.

The Board shall provide a professional support team for those newly hired teachers requiring an internship program as stipulated in school law.

A final evaluation of the performance of the beginning teacher shall be completed by the principal. The final evaluation form shall be submitted by the principal to the Superintendent and shall include one (1) of the following recommendations.

A. Full Professional Status - A recommendation of full professional status indicates that the beginning teacher has successfully completed the internship program and, in the judgment of the principal, has demonstrated competence as a professional educator.

AA. Continuing Internship Status - A recommendation of continuing internship status indicates that, in the judgment of the principal, the beginning teacher requires further supervision and further employment in the county should be conditioned upon successful completion of an additional year under a beginning teacher internship program.

BB. Discontinue Employment - A recommendation to discontinue employment indicates that, in the judgment of the principal, the beginning teacher has completed employment under supervision in a beginning teacher internship program, has not demonstrated competence as a professional educator, and will not benefit from further supervised employment in the county.

The provisions of this policy do not operate to guarantee contract renewal or employment of any teacher by the Board.

WVBOE Policy 5202

4A.22 BEGINNING PRINCIPAL INTERNSHIP PROGRAM

The Board recognizes its role to create a supportive learning climate and to provide a continuum of growth for individuals new to administration.

Each person newly hired as a principal or assistant principal must complete a one (1) year beginning principal internship consisting of the components established in state law.

Each new principal or assistant principal shall be assigned a mentor who must have a minimum of five (5) years of administrative experience as a principal or assistant principal and complete a staff development program approved by the West Virginia Department of Education. The mentor may not participate in the evaluation or supervision of the new administrator.

WV Code § 18A-3-2d

4A.23 PROFESSIONAL STAFF DEVELOPMENT

Schools exist to facilitate student learning. Ongoing professional staff development is essential to improve teaching and student learning. To achieve these goals, the Board shall establish a Professional Staff Development Council.

Professional Staff Development Council

The Professional Staff Development Council shall be comprised of proportional representation from the major school levels and from career/technical, special education, and other specialties in proportion to their employment numbers in the county system. Nominations of instructional personnel to serve on the Professional Staff Development Council may be submitted by the faculty senates to the Superintendent who shall prepare and distribute ballots and tabulate the votes. The Professional Staff Development Council shall consist of nine (9) to fifteen (15) members, at the discretion of the Superintendent, based on the size of the county system. The council has final authority to propose staff development programs for their peers based on rules established in state law. The Superintendent or a designee has an advisory, nonvoting role on the council.

Council members are elected for three (3) year terms. The council develops rules and procedures for its effective operation.

County Responsibility

The Board shall schedule at least three (3) non-instructional days of staff development for professional staff annually.

The Professional Development Plan

The professional development program serves to increase knowledge and skills so professional staff can achieve the mission and goals of the county system and the objective of the Local School Improvement Plan. The program is designed as a five (5) year plan that addresses training needs identified through performance indicators, surveys, opinionnaires, and similar assessment data.

Delivery

Professional development can be delivered in numerous ways. Delivery can occur through

A. county system-wide sessions that typically address district-wide and programmatic concerns, legal mandates, and subject area training topics;
B. school-based staff development programs that specialize in sessions chosen by school faculties to address training needs identified in the respective school improvement plans; and
C. specialized conferences and institutes that occur primarily in the summer and focus on in-depth training topics that relate to county and state initiatives.

Funding

The Board shall make available an amount at least equal to one tenth of one percent (.001 or .1%) of the amount provided in the basic foundation allowance to the Board pursuant to state law. The funds shall be credited to an account to be used for professional development. The Board has final approval of all proposed disbursements.

Any credited funds not used from the professional development account during a fiscal year shall be carried over in that account for use in the next fiscal year. These funds are separate and apart from, and

in addition to, funds to be credited to the council pursuant to this section. At the end of each fiscal year, the appropriate administrator shall report to each faculty senate chairperson the amount of funds carried over into the next fiscal year.

WV Code § 18-9A-4, 18A-3-8
WVBOE Policy 5500

4A.24 PROFESSIONAL MEETINGS

The Board encourages opportunities for professional staff members to develop increased competence beyond that which they may attain through the performance of their assigned duties through attendance at appropriate professional conferences and meetings.

Professional educators serving as mentor teachers or on state and county professional staff development councils, school curriculum teams, and/or professional support teams will be granted professional time, if required for performance of their duties during the instructional day or extra duty compensation, if required, at other times. Necessary expenses actually incurred in attending the meetings will be reimbursed by the Board.

Coverage of professional personnel's regular duties during release time may be provided through the use of paraprofessionals, substitutes, and other methods to avoid the interruption of instruction.

WV Code § 18A-5-4

4A.25 LEAVE FOR CONFERENCES AND MEETINGS

The purpose of professional leave is to promote improvement in curriculum and instruction at all grade levels and in a broad range of subject areas. To provide equitable cover for professional leave days, substitutes will be allocated as follows.

General County Allocation

Substitutes shall be provided for absences approved by the Superintendent for participation on evaluation teams, West Virginia Department of Education committees, and teachers associations' annual assemblies and for sponsorship of students to special events and contests.

Individual School Allocation

Substitutes for other professional leave shall be allocated to each school on the basis of a ratio to be determined by the Board. Principals, assistant principals, and counselors are excluded from the ratio since no substitutes are required for their short-term absences. Decisions as to the distribution of allocated days within each school should be made by a professional leave planning committee made up of the school principal and teachers from various departments or levels of the school. Teacher members shall be elected by the faculty. Size of the committee may be determined by each school.

Leave Without Substitutes

Professional employees may request a reasonable amount of professional leave without substitutes and apart from the county and school allocations. Such leave may be approved if 1) the use of such leave

will enhance the school program and 2) the employee arranges for other professional employees to adequately cover instructional and supervisory responsibilities.

Requests for professional leave must be submitted to the immediate supervisor and approved by the Superintendent prior to the absence.

Days approved as professional leave are not chargeable to accumulated personal leave.

Funding for Association Meetings

Central Office Staff

With the approval of the Superintendent, the essential expenses of an assistant superintendent, director, or coordinator to attend one (1) national education meeting in his/her respective field each year will be provided. The Superintendent is authorized to limit the total number, duration, and distance of such trips in order to meet budget requirements.

With the approval of the Superintendent, the essential expenses shall be paid for central office staff to attend regional and/or state meetings that are vital to the performance of their respective assignments.

School Administrators

With the approval of the Superintendent, 60% of the essential expenses shall be paid for three (3) elementary principals or assistant principals, two (2) middle school principals or assistant principals, and two (2) high school, including the career and technical center, principals or assistant principals to attend one (1) national education meeting appropriate to their respective positions each year. Selection of representatives should be made on a rotating basis by the principals' association.

Teachers

With the approval of the Superintendent, 60% of the essential expenses shall be paid for two (2) teacher representatives to attend a national meeting dealing with curriculum and instruction.

Staff Sponsoring Students

With the approval of the Superintendent, essential expenses may be provided towards the cost of travel and lodging for teachers designated to sponsor students to national competition.

Other Professional Personnel

Contingent upon the availability of specific program funding or designated local funds, the Superintendent may approve reimbursement of essential expenses for professional personnel chosen to attend special conferences or other educational meetings.

Approval may be given when proper application is made and the individual, organization, or school is unable to meet the essential expenses.

Other Meetings

While professional personnel may receive approval to attend meetings other than those specified above, they shall be responsible for their own expenses.

WV Code § 18A-5-4

4A.26 FACULTY MEETINGS

All professional employees are expected to participate in faculty meetings called by the principal, Superintendent, or his/her designee.

All teachers should be present unless excused by the principal or scheduled for duty. If a teacher is excused, it shall be his/her responsibility to obtain the information and material distributed at the meeting.

Professional team meetings shall be set by members of each team. Teachers should meet faithfully with their team members at the scheduled times.

4A.27 FACULTY SENATES

Composition

Every school has a faculty senate comprised of all permanent, full-time professional educators employed at the school. *Professional educators* mean teachers, principals, librarians, or any other person regularly employed for instructional purposes.

Responsibilities

The faculty senate

A. shall control funds, except for the $300.00 given to each teacher, counselor, and librarian allocated for the senate;
   Note: The unused balance of the $300.00 per teacher, counselor, and the librarian shall revert back to the senate. These monies must be expended for academic materials, supplies, or equipment. These categories shall not include anything to be used in interscholastic athletic events or connected with such activities. There must be a budget approved by the senate for spending these monies. Accounts shall be maintained for audit purposes.
B. may establish a process for faculty members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal;
C. may nominate persons for recognition programs;
D. may recommend to the principal the assignment scheduling of service personnel;
E. may submit recommendations to the principal concerning the master schedule;
F. shall elect three members to the school improvement council;
G. may nominate a candidate for the county staff development council;
H. may recommend selection of faculty to serve as mentors for beginning teachers;

I. may solicit, accept, and expend any grants, gifts, bequests, donations, or other funds made available;
Note: The senate must select a member to keep a record of all funds received and expended. This record must be kept in the school office. It shall be subject to audit.

J. may review the evaluation procedures followed in the school;
Note: If a majority of the senate determines that procedures are improper, they shall submit a report to the state board. The senate has no right to obtain or to review any individual's evaluations.

K. must be provided a two (2) hour block of time for a faculty senate meeting on a day scheduled for the opening of school prior to the beginning of the instructional term and at least four (4) two (2) hour blocks of time for faculty senate meetings with each two (2) hour block of time scheduled once at least every 45 instructional days; and
Note: The election of officers shall take place at the first meeting.

L. shall develop a strategic plan to manage the integration of special needs students into the regular classroom and submit the strategic plan to the Superintendent.

More than half of the members of the senate must be present at any meeting at which official business is transacted. All members of the senate may vote.

Emergency meetings may be held at the call of the chair or a majority of the members.

Agendas must be available at least two (2) employment days ahead or as soon as possible in the case of emergency meetings.

The chair may appoint committees as may be needed to study and submit recommendations. However, only the senate itself may take official action.

Members shall be paid for completing the Interviewing Module required for participating in the interviews of prospective classroom teachers if completed outside of regular work hours.

Members shall be paid for participating in the interviews of prospective classroom teachers if completed outside of regular work hours.

WV Code § 18-1-1, 18-5A-5, 18-9A-2

4A.28 REIMBURSEMENT PROGRAMS

A professional employee who qualifies for reimbursement through either of the programs described below is personally responsible for submitting the appropriate application and any required documentation. Assistance will be available through the county Personnel Department.

Tuition Reimbursement

An educator may apply for tuition reimbursement through the West Virginia Department of Education, provided he/she:

A. holds either a valid West Virginia certificate or first class permit for full-time employment and is seeking an additional endorsement in a shortage area and either resides in the state or is regularly employed for instructional purposes in a public school in the state; or
B. is seeking certification renewal and has a continuing contract with the Board.

Reimbursement is dependent upon the amount of legislative funding granted. If funds appropriated for these purposes are insufficient, priority shall be given to individuals who completed course work in an identified shortage area.

Reimbursement is limited to the cost of tuition, registration, and other required fees only for appropriate college or university coursework used for license renewal or for an additional endorsement in a verified shortage area. The term *fee* refers to any mandatory cost associated with tuition, as assessed by the college or university, excluding payment for books and supplies.

Reimbursement for an educator, who has prior approval to attend an out-of-state institution of higher education as described in state law or a private institution of higher education, may not exceed the amount of the highest corresponding tuition charged at a West Virginia state-supported college or university. Reimbursement is limited to a lifetime maximum of fifteen (15) semester hours for course work completed toward a shortage area as well as for certification renewal. The educator must have completed the appropriate college or university coursework with a minimum 3.0 GPA.

A request for tuition reimbursement must be received by the WVDE no later than June 15th for course work completed during the current fiscal year (July 1st through June 30th).
WV Code § 18A-3-3(d)(2)
WVBOE Policy 5202

National Board for Professional Teaching Standards Reimbursement

A teacher who enrolls in the program for National Board for Professional Teaching Standards certification may be reimbursed once for one-half (½) of the certification fee. A teacher who completes the certification process may be reimbursed for the other half of the certification fee. A teacher who achieves NBPTS certification may be reimbursed a maximum of $600 for expenses actually incurred while obtaining the certification.

A teacher who completes the National Board for Professional Teaching Standards certification renewal process may be reimbursed for the certification renewal fee.

This reimbursement program is administered by the West Virginia Department of Education.
WV Code § 18A-3-3a, 18A-4-2a
WVBOE Policy 5202

4A.29 PROFESSIONAL EMPLOYEE EVALUATION

The Board, through the powers derived from West Virginia state law, is responsible for the employment, professional development, and discharge of professional personnel. To carry out these

responsibilities, it delegates to the Superintendent the function of establishing and implementing a professional personnel evaluation program.

The purposes of the evaluation process are:

A. to promote professional growth and development that advance student learning,
B. to define and promote high standards for professional personnel and their performance,
C. to provide data that indicate the effectiveness of professional personnel as one basis for sound personnel decisions, and
D. to establish county and school evaluation data that serve as a basis for professional development to specifically target the area(s) identified for professional growth.

The professional employee evaluation process shall aim to identify specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided. Data and an explanation in support of any statement or rating in which the employee is assessed to be less than satisfactory must be provided by the evaluator. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relative evaluation documents may be used in the proceedings.

All persons conducting evaluations shall receive training in completing evaluations, conducting observations and conferences, writing and monitoring corrective action or improvement plans, and management and evaluation skills.

In an effort to ensure that all employees have a full understanding of the evaluation policy and procedures, an evaluation orientation shall be convened at the beginning of the employment term. Employees shall be provided a copy of the evaluation instruments and procedures.

Evaluations of all professional staff members shall be conducted in accordance with state board policy. Each professional staff member shall be given a copy of any documents relating to his/her performance that are to be placed in his/her personnel file. The employee shall sign the evaluation form denoting the supervisor has reviewed the evaluation with the employee and the employee has received a copy. The signature does not imply concurrence with the findings. The employee also has the right to attach a statement to the evaluation.

WV Code § 18A-2-12
WVBOE Policy 5310
Revised August 21, 2023

4A.30 SUBSTITUTE TEACHER EVALUATION

A substitute teacher shall be evaluated a minimum of once each school year. A performance rating of unsatisfactory must be supported by two (2) written observations. A substitute teacher with an unsatisfactory rating shall meet with the Assistant Superintendent for Personnel/Pupil Service to discuss

the employee's evaluation and expectations for improved performance. Any substitute teacher who continues to perform unsatisfactorily may be disciplined, up to and including termination.

An annual evaluation shall be required in order for a substitute teacher to be considered for reemployment for the following school year.

SECTION 4B: SERVICE PERSONNEL

4B.1 EMPLOYMENT OF REGULAR SERVICE PERSONNEL

The Board recognizes that it is vital to the successful operation of the school district that positions created by the Board be filled with qualified and competent service personnel.

The employment of service personnel shall be made by the Board only upon nomination and recommendation of the Superintendent. If the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct.

A faculty senate at each school may establish a process for faculty members to interview new prospective paraprofessional employees at the school and submit recommendations regarding employment to the principal who may also make independent recommendations for submission to the Superintendent. The process shall be chaired by the school principal and must permit the timely employment of the person to perform his/her necessary duties.

The Board shall make decisions affecting promotions and the filling of any service personnel positions on the basis of seniority, qualifications and evaluation of past service.

To qualify for a position in a particular classification, an applicant must have achieved a passing score on the state competency test for that classification or hold the appropriate licensure that exempts the individual from passing the test.

Qualified applicants shall be considered in the following order:

A. regularly employed service personnel who hold a classification title within the classification category of the vacancy,
B. service personnel who have held a classification title within the classification category of the vacancy whose employment has been discontinued due to a reduction-in-force,
C. regularly employed service personnel who do not hold a classification title within the classification category of the vacancy,
D. service personnel who have not held a classification title within the classification category of the vacancy and whose employment has been discontinued due to a reduction-in-force,
E. substitute service personnel who hold a classification title within the classification category of the vacancy,
F. substitute service personnel who do not hold a classification title within the classification category of the vacancy, and
G. new service personnel.

All persons employed for the first time in a position as Supervisor of Transportation or in a multi-classification position that includes this title shall have five (5) years of experience working in the transportation department of a Board. Experience working in the transportation department shall consist

of serving as a bus operator, bus aide, assistant mechanic, mechanic, or chief mechanic or in a clerical position within the transportation department.

Beginning on January 1, 2016, persons who perform work on heating, ventilation, and cooling systems must be licensed by the Commissioner of Labor, and persons who perform work on fire dampers must be licensed by the State Fire Marshal. Exemptions to HVAC technician license requirement are created for 1) a person who performs only electrical or plumbing work on an HVAC system within the scope of his/her electrical or plumber's license and 2) a person who performs routine maintenance as a direct employee of the owner or operator of the facility where the HVAC equipment is located.

In addition to meeting all other requirements, a cook must hold a valid food handler's card issued by the Department of Health.

WV Code § 18A-4-8b, 18A-4-8e, 21-16-3

4B.2 EMPLOYMENT OF SUBSTITUTE SERVICE PERSONNEL

The Board recognizes the need to procure the services of substitute service personnel in order to continue the operation of the schools as a result of the absence of regular service personnel.

An applicant for substitute service employment will be placed on the waiting list as of the date he/she applies for employment if her/his services are not needed immediately.

When substitutes for a particular classification are needed, the applicants with the earliest application date shall be contacted and given an opportunity to test. An applicant who passes the test and meets the other employment qualifications shall be added to the substitute calling list. If more than one substitute in a classification is hired at the same time, they shall be called to meet at the Board office during the regular business day and shall draw an object from a container. The object shall be labeled with a number that indicates the order of seniority with "1" being first in seniority and so forth. Said employees shall be assigned calling seniority in the order determined by the drawing and shall complete the seniority form along with two witnesses. In the event an affected employee is unable or unwilling to attend and/or draw, another Board employee will draw in the stead of the employee. Their names will be placed on the substitute rotation list by the help desk secretary/accountant.

The Superintendent, subject to approval of the Board, may employ and assign substitute service personnel to any of the following duties:

A. to fill the temporary absence of another service employee,
CC. to fill the position of a regular service employee who requests and is granted a leave of absence,
DD. to fill the position of a regular service employee who is absent due to workers' compensation, or
EE. to fill the position of a regular service employee who steps up into the position of another regular service employee who is absent.

A substitute service employee accrues substitute seniority as of the first (1st) day that he/she works in a particular classification for the purpose of applying for a job. The Personnel Department shall

maintain the waiting list. Substitute service personnel are employed on a rotating basis according to their length of service until each substitute has had an opportunity to perform similar assignments.

A substitute service employee who is employed to fill the position of an absent employee for more than twenty (20) days

A. shall acquire regular employment status, with the exception of regular employee job bidding rights;
B. does not accrue regular seniority; and
C. is accorded all other rights, privileges, and benefits pertaining to the position until the regular employee returns.

A substitute who commits to fill a long-term absence and works in excess of 30 consecutive work days in a single assignment is eligible for the following additional benefits:

A. paid legal holidays that fall within the period of such assignment, funded by the district;
B. paid out-of-school environment days that fall within the period of such assignment, funded by the district; and
C. personal leave subject to the following provisions:
    1. such leave must be earned prior to its use;
    2. such leave may be earned only during employment in a single assignment exceeding 30 consecutive work days and may not be prorated for less than 20 working days; and
    3. such leave may be used only during employment in a single assignment exceeding 30 work days and may not be used during subsequent assignments of less than 30 work days.

A substitute service employee must accept 50% of the assignments for which he/she is called. Refusal to accept 50% of the assignments shall constitute grounds for dismissal. The Personnel Department shall review substitute service records at the end of each semester to determine compliance with the policy.

A retired service employee may substitute a maximum of 140 days per year and may substitute in the same year in which he/she retires.

WV Code § 18A-4-15

CRITICAL NEED AND SHORTAGE POLICY

A retired bus operator may accept employment as a substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retiree is otherwise entitled provided no non retired substitute bus operator who holds the appropriate licensure is available to accept the assignment within the parameters of this policy. A retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage on an expanded basis only when no other bus operator who holds licensure and training in the area and who is not retired is available and accepts the substitute assignment.

When a retired bus operator is employed as a substitute to fill a vacant position, the county board shall continue to post the vacancy until it is filled with a regularly employed operator who is fully certified or permitted for the position. The position vacancy shall be posted electronically and easily accessible to prospective employees.

Prior to employment of a substitute bus operator under the critical need and shortage provision, the county superintendent must submit the Consolidated Public Retirement Board (CPRB) and to the West Virginia Board of Education (WVBOE) in a form approved by the retirement board, an affidavit stating the name of the county, the fact that the county has adopted this policy to employ retired bus operators as substitutes to address areas of critical need and shortage. The form shall also include and the name(s) of the person(s) to be employed pursuant to this policy, critical need and shortage area as well as the position filled, the date the person gave notice of intent to retire, and the effective date of the person's retirement. Affidavits will be submitted to the WVDE and CPRB on an annual basis.

A bus operator is eligible to be employed as a critical needs substitute only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute. Any person who retires and begins work as a substitute bus operator under the critical need and shortage provisions within the same fiscal year in which he/she retires shall lose retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

A retired bus operator employed under these critical need and shortage provisions is considered a day-to-day, temporary, part-time employee and is not eligible for additional pension or other benefits paid to regular employees. Such a substitute shall not accrue seniority.

This policy is effective for the current 2025-2026 school year only. The policy must be renewed by the county board annually and is subject to approval by the state board of education. The provisions allowed by this policy expire 30 June 2025.

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2028, unless extended by the legislature.
WV Code 18A-4-15a
Revised July 15, 2024
Revised August 4, 2025

4B.3 EMPLOYMENT OF SERVICE PERSONNEL IN SUMMER POSITIONS

The Board may employ school service personnel to perform any related duties outside the regular school term. An employee who was employed in any service personnel position during the previous summer shall have the option of retaining the position, if the position exists during any succeeding summer.

If the employee is unavailable or if the position is newly created, the position shall be posted and filled pursuant to the provisions of state law.

When a summer employee is absent, qualified regular employees within the same classification shall be given first opportunity to substitute for the absent employee.

If the Board reduces the number of employees in a particular classification from the number employed in that position in the previous summers, the reductions and priority in reemployment shall be based on the length of service in the particular summer classification.
WV Code § 18-5-39, 18A-4-8b

4B.4 SERVICE PERSONNEL POSITIONS

All service personnel must be assigned to one (1) or more of the classifications established in state law. When a job assignment includes more than one (1) title, the employee shall receive the higher of the two (2) salaries based on established pay scales.

It shall be the responsibility of the Assistant Superintendent for Personnel/Pupil Services to review each service employee's job classification annually and reclassify any service employee who meets the qualifications for a different classification. The Board shall take action on such reclassification.
WV Code § 18A-4-8

4B.5 SERVICE PERSONNEL SALARY SCHEDULES

Service Personnel Basic Salary Schedule

The basic salary of a service employee is based on the state Minimum Pay Scale Pay Grade established by the West Virginia Legislature plus any local supplement provided by the Board. The Service Personnel Salary Schedule for Putnam County Schools is published annually in the Employee Handbook. If the employment term of a service employee exceeds 200 days, the additional days shall be calculated at the regular daily rate.

Holiday Pay

Any full-time service employee required to work on a legal school holiday shall be paid one and on-half (1½) times his/her usual hourly rate.

Any full-time service employee required to work in excess of his/her normal working day during a week that contains a school holiday shall be paid for the additional hours or fraction of the additional hours at a rate of one and on-half (1½) times his/her usual hourly rate from county funds.

Asbestos Removal Pay

A service employee who is trained and assigned to address asbestos issues in the schools shall receive additional pay for such service at the established rate and in accordance with state law.

Weekend Pay

If a service employee whose regular work week is scheduled from Monday through Friday agrees to perform any work assignments on a Saturday or Sunday, he/she shall be paid for at least one-half (½) day of work for each weekend day that he/she reports for work. If the service employee works more than three and one-half (3½) hours on a Saturday or Sunday, he/she shall be paid for at least a full day of work. In computing the overtime rate for a workweek in which this provision applies, only the actual hours worked on a Saturday or Sunday and the pay related to those hours will be included in the overtime computations. The pay for hours not actually worked will be paid at the employee's regular rate.

Split Shift Pay

A service employee who is required to work a daily work schedule that is interrupted shall receive additional pay equal to one-eighth ($^{1}/_{8}$) of his/her total salary in accordance with state law. A bus operator and a bus aide, when engaged exclusively in the duties of transporting students, are not regarded as working an interrupted schedule.

Evening Shift Pay

When any part of a school service person's daily shift of work is performed between the hours of 6:00 p.m. and 5:00 a.m. the following day, the employee is paid no less than an additional $10 per month ($0.50 daily).

WV Code § 18A-4-8a

Supervisory Aide Pay

An aide who is required to supervise, control, direct, monitor, escort, or render service to a child or children, when not under the direct supervision of the teacher, shall receive additional pay for this service provided a signed Supervisory Aide Agreement is submitted to the Personnel Department and approved by the Payroll Accountant.

Specialized Health Procedures Pay

An aide or secretary who is trained by a school nurse to provide specialized health procedures shall receive additional pay for this service provided a signed Specialized Health Procedures Agreement is submitted to the Personnel Department and approved by the Payroll Accountant.

Bus Area Coordinator Pay

Supplemental pay for a bus area coordinator shall be calculated as follows.

A. Step 1 equals .20 of the monthly county salary table for a bus operator with zero (0) years of experience.
B. Step 2 equals .0025 of the monthly county salary table for a bus operator with zero (0) years of experience multiplied by the number of employees reported on his/her payroll as of September 15th of each fiscal year.

District Wide Bus Coordinator Pay (Transportation Logistics Analyst)

Supplemental pay for a bus county coordinator shall be calculated as follows:

A. Step 1 equals .20 of the monthly county salary table for a bus operator with zero (0) years of experience
B. Step 2 equals .0025 of the monthly county salary table for a bus operator with zero (0) years of experience multiplied by the number of employees reported on total number of employees as of September 15 each fiscal year
   *As needed on a yearly basis

Trip Board Monitors

A Trip Board Monitor shall be paid $10.00 per day for days that school is in session and the employee is at work.

Head Custodian Supplement

Head custodians shall receive a monthly supplement as follows:

Work site	Amount
Central Office	$ 75
High Schools	$103
Middle School (500 or fewer students)	$ 75
Middle School (more than 500 students)	$100
Elementary School (fewer than 150	$ 25
Elementary School (150-300 students)	$ 50
Elementary School (301-500 students)	$ 75
Elementary School (more than 500 students)	$100

The supplement shall be based on the student enrollment figures from the previous year's second month report. Salaries shall be computed only at the beginning of each school year.

Supplemental Bus Run Pay

A bus operator who holds a supplemental bus run shall be paid $20. For each fifteen (15) minute interval over two (2) hours, the bus operator shall receive an additional $2.50.

Extra-duty Pay

The hourly rate of pay for an extra-duty assignment shall be a minimum of one-seventh ($^1/_7$) of the employee's daily total salary for each hour the employee is involved in performing the assignment. The salary for a fraction of an hour shall be prorated accordingly.

Secretary Pay Upgrade

Any employee who holds the classification of Secretary III and has completed five (5) years of service as a Secretary III shall be paid on the *F1* pay grade as provided in the Putnam County School Salary

Schedule. The employee shall commence receipt of this pay grade effective as of the day following their accrual of the five (5) years of experience as a Secretary III.

Previous Experience Credit

In order to attract qualified applicants and retain valuable employees in certain departments, it is the policy of the Board to grant appropriate prior wage-earning experience to eligible employees in these departments.

Applicability

This policy will apply to all regular general maintenance employees, including the supervisor of maintenance, as defined in state law, the technology department, and the transportation department, including the supervisor of transportation and mechanics.

Eligibility

In order to qualify for years of experience for salary purposes, the employee must have acquired wage-earning experience in the appropriate field prior to beginning work for the Board in the maintenance, technology or transportation department.

For the supervisor of maintenance and all other maintenance employees, wage-earning experience in maintenance or construction shall be considered appropriate. For the supervisor of maintenance, supervisory experience shall also be applicable.

For employees in the technology department, wage-earning experience in a technology field related to the work performed by the technology department of Putnam County Schools shall be considered appropriate.

For the supervisor of transportation and mechanics in the transportation department, wage-earning experience as a mechanic shall be considered appropriate. For the supervisor of transportation, supervisory experience shall also be applicable.

All employees who were granted years of wage-earning experience for salary purposes and transfer voluntarily or involuntarily to a department not covered by this policy shall cease to enjoy the experience credit until the employee transfers back into a department covered by this policy.

Process

The administration shall develop a form for verification of prior wage earning experience. This form and a copy of this policy will be presented to every new employee in the affected departments and shall be available to any party upon request. In order for any employee to receive prior wage-earning experience after the effective date of this policy, it will be necessary for such employee to fill out the proper form and supply verification of appropriate wage earning experience. The administration shall notify employees who apply for credit under this policy within 30 working days of the date of application as to whether the application has been approved or denied, and, if approved, the number of years that shall be granted. At the same time, the administration shall provide written reason(s) for the denial of any and all wage-earning experience.

If an employee applies for credit within 30 working days of his/her employment in a department covered by this policy, the effective date of any experience credit shall be the first day the employee reports to work within the department. Otherwise, the experience credit shall be effective as of the date of receipt of the verification form(s).

Verification

There shall be no absolute requirement for verification of prior wage-earning experience beyond establishing, to a reasonable degree, the existence and appropriateness of such experience. The documents that may be used to verify prior wage-earning experience may include, but are not limited to, contracts, pay stubs, other payroll documents, tax documents, social security documents, letters of verification from former employer(s), and sworn statements by the employee seeking the prior wage-earning experience credit.

Limitations

No employee shall receive in excess of ten (10) years of prior wage-earning experience.

WV Code § 18A-4-8, §18A-4-8a

4B.6 ADVANCED SALARY SCHEDULE FOR SERVICE PERSONNEL

A service employee shall receive an additional $12 per month for holding a high school diploma or GED/TASC.

A service employee shall receive an additional $11 per month for each group of twelve (12) semester hours of college credit or comparable credit obtained through a trade or vocational school as approved by the state Board of Education, up to a maximum of 120 hours. The credit must have been completed after the high school diploma or GED/TASC was obtained.

A service employee shall receive an additional $40 per month for obtaining an associate, bachelor's, master's, or doctorate degree. The credit must have been completed after the high school diploma or GED/TASC was obtained.

A service employee shall receive an additional $11 per month for obtaining a BA+15, MA+15, MA+30, MA+45, or MA+60 salary classification. The credit must have been completed after the high school diploma or GED/TASC was obtained.

It shall be the service employee's responsibility to submit the appropriate documentation to the Personnel Department for determination of eligibility for an advanced salary classification. If the employee qualifies for an advanced salary classification, the date of receipt of the documentation shall be the effective date for the pay raise.

A substitute service employee who qualifies for an advanced salary classification shall receive the equivalent daily rate for the appropriate classification.

WV Code § 18A-4-8a

4B.7 OVERTIME PAY FOR SERVICE PERSONNEL

The purpose of this policy is to ensure that the Board complies with the overtime provisions of the Fair Labor Standards Act (FLSA); regulations of the U. S. Department of Labor, Wage and Hour Division; and all applicable state statutes and regulations related to the compensation of full-time and part-time employees. Under the FLSA, specific legal requirements apply to overtime pay, compensatory time, and record keeping for non-exempt employees. All county school service personnel are considered non-exempt employees and may not waive their rights under the FLSA.

The Board discourages overtime work by non-exempt employees unless absolutely necessary. Only the Superintendent or one of his designees may authorize overtime work within the county's established guidelines and procedures. The authorization must be in writing unless an emergency exists. In such case, verbal approval may be granted. However, a written request must be submitted within 24 hours following the verbal approval. Any administrator or supervisor who permits overtime without prior approval from the superintendent or one of his designees shall be personally responsible for reimbursement of the costs to the central office.

A service employee who has not been granted prior approval by the appropriate authority to work overtime may not arrive at his/her work station earlier than the scheduled starting time and must leave his/her workstation at the scheduled ending time. Failure to comply with this requirement may result in disciplinary action, up to and including termination.

Supervisory personnel must monitor overtime use on a weekly basis to ensure that all overtime worked is necessary. With the mutual agreement of the employee and the immediate supervisor, as required by state law, work schedules may be adjusted within a workweek to preclude the need for overtime. This situation is considered an adjusted workweek and would not be recorded as overtime as long as the hours worked during the workweek do not exceed 40 hours.

Workweek

For purposes of the FLSA, the workweek for all employees of the Board is defined as beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. on Saturday.

Computation of Overtime Pay

In computing the 40-hour workweek for overtime purposes, only actual hours worked will be counted. Time taken off work as paid or unpaid leave, including personal, military leave, vacation, jury duty, other approved or unapproved absences from work, outside school environment days, and days canceled due to inclement weather, will not be counted as hours worked.

Overtime compensation will be paid for actual hours worked in excess of 40 during a given workweek, as defined above. Off-duty time equal to 30 minutes or more is not considered time worked and shall not be used in overtime computations.

In computing the total number of overtime hours worked, time worked will be calculated in fifteen (15) minute increments. One (1) to fifteen (15) minutes equal one-quarter(¼) hour of overtime, 16-30

minutes equal one-half (½) hour of overtime, 31-45 minutes equal three-quarters (¾) hour of overtime, and 46-60 minutes equal one (1) hour of overtime.

Overtime compensation will be paid at the rate of one and one-half (1½) times the employee's regular rate of pay for each hour worked in excess of 40 hours during a workweek. Generally, the regular rate of pay will include all compensation earned by the employee during the workweek divided by the total number of hours worked. In situations where an employee performs two (2) or more different duties during the workweek with differing regular compensation rates, such as his/her regular duty and an extracurricular and/or extra-duty assignment, overtime compensation will be computed using one (1) of the following methods.

Weighted Average Method

The weighted average is determined by taking the employee's total earnings for the week and dividing the earnings by the total number of hours worked on all jobs. Once the weighted average has been determined, overtime will be calculated at one and one-half (1½) times this average.

Separate Rates Method

This method involves calculating the employee's regular rate of pay for the workweek by computing the rate for each job separately. The overtime rate is based on the regular rate that applies to the type of work performed during the hours in excess of 40 hours. This method is available for service personnel holding two (2) separate half-time positions.

Time and Attendance Reports

Each service employee is required to complete a time sheet for each week worked during the employee's employment term. The time sheet must reflect the actual starting and ending times for each day worked and the total time worked. The employee and the employee's immediate supervisor must each sign the time sheet prior to its submittal to the Payroll Office.

Violations

Any employee who violates any provision of the Board's overtime policy or any related regulations and procedures may be subject to disciplinary action, up to and including dismissal.

Fair Labor Standards Act
WV Code § 18A-4-8(d), 18A-4-8(i), 18A-4-8a

4B.8 SERVICE PERSONNEL WORK SCHEDULE

All full-time service employees are expected to work a 40-hour workweek each week. Board employees may regularly and routinely be scheduled to work less than a 40-hour workweek; however, the Board retains the right to request an employee to perform additional duties up to 40 hours during a workweek without additional compensation, except as required for extracurricular and/or extra-duty assignments. The required duty free lunch shall be counted as time worked.

All service personnel will be assigned appropriate starting and dismissal times by the principal of the school or the chief administrator of the work location provided that their total regular workday will be no

longer than eight (8) hours. Principals or the chief administrator shall keep a record of arrival and departure times if it appears that an employee is not arriving to work on time and/or departing early.

A service employee may not be required to report for work more than five (5) days per week without his/her agreement, and no part of any working day may be accumulated by the Board for future work assignments without his/her agreement.

Under the Fair Labor Standards Act (FLSA), a service employee may not volunteer to perform service for or on behalf of the school system if the volunteer duties involve the same types of duties that the employee normally performs as part of his/her regular duties.

No service employee may have his/her daily work schedule changed during the school year without the employee's written consent, and the employee's required daily work hours may not be changed to prevent the payment of time and one-half (1½) wages or the employment of another employee.

A service employee who is required to work overtime will be paid accordingly.
WV Code § 18A-4-8, §18A-4-8a

4B.9 SERVICE PERSONNEL DUTY FREE LUNCH

A service employee who is employed for a period of more than three and one-half (3½) hours per day and whose pay is at least the amount indicated in the "State Minimum Pay Scale," as set forth in state law, shall be provided a daily lunch recess of not less than 30 consecutive minutes. Service employees shall not be assigned any responsibilities during this recess. The duty free recess is included in the number of hours worked. The Board may not increase the number of hours to be worked by a service personnel employee as a result of such employee being granted a recess.

A service employee may exchange his/her lunch recess for any compensation or benefit mutually agreed upon by the employee and the Superintendent or his/her agent. The service employee and the Superintendent or his/her agent may not agree to terms that are different from those available to any other service personnel within the same classification category within the individual school or to terms that in any way discriminate among such service personnel within the same classification category within the individual school. This agreement shall be in writing, dated and signed by the service personnel employee and the Superintendent or his/her agent.
WV Code § 18A-4-8a, 18A-4-14

4B.10 SERVICE PERSONNEL DUTY FREE BREAKS

A service employee who is employed in a school for more than three and one-half (3½) hours per day shall be provided two (2) fifteen (15) minute breaks in addition to his/her 30 minute duty free lunch. The principal shall establish the break times for each service employee assigned to his/her school.

A service employee who is employed at the central office for more than three and one-half (3½) hours per day shall be provided two (2) fifteen (15) minute breaks in addition to his/her duty free lunch. The immediate supervisor shall establish the break times for each service employee assigned to his/her

department. At the discretion of the supervisor, the breaks may be taken with lunch provided the same opportunity is afforded to all service employees within the department.

4B.11 REGULAR SENIORITY FOR SERVICE PERSONNEL

Seniority accumulation for a regular school service employee begins on the date the employee enters upon regular employment duties and continues until the employee's employment as a regular employee is severed with the Board. If the employee returns to regular employment at a later date, her/his seniority shall be the first day that he/she returns to work.

Seniority shall not cease to accumulate when an employee is absent without pay, as authorized by the Board, or the absence is due to illness or other reasons over which the employee has no control.

Seniority of a regular employee shall continue to accumulate except during the time when an employee is willfully absent from employment duties because of a concerted work stoppage or strike or is suspended without pay.

For all purposes, including the filling of vacancies and reduction-in-force, seniority shall be accumulated within particular classification categories of employment.

Transfer Out of Classification/Concerted Work Stoppage

The seniority of a regular employee who transfers out of a class title or classification of employment and subsequently returns to that class title or classification of employment shall be adjusted accordingly. The employee shall then be considered as having held uninterrupted service within the class title or classification from the newly established seniority date. The seniority of an employee who has had a break in the accumulation of seniority as a result of being willfully absent from employment duties because of a concerted work stoppage or strike shall be adjusted in the same manner.

Seniority Accrued in Different Classifications

Seniority acquired within different classifications shall be calculated separately. However, when a service employee makes application for a position outside of the classification category currently held and the vacancy is not filled by an applicant within the classification category of the vacancy, all regular employment seniority acquired shall be considered for the purposes of securing a posted position.

Multi-classification

Service personnel who hold multi-classification titles shall accrue seniority in each classification of employment that the employee holds and shall be considered an employee of each classification contained within his/her multi-classification title. When applying to fill a vacancy outside the classification categories held by the multi-classified employee, seniority acquired simultaneously in different classification categories shall be calculated as if accrued in one (1) classification only.

When filling multi-classification vacancies, the applicant with the greatest seniority in any one (1) of the classification titles included within the multi-classified position shall be deemed the most senior applicant for the position.

Identical Seniority

If two (2) or more service employees accumulate identical seniority, the priority shall be determined by a random selection system established by the employees and approved by the Board. The Board delegates its responsibility to approve and conduct random selections to the Superintendent. All employees with an identical seniority date within the same class title or classification shall participate in the random selection. As long as the affected employees hold identical seniority within the same classification, the initial random selection conducted by the Board shall be permanent for the duration of the employment within the same classification. This random selection priority applies to the filling of vacancies and to the reduction-in-force of service personnel.

Procedure for Tie-Breaker for Identical Seniority

Affected employees shall be scheduled to meet at the Board office during the regular business day and shall draw an object from a container. The object shall be labeled with a number that indicates the order of seniority with "1" being first in seniority and so forth. Said employees shall be assigned seniority in the order determined by the drawing and shall complete the seniority form along with two witnesses. In the event an affected employee is unable or unwilling to attend and/or draw, another Board employee will draw in the stead of the employee.

When substitute employees in the same classification are hired on the same agenda, the same tie-breaker system will be used to determine the order in which substitutes shall be entered into the sub-calling system. The same procedure will be used in order to determine seniority order 1) when substitute employees in the same classification have the same first day worked; and/or 2) when regular employees in the same classification are hired to begin work the same first day; and 3) when ties develop between or among employees.

A copy of the seniority form shall be placed in each participant's personnel file.

Seniority List

On or before September 1st and again on or before January 15th of each school year, the Board shall post the current seniority list or lists of each school service classification at each county school or working station. The lists shall contain the names of all regularly employed service personnel employed in each classification and the date that each employee began performing his/her assigned duties in that classification. It is the responsibility of all service employees to verify the accuracy of the published information and to request corrections, if necessary. Erroneous information will be promptly corrected.
WV Code §§18A-2-2, 18A-2-7, 18A-4-8b, 18A-4-8g

4B.12 SENIORITY FOR SUBSTITUTE SERVICE PERSONNEL

Seniority accumulation for a substitute employee shall begin on the first day the employee works as a substitute. Once established, the seniority of a substitute service employee shall continue until the date the employee begins work as a regular employee or employment as a substitute service employee with the Board is severed.

A substitute service employee shall acquire regular employment status, with the exception of regular employee job bidding rights and regular seniority, if the employee receives a position due to the regular employee being on an approved leave of absence, on workers' compensation, or suspended. Substitute seniority shall continue to accrue in each case.

Seniority List

A current list of substitute school service personnel by classification shall be available to employees upon request at the central office.
WV Code §18A-4-15

4B.13 SENIORITY FOR SERVICE PERSONNEL EMPLOYED IN SUMMER POSITIONS

A service employee who held a particular summer position the previous year is entitled to hold that position each succeeding year if the position exists.

The seniority of service personnel employed in summer positions comes into play only when the Board is required to reduce the number of service employees to be employed in a particular summer program or classification or when, at a later date, the number of positions within that particular summer program needs to be increased. In each case, the summer seniority shall be based on the length of service in the particular summer program or classification.
WV Code § 18-5-39

4B.14 SENIORITY FOR SERVICE PERSONNEL IN EXTRACURRICULAR POSITIONS

An extracurricular assignment is any activity that occurs at a time other than regularly scheduled work hours and on a regularly scheduled basis. A service employee who holds an extracurricular assignment shall be given a separate contract from his/her regular contract.

The Board shall fill extracurricular service personnel vacancies in accordance with state law unless an alternative procedure for making extracurricular service personnel assignments within a particular classification of employment has been approved by the Board and an affirmative vote of two-thirds ($^2/_3$) of the employees within that classification.

A service employee who held an extracurricular assignment during the previous year shall have the option of retaining the assignment, if it continues to exist in any succeeding school year. If the Board terminates an extracurricular assignment due to lack of need and the assignment is later reestablished, it shall be offered to the employee who held the position at the time of its termination. If the employee declines, the position shall be posted and filled pursuant to state law.
WV Code § 18A-4-8b, 18A-4-16,

4B.15 ASSIGNMENT OF REGULAR SERVICE PERSONNEL

Assignment of all service personnel is made upon the recommendation of the Superintendent and with the approval of the Board.

Unless transferred or terminated, pursuant to the provisions of the school laws of West Virginia, all service personnel with continuing contracts shall be considered as reassigned to their present position or job for the next school year.

The assignment of an aide to a particular position within a school is based on seniority within the aide classification if the aide is qualified for the position.

The assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification.

WV Code § 18A-4-8b

4B.16 STEP-UP OF REGULAR SERVICE PERSONNEL

Any regular service person employed in the same building or work station and same classification of employment as the absent employee shall be given the first opportunity to fill the position of the absent employee on a rotating and seniority basis. In such case, the position of regular service employee who stepped up is filled by a substitute service employee.

A regular service employee assigned to fill the position of an absent employee has the opportunity to hold the position throughout the absence.

For purposes of this policy, all regularly employed bus operators are considered to be employed within the same building or work station.

WV Code § 18A-4-15

4B.17 ASSIGNMENT OF SERVICE PERSONNEL FOR EXTRA-DUTY ASSIGNMENTS

An extra-duty assignment is an irregular job that occurs periodically such as, but not limited to, field trips, athletic events, banquets, and band festival trips.

A service employee with the greatest length of service in a particular classification shall be given priority in accepting extra-duty assignments, followed by fellow employees on a rotating basis according to the length of their service time until all employees have had an opportunity to perform similar assignments. The cycle is then repeated.

An alternative procedure for making extra-duty assignments within a particular classification may be used if the alternative procedure is approved both by the Board and by an affirmative vote of two-thirds ($^2/_3$) of the employees in the classification.

Assignment of Bus Operators for Extra-Duty Trips

The following alternative procedure was affirmed by 68% of the bus operators and approved by the Board on September 4, 2007.

For the purpose of this policy, the following definitions shall be used.

A. *Driver(s)* shall mean all regularly employed bus operators who receive a full-day or half-day salary.

B. *School year* shall mean the first scheduled paid workday for school bus operators and continue through the day before their first scheduled paid workday of the following school year.

Assignment of extra-duty trips for bus drivers is made in the following manner:

A. A posting board for each geographical area is maintained at the bus lounge for that area. On the first scheduled workday for bus operators, two (2) drivers from each area shall be elected by the drivers of that area to monitor and track hours accumulated by drivers in the area. Board monitors shall assign trips to drivers in their own area. They shall use a dry erase board or other means to list trips for the workweek so drivers will be aware of upcoming trips. One (1) board posted in the bus lounge will be used to track all trip hours accumulated by each driver in the area and to reconstruct the history of charges by date and trip if questions arise or grievances occur.
B. The area coordinator is responsible for seeing that the board monitors are elected at the start of each school year and to oversee the trip board monitors to ensure that proper procedures are being followed. Disagreements regarding the assignment of trips will be taken first to the area coordinator. If not resolved, the issue will be taken to the Director of Transportation and the Assistant Superintendent for Administrative Services, respectively. A grievance should only be filed if attempts to resolve a matter at these levels fail.
C. Regularly employed drivers, including those who receive one-half (½) day salary, shall be eligible to take all trips, including trips during school hours. Drivers wishing to be assigned trips must tell the area coordinator who will relay this information to the board monitors. Each driver interested in taking trips must post his/her correct available hours on the trip board within the first two (2) weeks of the school year. These drivers must report to their bus lounge immediately following their regular morning bus runs and remain there until all trips are assigned. Failure by a driver to make contact with the board monitor will result in a charge if a trip comes up that could have been accepted by that driver.

   EXCEPTION: *Drivers who cannot be at the area bus lounge because of their morning runs and drivers with afternoon runs only are to be contacted by the board monitor by school board radio or cell phone. Inability to make contact will result in a charge to the driver.*
D. At the start of each school year, all drivers *begin with zero hours***.** Assignment for each trip goes first to the driver(s) with the *lowest hours***.** When two (2) or more drivers have equal hours, the driver with the most seniority shall have first opportunity to accept or decline a trip that is within their available hours. A rotation from the driver(s) with the lowest hours to the driver(s) with the highest hours will occur when assigning trips.
E. A driver who removes him/herself from the trip board may be reinstated at any time with hours equal to the driver(s) with the highest hours behind all drivers regardless of seniority.
F. Whenever possible, trips will be posted on a calendar in the area bus lounge a minimum of 48 hours before the trip is to occur. Exceptions are athletic tournaments and rescheduling due to weather. If possible, trips will be assigned the day before they are to occur to assist the transportation secretary in determining if a substitute is needed. Trips scheduled for off days, weekends, and Mondays shall be assigned on the last working day before the trip. Trips will be

assigned in consecutive order by date. There will be no backing up, bumping, or trading to another trip.

G. A *split trip* shall be made by the same driver when the split trip is on the same day.

H. There is *no negotiation* of pay.

I. Thanksgiving, Christmas, and spring break will begin the day after the last scheduled workday before the break and will end at the beginning of the next regularly scheduled workday.

J. A driver is charged with hours when a trip is accepted or declined unless covered otherwise under an exception identified in this policy. A driver cannot be charged for a trip when
   1. the trip is not in the driver's available time frame;
   2. the driver's bus is scheduled for monthly service/state inspection;
   3. the driver is called for drug and/or alcohol testing;
   4. the driver is ineligible due to absence;
   5. the driver has posted a dental or medical appointment 24 hours in advance; or
   6. the driver declines a trip during Thanksgiving, Christmas, or spring break.

FF. If a trip is declined, the driver will be charged with the lowest hours of any trip he/she could have accepted that day.

GG. A driver can accept or be charged with more than one (1) trip on the same day, if a full rotation of drivers in the area has been made and the trips charged to the driver do not interfere with one another.

HH. A driver who has an extracurricular (supplemental) run cannot take a trip during regular school hours unless the driver's extracurricular run has been completed (to and from).

II. A regularly employed driver who receives a full-day salary must drive his/her regular morning run before being eligible for a trip during school hours on the same day.

JJ. A full-day or half-day driver must drive his/her last regular afternoon run before being eligible for a trip after regular school hours on the same day.

KK. A regularly employed driver who receives a half-day salary must drive his/her last regularly scheduled run before being eligible for a trip during regular school hours on the following day.

LL. A driver who drives his/her regularly scheduled morning run but is absent for the regularly scheduled afternoon run on the same day shall be ineligible to take a trip during regular school hours on that day.

MM. A newly hired driver will begin with an accumulation of hours equal to the active driver(s) with the lowest hours in that area.

NN. A driver who transfers from one area to another area shall carry his/her accumulated hours to the new area.

WV Code § 18A-4-8b

4B.18 LICENSURE REQUIREMENTS FOR PRESCHOOL, KINDERGARTEN, FIRST GRADE, AND SECOND GRADE AIDES

Beginning July 1, 2014, any person currently or newly employed as an aide in a preschool, Kindergarten, first, or grade program shall be required to hold a certificate as prescribed by rules established by the WV

Board of Education. As of July 1, 2014, such aides shall hold the position of Early Childhood Classroom Assistant Teacher (ECCAT) with a designation commensurate with the type of certificate s/he holds.

The designations include:

A. ECCAT-Temporary Authorization - This designation is for a preschool, kindergarten, first, or second grade aide who does not possess the minimum requirements for the Permanent Authorization but is enrolled in and pursuing the completion of the requirements for the permanent authorization or paraprofessional certificate.

B. ECCAT-Permanent Authorization - This designation is for a preschool, kindergarten, first, or second grade aide who has completed the minimum requirements for a state-awarded certification for ECCAT that meets or exceeds the requirements for a Child Development Associate (CDA), Apprenticeship for Child Development Specialist (ACDS), or West Virginia Learns Early Childhood Online Learning Series (3 key courses).

C. ECCAT-Paraprofessional Certificate - This designation is for a preschool, kindergarten, first, or second grade aide who has completed all requirements for and has been awarded the Paraprofessional Certificate by the West Virginia Department of Education.

Any person who is employed as a preschool or kindergarten aide and is eligible for full retirement benefits before July 1, 2020, may remain employed as an aide in that position and shall not be required to acquire licensure for the Early Childhood Classroom Assistant Teacher.

WV Code § 18-5-18
Revised August 21, 2023
Revised July 15, 2024

4B.19 TRANSFER OF SERVICE PERSONNEL

The Superintendent, subject only to approval of the Board, shall have authority to transfer service personnel. However, the employee shall be notified, in writing by the Superintendent before the date established by WV Code, if he/she is being transferred or considered for transfer.

Only those service employees whose intended or considered transfer is based upon known or expected circumstances shall be considered for transfer. The notification shall be limited to only those employees.

Any service employee who desires to protest such proposed transfer may request, in writing, a statement of the reason(s) for the proposed transfer. The statement of reason(s) shall be delivered to the employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reason(s), the service employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board. The hearing on the proposed transfer shall be held on or before the date established by WV Code. At the hearing, the reason(s) for the proposed transfer must be shown.

At a meeting of the Board on or before the date established by WV Code, the Superintendent shall furnish to the Board a written list of the service employees to be considered for transfer and subsequent assignment for the next school year. A service employee who was not provided notice and an opportunity for a hearing, pursuant to this policy may not be included on the list. All service employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of the employees recommended for transfer shall be included in the minute record of such meeting. These employees shall be notified, in writing by certified mail return receipt request, to their last known address within ten (10) days following the Board meeting, of their having been recommended for transfer and subsequent assignment and the reasons for such transfer.

If it determined before the date established by WV Code that the approved transfer is no longer needed, the Board shall rescind the transfer and notify the employee, in writing, that he/she has a right to be restored to her/his former position.

Within five (5) days of being notified, the affected employee shall notify the Board of his/her intent to return to his/her former position or the right of restoration to the former position shall terminate.

Limited Transfer of Aides

An aide may transfer to another position one (1) time only during any one-half (½) of a school term, unless otherwise mutually agreed upon by the aide and the Superintendent, subject to Board approval. During the first year of employment as an aide, an aide may not transfer to another position during the first one-half (½) of the school term of employment unless mutually agreed upon by the aide and the Superintendent, subject to Board approval.

Limited Transfer of Autism Mentors

After the fifth (5th) day prior to the beginning of the instructional term, no service person (autism mentor, aide, interpreter, or paraprofessional) who works with autistic students or a student with an exceptionality whose IEP requires one-on-one service may transfer to another position in the county during that instructional term unless the service person holding the position does not have valid certification. The aide, autism mentor, interpreter, or paraprofessional may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term. The Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students. The Superintendent shall notify the state board when a service person employed in such a position is transferred to another position after the fifth (5th) day prior to the beginning of the instructional term.
WV Code § 18A-4-8b, 18A-5-8g, 18A-4-8(r)

4B.20 REASSIGNMENT OF SERVICE PERSONNEL

Reassignment of Surplus Personnel

When actual student enrollment in a grade level or program, unforeseen before the date established by WV Code of the preceding school year, permits the assignment of fewer service personnel to or within a school under any pupil-teacher ratio, class size, or caseload standard established in WV Code §18-5-18a

or any policy of the West Virginia Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school, if needed, to comply with any such pupil-teacher ratio, class size, or caseload standard.

Before any reassignment may occur, notice shall be provided to the employee who shall be given the opportunity to appear before the Board to state the reasons for his/her objection(s), if any, prior to the Board voting on the reassignment.

Except as otherwise provided, the reassignment may be made without following the notice and hearing provisions of state law and at any time during the school year when the conditions of this subsection of law are met, provided that the reassignment may not occur after the last day of the second (2nd) school month.

A service employee reassigned under this subsection shall be the least senior of the surplus service personnel at the other school or at the grade level or program within the school.

No service employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment under this provision.

Reassignment of Itinerant Service Personnel

An itinerant assignment is when a service person does not have a fixed work site and may be involuntarily reassigned to another work site. A service employee is considered to hold itinerant status if he/she has bid on a position posted as itinerant or has agreed to accept this status. The Board may establish positions with itinerant status only within the aide and autism mentor classifications and only when the job duties involve exceptional students.

A service employee with itinerant status may be assigned to a different work site upon written notice ten (10) days prior to the reassignment without the consent of the employee and without posting the vacancy. A service employee with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the Board shall post and fill all positions that have previously been filled by a service employee with itinerant status without posting.

A service employee who is assigned to a beginning and ending work site and travels at the expense of the Board to other work sites during the daily schedule shall not be considered to hold itinerant status.
WV Code § 18-2-7, 18A-4-8, 18A-4-8b

4B.21 REDUCTION-IN-FORCE OF SERVICE PERSONNEL

It is the responsibility of the Board to provide sufficient service personnel necessary for the implementation of the service programs of the county.

The Board reserves the right to abolish and/or reduce service positions whenever decreased student enrollment, lack of need, change in financial conditions, or other good cause warrants such action.

When circumstances warrant a reduction-in-force, the Superintendent shall recommend the decrease of service positions in accordance with federal requirements, state laws, local Board policies, and the best interests of the county. The requirements of state law shall be observed in achieving a reduction-in-force of service personnel positions. Prior to the date established by WV Code of each year all service employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination issue before the date established by WV Code of the current year.

If a reduction in service personnel becomes necessary, the Board shall make all decisions on the basis of seniority and follow the procedures listed below.

A. The service employee with the least amount of seniority within the classification or grades of classification to be reduced shall be properly released and employed in a different grade of that classification, if there is a job vacancy.
B. If there is no job vacancy for employment within the classification or grades of classification, the service employee shall be employed in any other job classification which he/she previously held with the Board, if there is a vacancy, and shall retain any seniority accrued in the job classification or grade of classification.
C. All service employees whose seniority with the Board is insufficient to allow their retention during a reduction-in-force shall be placed on a preferred recall list and shall be recalled to employment by the Board on the basis of seniority.
D. Multi-classified service employees are subject to reduction-in-force in any category of employment contained within their multi-classification title based upon the seniority accumulated within that category of employment, provided that if a multi-classified employee is reduced in one (1) classification, the employee shall retain employment in any of the other classification(s) that he/she holds within her/his multi-classification title. In that case, the Board shall delete the appropriate classification title or classification from the contract of the multi-classified employee.
E. No person employed in the position of an aide, as of August 31, 1990, may be reduced in force or transferred to create a vacancy for the employment of a paraprofessional.
F. Any person employed in an aide position on June 8, 2007, may not be transferred or subject to a reduction-in-force for the purpose of creating a vacancy for the employment of a licensed practical nurse.

If it is determined before the date established by WV Code that the approved reduction-in-force is no longer needed, the following procedures shall be followed.

A. The Board shall rescind the reduction-in-force and notify the affected employee, in writing, of his/her right to be restored to his/her former position of employment.
B. Within five (5) days of being so notified, the affected employee shall notify the Board of his/her intent to return to his/her former position of employment or the right of restoration to the former position shall terminate.

C. The Board shall not rescind the reduction-in-force of an employee until all employees with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment.

D. If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification of the employee who was subject to reduction-in-force, the position of the released employee shall be posted and filled in accordance with state law**.**

WV Code § 18A-4-8b, 18A-4-8g

4B.22 PREFERRED RECALL OF SERVICE PERSONNEL

All service personnel whose seniority with the Board is insufficient to allow their retention by the Board during a reduction-in-work force shall be placed upon a preferred recall list.

When a service employee has been employed in one (1) or more classifications, the seniority accrued in each previous classification shall be retained by the service employee.

A service employees placed upon the preferred recall list shall be recalled to any position openings by the Board within the classification(s), where he/she had previously been employed, to any lateral position for which the employee is qualified or to a lateral area for which an employee has certification and/or licensure.

A service employee on the preferred recall list shall not forfeit his/her right to recall by the Board if compelling reasons require an employee to refuse an offer of reemployment by the Board.

The Board shall notify all service employees on the preferred recall list of all position openings as required by state law. The notice shall be sent by certified mail to the last known address of the service employee. It is the duty of each such employee to notify the Board of any change in the address.

No service personnel position openings may be filled by the Board, whether temporary or permanent, until all service employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.

A service employee released from employment for lack of need as provided by state law shall be accorded preferred recall status on July 1st of the succeeding school year if the employee has not been reemployed as a regular employee.

WV Code § 18A-4-8b

4B.23 SERVICE PERSONNEL VACANCIES

A vacancy occurs when the Board takes official action to create a position, accept a resignation or retirement, terminate an employee, or approve a transfer.

The Assistant Superintendent for Personnel/Pupil Services shall observe the requirement of state law and district procedures in posting service personnel vacancies.

Established procedures shall:

A. provide at least five (5) work days for the posting;
B. provide for posting on the West Virginia Department of Education and county websites, on the county hotline, at the Central Office, and in the schools and other work sites;
C. provide postings that are written so as to ensure that the largest possible pool of qualified candidates may apply;
D. provide postings that do not include criteria unnecessary for the successful performance of the job and not written with the intent to favor a specific applicant; and
E. provide for the filling of the position within twenty (20) working days of the end of the posting period if one (1) or more applicants meet the qualifications listed in the job posting.

The Assistant Superintendent for Personnel/Pupil Services shall use the following procedures in posting and receiving applications for posted vacancies:

A. identify the vacant position;
B. prepare the vacancy bulletin based on consultation with the principal and other administrative personnel to ensure that the job description meets the needs of the position;
C. distribute vacancy bulletins to the central office, all schools, and other identified work stations during the school term; and
D. post vacancies on the state and county websites and county hotline throughout the year.

If two (2) or more service employees accumulate identical seniority, the priority is determined by a random selection system established by the employees and approved by the Board.

The Board may not declare a position vacant and post a job opening sooner than ten (10) days following the death of the individual employed in that position.

The Board shall notify all unsuccessful candidates for service positions that they were not selected for the position.

WV Code § 18A-4-21, 18A-4-8b, 18A-4-8b(g)

4B.24 COMPETENCY TESTING FOR SERVICE PERSONNEL

All service personnel employed by the Board must pass the appropriate competency test developed by the West Virginia Department of Education, unless exempt for holding the appropriate industry licensure. The purpose of these tests shall be to provide the Board a uniform means of determining whether service personnel, who do not hold a classification title in a particular category of employment, can meet the definition of the classification title in another category of employment. Competency tests shall not be used to evaluate employees who hold the classification title in the category of their employment.

The Superintendent shall designate a central office administrator as the test coordinator for this testing program. This individual is responsible for maintaining the security of the tests used for this purpose.

Each classification title defined and listed in state law shall be considered a separate classification of employment for service personnel and shall have a separate competency test, except for those class titles having Roman numeral designations. Such positions shall be considered a single classification of employment and have a single competency test.

The cafeteria manager class title shall be included in the same classification category as cooks and shall have the same competency test.

The executive secretary class title shall be included in the same classification category as secretaries and shall have the same competency test.

The classification titles of chief mechanic, mechanic, and assistant mechanic shall be included in one (1) classification title and shall have the same competency test.

The competency test shall consist of an objective written and/or performance test. Applicants shall have the opportunity to take the written test orally if requested. Oral tests shall be recorded mechanically and kept on file. The person administering the oral test shall not know the applicant personally.

The performance test for all classifications, other than bus operator, shall be administered by an employee of the Board.

The standard passing score established by the West Virginia Department of Education for each test shall be used by the Board. Achieving a passing score shall conclusively demonstrate the qualification of an applicant for a classification title. Once an employee passes the competency test of a classification title, the applicant is fully qualified to fill vacancies in that classification of employment as provided in state law and shall not be required to take the competency test again.

Each written test shall be given before the performance test. An applicant who passes the written test but fails the performance test has one year to retake the performance test without having to retake the written test.

An applicant who fails to achieve a passing score shall be given other opportunities to pass the competency test when making application for another vacancy within the classification category.

Competency tests shall be administered to applicants in a uniform manner under uniform testing conditions. The county test coordinator is responsible for scheduling competency tests and notifying applicants of the date and time of the one (1) day of training prior to taking the test and the date and time of the test. The Board shall not utilize a competency test other than the test developed by the state board.

When scheduling of the competency test conflicts with the work schedule of a school employee who has applied for a vacancy, the employee shall be excused from work to take the competency test without loss of pay.

Competency tests shall be utilized to determine the qualification of new applicants seeking initial employment in a particular classification as either a regular or substitute employee. The Board reserves

the right to determine minimum qualifications that exceed the definition of classification titles when the best interests of students compel the identification of additional qualifications.

Once an employee holds or has held a classification title in a category of employment, that employee shall be considered qualified for the classification title even though that employee may no longer hold that classification.

WV Code § 18A-4-8e

4B.25 SERVICE PERSONNEL STAFF DEVELOPMENT

Purpose

Schools exist to facilitate student learning. An ongoing staff development program for all personnel is essential to enhance student learning. Staff development should be a continuous, developmental process based on staff needs to meet county and state goals.

County Responsibility

The Board, through its Superintendent, shall schedule annually at least eighteen (18) hours of staff development for service personnel. At least twelve (12) of the eighteen (18) hours must be scheduled prior to January 1st. All eighteen (18) hours must be completed prior to the start of the next school year.

Failure to complete timely the mandatory eighteen (18) clock hours of staff development may be considered willful neglect of duty and may subject the employee to discipline, up to and including termination of employment.

Exceptions to the schedule may be granted by the Superintendent for innovative programs.

The Board shall establish a Service Personnel Staff Development Council and the Superintendent shall take the necessary steps to implement a comprehensive system of staff development.

The Board shall make available an amount equal to one tenth of one percent (.1% or .001) of the amount provided in the basic foundation allowance, pursuant to state law, and shall credit such funds to an account to be used by the council to fulfill its objectives. The Board shall retain final approval for all disbursements and may consider other funding sources.

Principles of Operation

The Board shall incorporate the following components and governing principles of operation.

A. All service personnel staff shall participate in at least eighteen (18) hours of job related staff development each year. Job related means that programs available to all service personnel are relevant to their areas of assignment and their job classification and job description.
B. To promote personal growth and lifelong learning for service personnel, the staff development activities should:
    1. be based on predetermined needs of service personnel,
    2. reflect state and local Board goals and policies,

3. include activities which provide for individual as well as group needs,
4. include individual, school-level and county-level learning opportunities, and
5. include a systematic evaluation process.

General Implementation Process

A. The Superintendent or his/her designee shall hold an advisory, nonvoting role on the Service Personnel Staff Development Council.
B. The Service Personnel Staff Development Council shall have final authority to propose staff development programs for their peers based upon rules established by statute.
C. The Service Personnel Staff Development Council shall be comprised of two (2) employees from each category of employment: secretarial, custodial, maintenance, transportation, cook, and aide.
D. Nominations of service personnel to serve on the county Service Personnel Staff Development Council may be submitted by six (6) groups identified in C (immediately above) to the Superintendent who shall prepare and distribute ballots and tabulate the votes of the county's service personnel voting on the persons nominated.
E. Election to the Service Personnel Staff Development Council shall be made on a staggered three (3) year sequence.
F. The county school system may elect to cooperate in the same staff development program with one (1) or more other school systems.
G. Any service employee, in concert with the Superintendent or his/her designee, may develop an individual staff development plan to be used in implementing his/her staff development activities. The plan must be submitted to and approved by the Superintendent or his/her designee prior to completion of the plan.
H. The Superintendent or his/her designee shall:
    1. supervise the development of staff development program objectives by the Service Personnel Staff Development Council;
    2. coordinate the implementation of the staff development plan;
    3. disseminate information concerning program objectives, location and time, prerequisites, and other pertinent information about staff development offerings to all service personnel in the county; and
    4. maintain records of enrollment, scheduling, and evaluation of each staff development activity.
I. The proposed program for staff development shall be approved by the Board of Education prior to implementation.

Monitoring and Evaluation

A. Monitoring of the policy shall be conducted via the state accreditation system.
B. Every three (3) years the Service Personnel Staff Development Council shall evaluate the effectiveness of the staff development program and activities in meeting the needs of service personnel. For evaluation purposes, a staff development year shall be July 1st through June 30th.

WV Code § 18A-3-9

WVBOE Policy 5314

4B.26 SERVICE PERSONNEL MEETINGS

Upon recommendation of the Putnam County Service Personnel Association and with the approval of the Superintendent, 60% of the essential expenses shall be paid for two (2) service personnel representatives to attend a national meeting dealing with specific job responsibilities.
WV Code § 18A-5-4a

4B.27 SERVICE PERSONNEL ASSOCIATION LEAVE

Substitutes shall be provided for absences approved by the Superintendent for representatives to attend the service personnel association annual meeting. No more than six (6) service employees selected by the Putnam County Service Personnel Association may attend.

Requests shall be made, in writing, to the president of the Putnam County Service Personnel Association and approved by the Superintendent prior to the absence.

Days approved as service association leave are not chargeable to the employee's accumulated personal leave.
WV Code § 18A-2-4a

4B.28 SERVICE PERSONNEL RELEASE TIME

A service employee under a continuing contract may be provided release time for any special professional or governmental assignment without jeopardizing the contractual rights of such service or any other rights, privileges, or benefits.

Release time shall be provided for any service person while serving as a member of the Legislature without jeopardizing the employee's contractual rights or any other rights, privileges, benefits, or accrual of experience.
WV Code § 18A-2-6a

4B.29 SERVICE PERSONNEL EVALUATION

The Board is responsible for the employment and discharge of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of establishing and implementing a program of personnel assessment.

It is the purpose of the program of staff assessment to

A. strive for the improvement of the total county program,
B. stress the importance of personal improvement on the part of individual service employees so that each student may be provided a quality education and/or service,
C. ensure the continuous improvement of services provided by service personnel, and
D. establish a process of continuous and systematic service personnel evaluation.

The staff evaluation program shall aim at the early identification of specific areas in which the service employee needs help so that appropriate assistance may be provided. A supervisor offering suggestions for improvement to a service staff member shall not release that service employee from the responsibility to improve. If a service employee, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relative evaluation documents may be used in the proceedings.

All persons conducting evaluations shall receive training in completing evaluations, conducting observations and conferences, writing and monitoring improvement plans, and management and evaluation skills.

In an effort to ensure that all employees have a full understanding of the evaluation policy and procedures, an evaluation orientation shall be convened at the beginning of the employment term.

The two (2) performance ratings on the service personnel evaluation form are meets performance standards – performance is consistently adequate in meeting performance criteria and does not meet performance standards - performance is not consistently acceptable in meeting performance criteria.

Full-time Service Personnel

Regardless of the total years of experience, a service employee who has received an unsatisfactory rating shall be evaluated every year until five (5) consecutive years of satisfactory ratings have been achieved. During the first year of employment with Putnam County Schools, an experienced service employee with more than five (5) years of experience may be evaluated more frequently than required as determined by the immediate supervisor. Thereafter, the employee shall be evaluated using the appropriate criteria based on total years of experience and evaluation results.

Full-time Service Personnel with Zero Through Five Years of Experience

Each full-time service employee who is in the first, second, third, fourth, or fifth year of employment shall receive a minimum of one (1) evaluation each year. An unsatisfactory rating in any category shall require supporting documentation through a minimum of two (2) written observations. A copy of the evaluation shall be submitted to the Assistant Superintendent for Personnel/Pupil Services no later than June 1st.

Full-time Service Personnel with Five or More Years of Experience and No Unsatisfactory Ratings

A full-time service employee who has five (5) or more years of experience and no unsatisfactory ratings over the past five (5) years shall be evaluated no more than once every three (3) years unless the immediate supervisor determines an evaluation for a particular service employee is needed more frequently or the employee requests an evaluation for a particular year. The immediate supervisor's decision to evaluate more frequently shall be based on deficiencies related to the performance criteria identified in the service employee's written evaluation. The service employee may request an evaluation more frequently than once every three (3) years through a written request to the immediate supervisor by October 1st in the year an evaluation is requested. An unsatisfactory rating in any category shall require

supporting documentation through a minimum of one written observation. A copy of the evaluation must be submitted to the Assistant Superintendent for Personnel/Pupil Services no later than June 1st.

Substitute Personnel Evaluation:

A service employee who serves as a substitute shall receive a minimum of one (1) informal evaluation per year. A minimum of one (1) observation shall be required for the evaluation. It shall be the service employee's responsibility to request the evaluation from the administrator at one (1) of the sites where the employee serves during the year. However, an administrator may elect to evaluate the employee at her/his discretion, particularly if the employee's performance exceeds standards or is questionable. To the greatest extent possible, the performance criteria for service personnel shall be used in evaluating the service employee's job performance. A copy of the evaluation shall be submitted to the Assistant Superintendent for Personnel/Pupil Services within ten (10) working days from the date of the evaluation but no later than May 15th.

In addition to the responsibilities and performance criteria identified for all service personnel, a substitute service employee's evaluation shall be based on her/his acceptance of a minimum of 50% of the work assignments for which he/she is called and notification of her/his current telephone number and address to the automated calling system's help desk.

WV Code § 18A-2-12

SECTION 4C: ATHLETICS, NON-ATHLETIC EXTRACURRICULAR AND VOLUNTEERS

4C.1 EMPLOYMENT OF COACHES

If more than one applicant applies for a position, the principal shall recommend the most qualified candidate based on the candidates' qualifications. If the Superintendent agrees with the recommendation, he/she shall submit the candidate's name to the Board for approval.

The successful candidate shall retain the position until he/she resigns providing her/his certificate remains valid and he/she receives a satisfactory evaluation, or he/she does not violate any policy that would justify termination of his/her coaching contract.

Minimum qualifications for such candidates include verification that the applicant is at least eighteen (18) years old, holds a high school diploma or GED/TASC, has successfully completed the West Virginia Secondary School Activities Commission's coaching courses, and has no criminal history record that prevent him/her from working with students.

WV Code § 18A-3-2a

4C.2 EMPLOYMENT OF ATHLETIC TRAINERS

The Board shall employ an athletic trainer(s) or an individual(s) with a limited football trainer authorization to serve during senior high school football practices and games. The trainer(s) will be assigned to work with other school athletic programs as assigned.

A person must be registered by the West Virginia Board of Physical Therapy in order to advertise or represent that he/she is an athletic trainer in West Virginia.

The athletic trainer has responsibility for the development, implementation, and management of the athletic training program. The duties of individuals with limited football trainer authorization are limited to evaluation, initial care, and referral of injuries sustained by students engaged in public school athletics. An athletic trainer or individual with a limited football trainer authorization may not have simultaneous coaching responsibilities in the same sport.

An athletic trainer or an individual with limited football trainer authorization must be in attendance at all senior high school football practices and games. The Superintendent may grant excuses from this requirement for individual practices or games based on illness, accident, or unforeseen events. When an athletic trainer or an individual with limited football trainer authorization is not in attendance because of an illness, accident, or other unforeseen event, the Superintendent must secure the attendance of another person with specialized health related training.

It is the responsibility of the athletic trainer or individual with limited football trainer authorization to determine whether or not an injured student athlete participates in a game or practice.

WV Code § 30-20A-1, et seq.
WVBOE Policy 5112

4C.3 ATHLETIC AND NON-ATHLETIC EXTRACURRICULAR ASSIGNMENTS

An *extracurricular assignment* under this policy shall be defined as a contractual assignment for duties that are in addition to those of a regular teacher and are performed outside the regular school day, or in certain instances, in lieu of the 30 minute, duty-free lunch.

An employee who accepts a specific extracurricular assignment shall be eligible for pay at the established rate when the employee and the immediate supervisor submit certification that the work has been completed.

The rate of pay for established extracurricular assignments shall be based on the level of assigned responsibility according to a point system including the following factors.

A. Hours assigned for practice, preparation, and travel shall be compensated at the rate of one (1) point for each 30 hours in excess of twenty (20) hours.
B. Hours assigned for performance shall be compensated at the rate of one (1) point for each ten (10) hours.
C. Responsibility for the care of large amounts of equipment will be compensated in certain assignments at a point rate fixed for that assignment.
D. Substantial public pressure resulting from average attendance at performances regularly exceeding 500 shall be compensated at a point rate for the particular assignment.

Extracurricular positions, job descriptions, designated hours, points, and the pay schedule for each position are established in the *Putnam County Extracurricular Handbook*. This document shall serve as the administrative guidelines for extracurricular positions. New positions and any change in the pay rate shall be approved by the Board prior to inclusion in the handbook.

Employees accepting extracurricular assignments under the above formula are not required to work hours in excess of the number specified by the job description.

The sponsor shall develop, with the principal's approval, a schedule of activities including practice, preparation, travel, and performance times. The schedule must be completed, approved, and filed in the principal's office before the work is performed.

Pay will be computed at the rate of $120 per point.

E. An extracurricular contract shall terminate when an employee retires: Provided, that teachers and service personnel with extracurricular assignment contracts prior to retirement may apply for extracurricular assignments after retirement and may be employed in the same manner as for the original employment for an extracurricular assignments contract.

WV Code §18A-4-16

Band Assistant(s) for Band Camp Only

If a high school principal elects to hold a band camp during the students' summer break, the principal of the school may request, through the Superintendent, that the Board approve a contract for any band assistant(s) who will be providing services at the camp. The recommended assistant(s) must complete a criminal background check before participating in the band camp. The band boosters will be responsible for submitting payment to the Payroll Department for these contracted assistants at a rate established by the Superintendent.

Post-season Competition

Any coach, whose team/members earn(s) a bid for post-season competition shall receive $500 in additional compensation for the time spent preparing for and participating in the next level(s) of competition. The assistant coach(es) associated with such a team shall receive $300 in additional compensation. An earned bid includes only competition in which the team/members successfully performed to qualify for the next level(s) of competition and does not include any sectional or regional competition in which all teams/members are automatically invited to participate. The principal shall submit the request for the additional compensation at the conclusion of the team/members post-season competition.

Any athletic director whose high school teams(s) earn(s) a bid for post-season competition shall receive $500 in additional compensation for the time spend preparing for the next level(s) of competition. The following format will be used to determine extra pay: **AAA schools** when 3 or more teams advance. **AA schools** where 2 or more teams advance, and **A schools** where 1 or more teams advance. An earned bid includes only competition in which the team successfully performed to qualify for the next level(s) of competition and does not include any sectional or regional competition in which all teams are automatically invited to participate. The principal shall submit the request for the additional compensation after June 1, but no later than the last day of the school year. In the event that an athletic director resigns and a new athletic director is employed the additional compensation will be pro-rated between the Athletic Directors.

Co-educational Sports

An individual who coaches a West Virginia Secondary Schools Activities Commission (WVSSAC) sanctioned sport and has a co-educational team due to 1) insufficient numbers of participants to warrant separate boys' and girls' teams or 2) an inability to schedule games, matches, or meets with other schools that have separate boys' and girls' teams shall receive additional compensation. The assistant coach(es) of the co-educational team shall also receive additional compensation. The principal shall submit the request for the additional compensation as soon as it is determined that the coach will have a co-educational team. The following criteria shall be used to determine the level of additional compensation.

Level	Amount
Level I - 25 or fewer students	$200 for head coach
Level I - 25 or fewer students	$100 for assistant coach(es)
Level II - More than 25	$400 for head coach

Level	Amount
Level II - More than 25 students	$200 for assistant coach(es)

Enrollment

The enrollment figures on the second month report from the previous school year shall be used to determine the rate of pay based on school enrollment.

Restrictions on Service as Head Coach of Two Sports

No person may serve as head coach in more than one (1) organized sport at the same time if there is an overlap of seasons in accordance with the West Virginia Secondary School Activities Commission's (WVSSAC) Standardized Schedule. The WVSSAC season for each sport includes the first day of practice through the state championship. This policy shall be prospective in its application from the date of its passage.

Resignation from an Extracurricular Assignment

A person wishing to resign from an extracurricular assignment should do so at least 30 working days before the start of the season for related activities. Resignations after this time will be accepted only upon Board approval of extenuating circumstances.

4C.4 AUXILIARY COACH

An *auxiliary coach* is an individual who, in an unpaid capacity, assists the employed coaching staff of a particular sport. Before an auxiliary coach can be utilized, the following sequence must occur.

A. The individual must have successfully completed the West Virginia Secondary School Activities Commission's training program for coaches if he/she does not hold a West Virginia Professional Teaching Certificate.
B. The principal must request, in writing, that the Superintendent recommend to the Board approval of the individual as an auxiliary coach.
C. The Board must approve the Superintendent's recommendation.
D. If the individual does not hold the Professional Teaching Certificate, he/she must apply for a Coaching Authorization through the county Personnel Department. The application must include documentation of a minimum of a high school diploma and a criminal history record check. The cost of the criminal history record check and the application licensure fee shall be paid by the county Board of Education.
E. The West Virginia Department of Education must approve the application for the Coaching Authorization. Under no circumstances is the individual to assist the coaching staff until this approval has occurred.

If a criminal records check indicates that an auxiliary coach has been convicted of or pleaded guilty to a crime, the Superintendent may determine that the presence of the auxiliary coach would present an unreasonable risk to the safety and welfare of students. In such case, the auxiliary coach will be informed that he/she may not serve in this capacity.

If an auxiliary coach violates policies or procedures or engages in any behavior that is adverse to student safety and welfare or which has the potential to adversely affect student safety or welfare, the Superintendent, in his/her sole discretion, may discontinue service by the auxiliary coach.

4C.5 VOLUNTEERS

The Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for those programs and activities.

Individual School Volunteer

A person who freely offers his/her services without expecting to be paid is considered a volunteer.

A volunteer who assists with school programs on an irregular or isolated basis shall be informed of the county policy relating to voluntary service.

A volunteer who assists with school programs on a regularly scheduled basis or for a significant amount of time shall sign a volunteer's agreement.

A volunteer may perform services with the mutual agreement of the school principal, teacher or sponsor, and the individual volunteer. The volunteer shall work under the direction of the principal.

Volunteer Groups or Agencies

Volunteer groups are subject to the same provisions as individuals except that 1) the officers of the group or agency have the responsibility of informing their members of the county policy relating to voluntary service, and (2) the officers may execute a volunteer's agreement on behalf of their members.

Volunteer Activities

A volunteer may assist students; provide clerical, custodial or maintenance assistance; organize and conduct activities to enhance the instructional and extracurricular programs; or perform any other appropriate function.

The principal shall give written authorization to a volunteer who agrees to assist in chaperoning school activities.

A volunteer may not

A. administer formal testing to individual students,
B. record or have access to individual test scores,
C. diagnose reading or other academic problems,
D. administer formal discipline, or
E. directly supervise students.

However, a volunteer may assist in student supervision, but he/she must be working under the direction of the professional educator who is responsible for the direct supervision of the students.

Liability

A volunteer performing services with the agreement and under the direction of the principal has the same liability insurance coverage as an employee. The use of a volunteer shall not release the teacher or principal from his/her responsibilities.

The principal shall inform each volunteer at his/her school that he/she

A. is required to abide by all board policies and county guidelines while on duty as a volunteer; and
B. will be covered under the county's liability policy but the county cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation.

It is the principal's responsibility to monitor the behavior of the volunteer(s) to ensure compliance with all policies and procedures.

The Superintendent reserves the right to require a criminal history record check on school volunteers.

If a volunteer 1) violates policies or procedures or 2) engages in any behavior that is adverse to student safety and welfare or that has the potential to adversely affect student safety or welfare, the Superintendent may discontinue service by the volunteer.

Sex Offenders

The principal is responsible for verifying that any volunteer utilized in his/her school is not on the sexual offender registry list that is supplied by the county Superintendent.

A sex offender registrant who is the parent or guardian of a student shall be permitted to participate or volunteer in appropriate parent or guardian activities unless prohibited by court order. However, the Superintendent may direct that appropriate measures be taken to lessen the risk of the unsupervised presence of registered sex offenders in schools or school sponsored activities. Alternative arrangements may be made for bus and walking routes to and from school recess and physical education or any other activity in order to protect students.

4C.6 EVALUATION OF COACHES AND ASSISTANT COACHES

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

The principal, assistant principal, or athletic director who holds an administrative certificate shall conduct the evaluations.

A minimum of one (1) written evaluation per contract period is required each year. Each evaluation requires a minimum of two (2) observations. The head coach shall provide input into the observations and evaluations of assistant coaches.

The evaluator shall share the evaluation with the coach/assistant coach during a scheduled conference and within four (4) weeks of the conclusion of the sport's season as defined by the West Virginia Secondary School Activities Commission. The coach/assistant coach must sign the evaluation form denoting that the evaluator met with him/her and must be provided a copy of the evaluation. Signing the form does not imply concurrence with the findings. The coach/assistant coach reserves the right to include a written statement as an addendum to the evaluation.

An improvement plan must be developed for any coach/assistant coach whose performance is deemed unsatisfactory. A coach or assistant coach who does not perform satisfactorily by the end of the improvement period may be disciplined, up to and including termination of his/her extracurricular contract.

The state-adopted responsibilities for coaches/assistant coaches are identified in WVBOE Policy 5310. The performance criteria used to evaluate a coach/assistant coach are categorized under "Professional and Interpersonal Relations" and "Coaching and Related Areas."
WVBOE Policy 5310

4C.7 EVALUATION OF PERSONNEL HOLDING NON-ATHLETIC EXTRACURRICULAR ASSIGNMENTS

A person who holds a non-athletic extracurricular assignment must be evaluated annually. The county Personnel Department shall provide each principal with the Extracurricular Assignment Evaluation form that lists the individuals at his/her school who hold such assignments. If the individual is performing his/her responsibilities satisfactorily, the employee and the principal simply need to sign the form and return it to the Personnel Department by the date designated on the form.

An individual who holds a non-athletic extracurricular assignment and is not performing his/her responsibilities satisfactorily must be evaluated on the designated evaluation form. Two (2) observations of unsatisfactory performance must be completed before an unsatisfactory evaluation can be done. The administrator must meet with the employee after each observation to identify the deficiencies and provide the employee an opportunity to improve.

An unsatisfactory evaluation shall require an improvement plan. An employee who does not perform satisfactorily by the end of the improvement period may be disciplined, up to and including termination of his/her extracurricular contract.

SECTION 5: STUDENTS

5.1 NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

The Board does not discriminate on the basis of religion, race, color, national origin, gender, disability, age, or genetic information in its programs or activities. Further, it is the policy of this Board to provide an equal opportunity for all students, regardless of race, color, creed, disability, religion, gender, ancestry, age, national origin, place of residence within the boundaries of the county, or social/economic background, to learn through the curriculum offered.

To achieve the aforesaid goal, the Board directs the Superintendent to

A. review current and proposed courses of study and textbooks to detect any bias based upon race, color, gender, disability, religion, national origin, ancestry, or culture; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;
B. develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;
C. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of race, color, creed, gender, disability, or national origin in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
D. ensure that like aspects of the county program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;
E. ensure that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be assessed, are not differentiated or stereotyped on the basis of race, color, creed, gender, or national origin.

The Superintendent shall appoint and publicize the name of a compliance officer whose responsibility it will be to ensure that federal and state regulations are complied with and that any inquiries or complaints regarding discrimination or equal access are dealt with promptly in accordance with law. He/she shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to students, their parents, staff members, and the general public.

The Superintendent's staff shall identify annually children with disabilities, ages 3 through 21, who reside in the county but do not receive public education. In addition, the Superintendent shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in county system programs and develop and administer a

program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, and evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the county staff will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing on an annual basis.

14th Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX
20 U.S.C. Section 1701 et seq., EEOA of 1974
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964, 42 U.S.C. Section 2000ff et seq., GINA
42 U.S.C. 12101 et seq., ADA of 1990, as amended
42 U.S.C. 6101 et seq.
29 C.F.R. Part 1635
34 C.F.R. Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the NCLB of 2001
IDEA of 1997
WV Code § 18-20-1 et seq.
WVBOE Policy 2419

5.2 SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Board does not discriminate in admission or access to, or participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the county system.

The Director of Exceptional Education is the county Section 504/ADA Compliance Officer. This employee is responsible for coordinating the county system's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act (ADA). A copy of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended, including copies of their implementing regulations, may be obtained from the county Compliance Officer. The county Compliance Officer can be reached at:

77 Courthouse Drive
Winfield, WV 25213
304-586-0500
304-586-0553 (fax)

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

The Board will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the county system, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the county system will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination in education practices and the identity of the county's Compliance Officer will be posted throughout the county system, and published in the county system's or general information publications.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

29 C.F.R. Part 1630
34 C.F.R. Part 104
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C.12101 et seq., ADA of 1990, as amended

5.3 ELIGIBILITY OF RESIDENT AND NONRESIDENT STUDENTS FOR ENROLLMENT

The Board shall provide a free and appropriate education to all children who have attained the age of five (5) years prior to the first day of September of the school year during which the child is enrolled in kindergarten and has attained the age of six (6) years prior to September 1st of the school year during which the child is enrolled in first grade and has not yet attained the age of 22 years or who is attending public school in accordance with the provisions of state law and WVBOE policy. These provisions relate to the education of pre-school, early childhood, middle childhood, adolescent, and adult students whose educational programs require special education and related services, including three (3) year olds, as of their third birth date, through five (5) year olds with disabilities and those who are between five (5) and 21 years of age prior to September 1st of such school year, unless the student has met graduation requirements as specified by his/her Individualized Education Program and within the state/local policy pertaining to graduation requirements.

No student shall be admitted for the first time to any public school in the state unless the person enrolling the student presents a copy of the student's original birth record certified by the state registrar of vital statistics confirming the student's identity, age, and state file number of the original birth record.

If a certified copy of the student's birth record cannot be obtained, the student shall be enrolled with an affidavit completed by the person enrolling the student explaining the inability to produce a certified copy of the birth record. However, if any person submitting such affidavit is in the U.S. military service and is in transit due to military orders, a three (3) week extension shall be granted to such person for providing the birth records.

All information submitted as proof of the student's identity and age along with the affidavit shall be forwarded immediately by the principal or principal's designee to the local law enforcement agency. The affidavit should include a date for the receipt of the certified birth certificate from the parent or the guardian. Principals and their designees are immune from civil or criminal liability in connection with any notice to a local law enforcement agency of a student lacking a birth certificate. A student cannot be denied an education due to the compulsory attendance law and policy.

Unless students are 1) transferred to a county school from outside the county according to pertinent provisions of law and policy, 2) homeless students as that designation is defined by the state law, or (3) foreign exchange or other foreign students visiting persons residing in the county, they must be residents of the county in order to enroll in the school system.

A request for the transfer of a certified copy of the student's birth record shall be requested by the principal of the school in which the student has transferred, or his/her designee, within fourteen (14) days after enrolling the transferred student.

WV Code § 18-2-5c, 18-8-1a, 18-20-1, et seq.
WVBOE Policy 2419
WV State Supt. Interpretation, Aug. 29, 2000

5.4 HOMELESS STUDENTS

Children who meet the federal definition of *homeless* will be provided a free appropriate public education in the same manner as all other students of the county system. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless and will be assigned to the school serving those non-homeless students residing in the area in which the homeless child is actual living.

Homeless children and youth, including migratory children, are defined as individuals who lack a fixed, regular, and adequate nighttime residence and include those who meet any of the following criteria:

A. share the housing of other persons due to loss of housing, economic hardship, or similar reason;
B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;
C. live in emergency or transitional shelters;
D. are abandoned in hospitals;
E. are awaiting foster care placement;
F. 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; or

G. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs administered by the school system.

The school system shall remove barriers to the enrollment and retention of homeless students in schools in the district. Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records and other required documentation.

Homeless students have the right to remain in their school of origin or the local attendance area school, according to the child's best interest. The school of origin is the school that the student attended when permanently housed or last enrolled. The local attendance area school is any public school in which the student is actually living and is eligible to attend.

The attendance director shall serve as the liaison for homeless children and will perform the following duties:

A. ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;
B. 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;
C. ensure that parents or guardians are informed of and assisted in accessing all transportation services for their children, including to the school of origin;
D. coordinate with designee to help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his/her right to appeal the county system's decision;
E. 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;
F. ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
G. ensure that homeless children and youths enroll in and have a full and equal opportunity to succeed in schools of the county system;
H. 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 county system and referrals to health care services, dental services, mental health services, and other appropriate services; and
I. ensure that enrollment disputes are mediated as outlined in paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act.

Additionally, the liaison will coordinate and collaborate with the state Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths and other duties as assigned by the Superintendent.

42 U.S.C. 11431 et seq., (McKinney-Vento Homeless Assistance Act)
WV Code § 18-8-4
WVBOE Policy 4110

5.5 FOREIGN EXCHANGE STUDENTS

The Board 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 system.

The Board will permit the admission of exchange students from recognized and approved student exchange programs for students who are residing in this county. The recognition of programs for these exchange students, as well as the limitations as to the number of students from these programs, shall be determined by the Superintendent.

5.6 ENTRANCE REQUIREMENTS

The Board shall utilize entrance age requirements for students that are consistent with statute and sound educational practice and that ensure the equitable treatment of all eligible children.

The Superintendent shall require that each child who registers for entrance to school for the first time provide the following:

A. certified copy his/her birth certificate from the West Virginia Department of Vital Statistics or similar documentation authorized by law as proof of age and birth date;
B. a certified copy of any custody order or decree together with any modification in such an order or decree;
C. certificate of immunization from a physician or health department;
D. proof of residence; and
E. for preschool students only, a completed health check form from a physician.

If such documents are not provided, the child may be admitted under the Superintendent's guidelines. Appropriate law enforcement authorities may be notified.

The Superintendent shall also ensure that each child entering the school system for the first time has been properly screened for hearing, vision, and speech and language disabilities and has age appropriate immunizations as defined by the American Academy of Pediatrics and recommended by the West Virginia Department of Health and Human Resources. If documentation of the screenings for hearing, vision, and speech and language disabilities is not provided by the parents/guardians of the student, such screening shall be conducted by the county.

Preschool

A child is eligible for entrance into preschool if he/she attains the age of four (4) prior to July 1 beginning with the 2018-2019 school year of the year in which he/she applies for entrance and has not yet attained the age at which he/she will be admitted to kindergarten.

Kindergarten

A child is eligible for entrance into kindergarten if he/she attains the age of five (5) prior to July 1 of the school year in which he/she applies for entrance. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

The Board may admit to kindergarten such children as may be ineligible by reason of age but who demonstrate the ability and need to undertake a program of education, provided that

A. the child is born on or before August 31 of the year in which he applies for early entrance, and
B. the child meets the necessary entrance requirements set forth by the Board

The Board will designate the necessary standards and testing programs required for such early admission. Requests for testing must be made no later than August 15.

There will be a four (4) week trial period at the beginning of the school year during which early entrance students will be carefully observed by the teacher.

First Grade

A child is eligible for entrance into first grade if he/she

A. attains the age of six (6) on or before August 31st of the year in which he/she applies for entrance,
B. has completed the kindergarten program of this county or an equivalent program elsewhere, and
C. has been recommended by the teacher for advancement to the first grade.

WV Code § 18-5-17, 18-5-18
WVBOE Policy 2525

5.7 ATTENDANCE

The educational program offered by this Board is predicated upon the presence of the student, continuity of instruction, and classroom participation. The county recognizes that a direct relationship exists between students' daily attendance and academic performance, graduation, and good work habits in the workplace. To facilitate good attendance, this school system shall maintain a positive, safe environment conducive to learning and commit to helping students develop responsibility, self-discipline,and other good work habits.

Definitions

Absence - not physically present in the school facility for any reason

Allowable deductions for schools - absences that result from school-approved curricular/co-curricular activities, failure of the bus to run, hazardous conditions, excused student absences, and students not in attendance due to disciplinary measures.

Attendance – For statistical purposes, attendance will be reported and aggregated to the nearest half day.

A. Full day attendance – being present at least 74% of the school day

B. Half day attendance – being present at least 50% of the school day

Awaiting Foster Care Placement – any child or youth who is in custody of the West Virginia Department of Health and Human Resources, has been placed in out-of-home care, and 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.

Documented Chronic Medical Condition – 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. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team. Students who submit doctor notes under chronic medical must utilize the same doctor who approved the chronic medical. No more than a parental excuse may be required for absences up to ten (10) days resulting from a documented chronic medical condition or a documented disability as defined in this policy. After ten (10) days, a medical excuse from a doctor of record is required.

Documented Disability – 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. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team.

Enrollment – A student is officially enrolled when 1) he/she was enrolled the previous year, 2) he/she appears at the school to enroll with or without a parent/guardian or 3) he/she and/or a parent/guardian appear at school to enroll with or without records.

Excused Student Absences - absences that result from school approved curricular/co-curricular activities; failure of the bus to run; hazardous conditions; SAT Plan, IEP, or 504 Plan documented chronic medical condition; documented disability; and other Board approved excused absences

Family – Child, mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, sister-in-law, niece, nephew, or any person living in the same household.

Homeless Children and Youth – individuals, including migratory children, who lack a fixed, regular, or adequate nighttime residence and students designated in Section 5.4 – Homeless Students

School of Origin – the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, as detailed in Section 5.4 – Homeless Students

Tardy – an excused or unexcused late arrival, as determined by the school administrator, after the start of school or to his/her assigned location during the school day

Transfer – a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location within a county, between counties, or out of state and evidenced through a transcript request that the student is continuing elementary or secondary education.

Unexcused Absence – any absence that does not meet the criteria for excused absences listed below.

The Board considers the following factors to be excused absences for time missed at school:

A. Medical or dental appointment with written excuse from physician or dentist;

B. personal illness or injury of the student with a physician's written verification;

C. absences that result from school approved curricular/co-curricular activities;

D. illness in the family with written verification of a physician and permission of the school administrator;

E. quarantine of the home;

F. death in the family, with a limit of three (3) days for each occurrence, except in extraordinary circumstances;

G. observation or celebration of a bona fide religious holiday;

H. attendance at approved religious instruction;

I. legal obligation with written verification;

J. failure of the bus to run with verification from the bus driver;

K. leave of educational value provided it has prior approval from the school administrator based on indicated curricular goals and objectives to be met;*

L. a calamity, such as a home fire, flood, or family emergency, approved by the school administrator;

M. contagious parasitic conditions, such as lice, with a limit of two (2) days per incident unless a physician's written verification supports a longer time period;

N. illness of a student verified, in writing, by a parent/guardian, not to exceed ten (10) days per year for students in grades K-12; and

O. Military requirement for students enlisted or enlisting in the Military.

* A leave unrelated to approved curricular or co-curricular activities will require the student to use parent notes. Each student is allowed up to ten (10) days of written parental excuses per school year. All absences from class, including early departures, require a parent or medical excuse. Attendance does not always have to be within Board owned school facilities, but a student is considered to be in attendance if present at any place where school is in session.

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program, provided that he/she reports to the staff member to whom he/she is assigned for guidance at the place at which he/she is conducting study and regularly demonstrated progress toward the objective of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a physician setting forth the extenuating circumstances requiring such instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than two (2) consecutive weeks due to an injury or for any other reason as certified by a licensed physician or other licensed health care provider.

Responsibilities

Student and Parent/Guardian/Custodian

It is the legal responsibility of the parent/guardian/custodian to make sure that his/her child attends school regularly and on time while enrolled in school. Attendance and reporting to class on time shall be required of all students enrolled in the schools during the days and hours that school is in session.

Parent/Guardian/Custodian/Adult Student

Each building principal shall require, from the parent/guardian/custodian or each student of compulsory school age or from an adult student who has been absent from school or class for any reason, a signed written statement of the cause of the absence. The statement must be submitted to the school attendance office, or other designated area, no later than three instructional days after the first day the student returns to school. If an excuse is submitted electronically, it is the responsibility of the parent to ensure it is received by the attendance office on the day the student returns to school. The Board reserves the right to verify such statements and to investigate the cause of each absence.

Repeated infractions of Board policy on attendance, including repeated tardiness, may result in disciplinary actions that may include, but are not limited to, detention, extra class time, and/or alternative class settings.

Each parent/guardian/custodian will be responsible for fully cooperating in and completing the enrollment process by providing immunization documentation, copy of a certified birth certificate or affidavit, signed suspension or expulsion document, and any other documents required by federal, state, and/or local policies or code.

Board of Education

The Board shall employ a certified county attendance director as required by law. The Board shall support and require this individual to implement and execute the duties established in law, including the requirement to serve as the McKinney-Vento liaison for homeless children and youth. The Board shall support and require each school principal to implement and execute the duties defined in state law.

County Attendance Director's Responsibilities

The county attendance director shall diligently promote regular school attendance. He/she shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday, which is currently 17 years of age. In the case of three (3) total unexcused absences of a student during a school year, the attendance director, assistant, or principal shall make meaningful contact to the parent, guardian, or custodian of such child that the child's attendance at school is required and request contact from the family to determine the reasons for the unexcused absences in order to discuss and correct the circumstances causing the unexcused absences of the child. Meaningful contact may include written correspondence, email, telephone calls, home visits, or any communication deemed necessary.

In the case of five (5) total unexcused absences of a child during a school year, the attendance director, assistant, or principal shall make meaningful contact by serving written notice to the parent, guardian, or custodian of such child that the child's attendance at school is required and request contact from the family to determine the reasons for the unexcused absences in order to discuss and correct the circumstances causing the unexcused absences of the child. Meaningful contact may also include email, telephone calls, home visits, or any communication deemed necessary.

In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause that an offense has been committed and that the accused has committed it, a summons or warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest the person(s) charged with the offense against the state. More than one (1) parent/guardian may be charged in the complaint.

The magistrate court clerk, or the circuit court clerk performing the duties of the magistrate court as authorized in state law, 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 at least ten (10) days notice of the date, time, and place of the hearing to the accused.

State law preserves the confidentiality of juvenile records, while eliminating the formal requirement that the records be sealed. It extends the circuit court's jurisdiction over juvenile status offenders who were adjudicated delinquent for habitual truancy until the individual reaches 21 years of age or completes a court ordered educational plan. The amended provisions will not have adjudicated juveniles attending regular, non-alternative classes, once they reach nineteen (19) years of age.

When 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 of the student, stating the age of the student. In the performance of his/her duties, the attendance director has authority to take, without warrant, any student absent from school in violation of the provisions of this policy and to place the student in the school in which he/she is or should be enrolled.

Under direction of the Superintendent, the attendance director is responsible for efficiently administering school attendance in the county. In addition to these duties directly relating to the administration of attendance, the attendance director shall perform the following duties:

A. assist in the taking of the school census to see that it is taken at the time and in the manner provided by law;

B. confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees;

C. cooperate with existing state and federal agencies charged with enforcing child labor laws; Section 5 Page 12

D. 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 any manner directed by the county superintendent

E. participate in teachers' conferences with parents and students;

F. assist in such other ways as the superintendent may direct for improving school attendance; and

G. make home visits of students who have excessive, unexcused absences or if requested by the principal or assistant principal.

The attendance director shall serve as the liaison for homeless children and youth. As the liaison, the attendance director is required to fulfill the duties listed in Section 5.4 – Homeless Students.

Principal's Responsibilities

The principal must work closely with the attendance director to address attendance issues at his/her school. He/she must execute the duties as defined in state law. In the case of three (3) total unexcused absences of a student during a school year, the attendance director, assistant, or principal shall make meaningful contact notice to the parent, guardian, or custodian of such child that the child's attendance at school is required and request contact from the family to determine the reasons for the unexcused absences in order to discuss and correct the circumstances causing the unexcused absences of the child.

Meaningful contact may include written correspondence, email, telephone calls, home visits, or any communication deemed necessary. In the case of five (5) total unexcused absences of a child during a school year, the attendance director, assistant, or principal shall make meaningful contact by serving written notice to the parent, guardian, or custodian of such child that the child's attendance at school is required and request contact from the family to determine the reasons for the unexcused absences in order to discuss and correct the circumstances causing the unexcused absences of the child. Meaningful contact may include email, telephone calls, home visits, or any communication deemed necessary.

It shall be the duty of the principal of each school to make prompt reports to the attendance director

of all cases of unexcused absences arising within the school that require the services of the attendance director. 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. The school nurse shall also be included in the monitoring process.

Principles of Operation

The principal or principal's designee shall collect classroom attendance data and make appropriate referrals to the attendance director.The person charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.Reasonable preventive measures and consequences for student tardinessStudent tardiness is considered disruptive behavior that is a violation of the Student Code of Conduct and must be dealt with accordingly. The preventive measures, outlined in a separate section of this policy,shall be observed to reduce tardiness.Students may not be suspended solely for failure to attend class. Other measures of discipline may include, but are not limited to, detention, extra class time, or alternative class settings.

Student Dropouts

All school dropouts shall be reported to the West Virginia Department of Education. The student

interested in dropping out of school is expected to meet with the school counselor to discuss options that may be available. If a student is under age eighteen (18), the student must meet with the attendance director and complete a skills assessment before completing the dropout form. Any student interested in dropping out must also complete a TABE test to measure potential success in pursuing a High School Equivalency Diploma.

In order to obtain the full benefit from the educational programs offered, all students in grades 9-12 shall be scheduled in the defined high school curriculum, college courses, career/technical programs, or virtual school courses for the full instructional day for four (4) years except for with graduation requirements satisfied and the following compelling circumstances:

A. military enlistment,

B. enrollment in college or advanced training, or

C. extenuating circumstance with school principal recommendation.

Process and Procedures

Parental awareness, support, and involvement are essential to a successful attendance policy. Parents are encouraged to support the policy by sending their children to school regularly and on time.

The Board recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and regulations of the Board and their child(ren)'s school. Parents should become familiar with the rights and responsibilities that are contained in this policy and the

school's handbook. Parents will be notified of the county attendance policy annually by the principal during the first week of school. Parents of students enrolling in school after the beginning of the school term will be provided a copy of the policy.

All students are expected to make up work after each absence. Students will be provided the opportunity to make up work missed as a result of an excused or unexcused absence. The make-up work shall be completed within three (3) days of the absence or according to a timeline designated by the teacher(s). Additional time may be provided at the teacher's discretion if arrangements are made with the teacher in advance.

Maintenance of Records

An accurate, up-to-date, daily record of attendance for every student must be maintained using the West Virginia Information System (WVEIS).

Written procedures for notifying parents about absences, monitoring absences, and notifying the county attendance director must be established.

Students who are physically absent from school must be documented as absent. This document may become a legal document.

Prevention and Corrective Measures

Each school shall develop and implement a system of incentives and rewards to promote school attendance and to reduce tardiness. Parents, school staff, and students must be involved in its development. These systems or programs may consist, but are not limited to, personal and group recognition programs, granting special privileges, free admission to school and community events, etc. These programs shall not violate state or county policies and regulations.

The following preventive and corrective measures will be utilized:

A. assign the student to a truancy diversion program, which existed prior to January 1, 2023, in accordance with WV State Code;

B. provide counseling to the student;

C. request or require the student's parent to attend a parental involvement program;

D. request or require a parent to attend a truancy prevention mediation program;

E. Provide services through a SOS plan; and/or

F. take appropriate legal action.

A student with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs for appropriate interventions. Student assistant teams/programs shall periodically review interventions to determine their effectiveness.

WV Code § 18-8-4
revised July 1, 2024

5.8 MISSING AND ABSENT CHILDREN

It is the interest of this Board to participate in local, state, and national efforts to decrease the number of missing children. If the person enrolling the student fails to furnish a certified copy of the student's birth record, the principal or his/her designee shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the student's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

Principals and their designees shall be immune from any civil or criminal liability in connection with any notice to a local law enforcement agency of a student lacking a birth certificate or failure to give such notice as required by this section.

WV Code § 18-2-5c

5.9 LATE ARRIVAL AND EARLY DISMISSAL

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the county and to meet attendance requirements. However, the Board recognizes that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

The school must be notified of absences by written request of the student's parent/guardian stating the reason for the tardiness or early dismissal. If one (1) parent has been awarded custody of the student by the courts, the custodial parent 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. Absent such notice, the school will presume that the student may be released into the care of either parent. No student shall be released to anyone who is not authorized by the parents.

WVBOE Policy 4110

5.10 JAYCIE'S LAW

This Board believes parents of children throughout any age in middle or high school should be given the utmost support, because they face a unique set of challenges and circumstances on their road to graduation. The Board shall provide educational support to these students with children at any age through graduation. The Board shall make reasonable efforts to encourage the parent to remain on track for graduation by providing academic support options including, but not limited to, work provided virtually and a homebound instructor for weekly visits to ensure accountability. Putnam County Schools shall, through school social workers or counselors, refer the pregnant and parenting student to a "pregnancy help organization" by providing a list of pregnancy or postpartum assistance organizations within the county and surrounding counties.

Absences due to pregnancy or parenting-related conditions will be considered excused, including absences for:

(A) Labor;

(B) Delivery;

(C) Recovery; and

(D)Prenatal and post-natal medical appointments;

(2) Provide at least 8 weeks of excused absences for a mother for the birth of the student's child, including both natural/vaginal delivery and c-section delivery;
(3) Provide excused absences for antenatal care by recommendation of the medical provider;
(4) Provide two weeks excused absence for the father of the child;

(A) A doctor's or medical excuse shall be provided up to the initial 8 weeks' absence and a separate excuse for each period of absence after the initial 8 weeks.

(5) Provide an excused absence for parenting students whose children are sick: Provided, that they shall provide a doctor's excuse for that child.

WV Code § 18-34-2

5.11 NONRESIDENT TRANSFER AND OPEN ENROLLMENT

Students should be enrolled in a school in the county of residence. Nonresident students who enroll in a Putnam County school must make a fully completed application to the Superintendent. Principals shall admit only nonresident students who have obtained approval from the Superintendent.

Admission Requirements

A student residing in another county may be enrolled under the following conditions.

A. if the student has met basic admission requirements;
B. if the student is eligible (see Eligibility Requirements below);
C. if the principal of the school in which the student wishes to enroll certifies, in writing, that grade level capacity is available to accept the student;
D. if the student agrees to furnish his/her own transportation to school or to a regularly established Putnam County bus route; (unless the student has an individualized education program that specifies that transportation is necessary for fulfillment of the program); and if, in the opinion of the Director of Transportation, there is sufficient space available; and/or
E. if the student has obtained the recommendation of the Superintendent.

Residency shall be determined by the household in which the pupil actually dwells, provided the pupil either resides with a parent, legal guardian, or a person who has assumed responsibility for the care of the student, in good faith, and not for the purpose of evading the effect of school laws.

A parent or other adult must assume responsibility for the student. If an adult other than the parent assumes responsibility for decisions related to school matters or emergencies, a Parent's Designation of Responsibility form shall be completed by the parent. If the child does not reside in the parent's home, an adult (guardian or person in legal or actual charge of the student) must agree to be named in or sign a Certificate of Responsibility form specifying that the child is in his/her legal custody or care.

A. An incomplete or inaccurate application.
B. The school has lack of capacity at grade level.
C. Having already transferred schools during the same school year.
D. Lack of programs or services identified in the Board's critical needs policy.
E. The student's commission of a Level III or IV offense under State Board Policy 4373.

WV Code §18-5-16
Updated August 21, 2023

5.12 OUT OF ZONE TRANSFER

The Board shall permit any eligible elementary or middle school student in the county to apply for transfer to any county program or school, provided that the student's application meets the requirements of the state and the conditions established in county guidelines.

Students are assigned to the appropriate school in the school attendance area in which they reside and must attend that school unless a transfer is approved.

Superintendent Approved Transfer

The Superintendent may transfer students from one school to another within the county for reasons affecting the best interest of the schools. The Superintendent may transfer students upon recommendation of the Special Education Placement Advisory Committee so as to provide appropriate educational services.

Transfer by Request

A student who resides in one attendance area and wishes to transfer to a school in another attendance area may do so only if the following conditions are met:

A. if a student eighteen (18) years of age or older or the parent/guardian applies each year, in writing, to the Superintendent for such transfer;
OO. if the student is eligible (see *Eligibility Requirements* below);
PP. if the principal of the school to which the student wishes to transfer certifies, in writing, that sufficient space is available to accept the student without causing overcrowding or violation of the maximum teacher-pupil ratio;
QQ. if the student agrees to furnish their own transportation to school or to a regularly established Putnam County bus route; and if, in the opinion of the Director of Transportation, there is sufficient space available on the school bus; and
RR. if the Superintendent approves the transfer.

Eligibility Requirements

Eligibility requirements for students not previously transferred are as follows.

A. Students in grades K-5 may be eligible if such transfer is needed to provide for the safety of the child by allowing access to child care or synchronization of schedules or if the parent/guardian presents documented evidence of extraordinary circumstances creating excessive hardship that would be alleviated by the transfer.
B. Students in grades 6-12 may be eligible if the student, eighteen (18) years of age or older, or the parent/guardian presents documented evidence of extraordinary circumstances creating excessive hardship that would be alleviated by the transfer.
C. Children of employees may be eligible if such transfer does not present a hardship for the school.

Any student or parent/guardian who falsely claims residence in a particular school attendance area and is allowed to enroll in that school on the basis of that claim shall, upon the determination of the facts, be removed from that school and returned to the appropriate school and, thereafter, shall not be eligible for transfer under this policy.

5.13 STUDENT TRANSFERS AND INTERSCHOLASTIC ATHLETICS

The Board recognizes the value to a student to participate in the interscholastic athletic program provided it does not interfere with her/his academic program and he/she meets all of the requirements of the West Virginia Secondary Schools Activities Commission (WVSSAC).

A student who is involved in interscholastic activities and wishes to transfer must comply with the WVSSAC rules and regulations.

ATHLETIC ELIGIBILITY

Participants in the Hope Scholarship Program, or in a micro school or learning pod are eligible for participation in interscholastic athletic events and other extracurricular activities of secondary school.

Students enrolled in a private school are not eligible to play on a public school team if the sport is offered at the private school.

West Virginia Secondary Schools Activities Commission (WVSSAC) allows students to transfer schools and retain athletic eligibility at least one time during a student's four years of secondary school, inclusive of grades 9 thru 12; private school students are subject to the same member to member transfer protocols and WVSSAC waiver application process.

WVSSAC Rules and Regulations Handbook, 127-2-7.2
HB2820 Sports Eligibility
revised August 21, 2023

5.14 STUDENT DRIVER ELIGIBILTY CERTIFICATE

The Board recognizes that driving a vehicle is a privilege and that state law requires young people at least fifteen (15) but less than seventeen (17) years of age to maintain specified driver eligibility requirements related to school attendance, personal behavior, and academic progress in order to maintain a West Virginia license or instruction permit for the operation of a motor vehicle. While the West Virginia Department of Motor Vehicle has the authority to restrict a license or instruction permit for the operation of a motor vehicle, state law places certain responsibilities on school administrators to identify students who do not meet any or all of the driver eligibility requirements and communicate this information to the WVDMV.

Definitions

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

Satisfactory Academic Progress – attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier.

A. This would calculate in the minimum annual earning of five (5) credits to allow graduation in five (5) years based on the graduation requirements set in state board policy.

Withdrawal – the following reasons for which the county shall restrict a license or instruction permit any student at least fifteen (15) but less than seventeen (17) years of age:

A. more than ten (10) consecutive or fifteen (15) total days of unexcused during a school year;
B. suspension based on any of the following behaviors when committed on the premises of an educational facility, at a school sponsored function, or on a school bus:
    1. assault and/or battery on school employees;
    2. possessing deadly weapons, as described in WV Code §61-7-2;
    3. sale of a narcotic drug;
    4. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult; and/or
    5. unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code § 60A-1.1 et seq.

Reinstatement of Driver Privileges

In order to determine eligibility for reinstatement of driving privileges, the student must

A. maintain a semester of eligible attendance, not to exceed ten (10) consecutive or 15 (15) total unexcused absences;

SS. have completed all disciplinary sentences imposed due to behavior; and
TT. must have achieved academic progress before applying for reinstatement.

All forms require the signatures of the principal and attendance director.

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a Citizens Appeal may be filed in accordance with state board policy.

WV Code § 16-3-4, 17B-2-3, 17B-2-5, 17B-3-6, 18-2-5(c), 18-8-3, 18-8-4, 18-2-5, 18-5-15, 18A-5-1, 18-8-6, 18-8-11, 49-5-18, 50-1-81,61-7-2
WVBOE Policies 2510, 4110, 4373
42 U.S.C. 11431 et seq.
Revised August 21, 2023

5.15 ASSIGNMENT WITHIN THE COUNTY SYSTEM

The Board directs that the assignment of students to schools within this county be consistent with the best interests of students and the best use of the county's resources.

The Board shall determine the school attendance areas of the county and shall expect the students within each area to attend the school so designated.

The Superintendent shall review existing attendance areas and recommend to the Board changes as may be justified by

A. consideration of safe student transportation and travel,
B. convenience of access to schools,
C. financial and administrative efficiency, and/or
D. the effectiveness of the instructional program.

No assignment to schools shall discriminate against students on the basis of gender, race, religion, disability, or national origin.

The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student. The Superintendent may also assign a student to a school other than that designated by the attendance area when a class exceeds state mandated enrollment requirements or when a school is overcrowded.

Every effort shall be made to continue a student in the elementary school to which he/she is initially assigned.

Wherever possible and advisable in the interests of the students, siblings shall be assigned to the same building.

The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the students as well as the administration of the school.

Attendance Zones

All residences in Putnam County lie within one of the elementary, middle, and high school attendance areas.

All disputes concerning the location of residence near the boundary lines of two (2) adjacent attendance areas shall be resolved by the Superintendent or designee using the official attendance area descriptions on file at the central office.

5.16 WITHDRAWAL FROM SCHOOL

While statute requires attendance of each student from six (6) years of age by September 1st or five (5) years of age by September 1st, if enrolled in kindergarten and not formally withdrawn, the Board affirms that it is in the best interest of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond school. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent/guardian formally withdraws the child from kindergarten.

A student is officially enrolled when one (1) of the following conditions occurs.

A. He/she was enrolled the previous year;
B. He/she appears at school to enroll with or without a parent/guardian. Or
C. He/she and/or parent/guardian appear at school to enroll with or without records.

A *dropout* is an individual who

A. was enrolled in school at some time during the previous school year and was not enrolled on October 1st of the current school year; or
B. was not enrolled on October 1st of the previous school year although expected to be in membership (i.e. was not reported as a dropout the year before); and
C. has not graduated from high school, obtained a GED/TASC, or completed a state-or district-approved education program; and
D. does not meet any of the following exclusionary conditions:
    1. transferred to another public school district, private school, registered home school, or state- or district-approved education program; or
    2. temporary school-recognized absence due to suspension or illness.

For students of ages seventeen (17) or older, the dropout date is defined as the school day after the student's last day of attendance.

The Board directs that a student wishing to withdraw shall meet with the Superintendent's designee in an effort to determine the underlying reason for such action and to discuss possible alternative educational options. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent/guardian.

The Superintendent's designee shall develop guidelines for withdrawal from school that

A. make counseling services available to any student who wishes to withdraw;
B. help the student define his/her own educational life goals, and help plan the realization of those goals;
C. inform the student of alternative programs; and
D. assure the timely return of all school system owned supplies and equipment in the possession of the student.

The Superintendent may initiate and maintain expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy, even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be noted in the student's record and shall be imposed for the same duration it would have been had the student remained enrolled.

WV Code § 18-5-17, 18-5-18
WVBOE Policy 4110

5.17 HEALTH SERVICES

The Board may require students of the county school system to submit to periodic health examinations to protect the school community from the spread of communicable diseases.

The Board may provide or request parents to provide general physical examinations for athletics, dental examinations, tests for communicable disease, and vision and/or audiometric screening.

18 U.S.C. 1232(h)
WV Code § 18A-3-12

5.18 IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all children entering school for the first time in this county to show proof of immunization against diseases specified by the Center for Disease Control (CDC), state law, and state board policy. The immunization schedules can be found on the Center for Disease Control's (CDC) website (www.cdc.gov) by searching *Immunization Schedules*.

A student who does not have a completed certificate of immunization or other similar medical record of immunizations shall show proof that he/she has received at least one (1) dose of each of the required vaccines in order to be provisionally enrolled in school.

Provisional enrollment may continue for up to seven (7) months from school entry. After attending school for a maximum of seven (7) months, all provisionally enrolled students shall show proof to the school that they have completed all of the required immunizations.

Requests for medical exemption from vaccine requirements shall be reviewed and approved or denied initially by the local health officer in the county where the student attends school. Approval or denial of a request shall be in writing and a copy of the response shall be sent to the state health officer. The local

health officer's decision on a request for a medical exemption from immunization may be reviewed by the state health officer. That decision may be appealed through the administrative review procedure outlined in law.

Children who are delinquent for any required vaccinations or have exceeded the seven (7) month provisional enrollment period will be considered to be out of compliance with the law and may be required to stop receiving educational services at the school until the appropriate vaccine(s) are received and the records are amended.

The attendance director shall assist in obtaining immunizations or records of immunizations for those students that do not have them and assure that students are enrolled while the records are being obtained. All immunization records received shall be entered into the West Virginia Education Information System (WVEIS) and reviewed annually.

Students entering seventh (7th) grade must show proof that they received a dose of Tdap vaccine, which protects against tetanus, diphtheria, and pertussis (whooping cough) and a dose of the meningitis vaccine. Students entering twelfth (12th) grade must also show proof that they received a dose of Tdap and a second dose of the meningitis vaccine if the first dose was given before the child's sixteenth (16th) birthday. If the first dose was given after the sixteenth (16th) birthday, then a second does is not required.

The immunization record for each student in these grades shall be entered into the 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.

64 CSR 95
WV Code § 16-3-4, 16-3-5
WVBOE Policies 2423, 2525

5.19 TUBERCULIN SKIN TEST

All new enrollees shall be required to complete the TB Risk Factor Assessment form upon enrollment. A school nurse will review the assessment where a risk factor may be indicated. A student may be required to submit the approved tuberculin skin test performed by the local health department or the person's physician.

All students transferring from a school located outside of the United States shall furnish a certification from a licensed physician stating that a tuberculin skin test, approved by the Commissioner for the Bureau for Public Health, has been made within four (4) months prior to the beginning of the school year.

If the student cannot produce certification from a physician as required by this policy then the student shall have an approved tuberculin skin test done with the result read and evaluated prior to admittance to school.

Test results must be recorded on the certification required by this policy. Positive reactors to the skin test must be immediately evaluated by a physician and, if medically indicated, X-rayed. Thereafter, the

student shall receive periodic X-rays when medically indicated. A student found to have tuberculosis shall be temporarily removed from school while his/her case is reviewed and evaluated by his/her physician and the local health officer. The student shall return to school when the local health officer indicates that it is safe and appropriate for him/her to return.

The local health officer shall be responsible for arranging proper follow-up of students who are unable to obtain physician evaluation for a positive tuberculin skin test.

The Commissioner shall have the authority to require selective testing of school children for tuberculosis when there is reason to believe that such children may have been exposed to the tuberculosis organism. School nurses shall identify and refer any students to the local health officer in instances where they have reason to suspect that the individual has been exposed to tuberculosis or has symptoms indicative of the disease.

WV Code § 16-3D-3

5.20 USE OF MEDICATION

The Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically prescribed treatments to a student during school hours will be permitted only when

A. failure to do so would jeopardize the health of the student;
B. the student would not be able to attend school if the medication or treatment were not made available during school hours; or
C. if the child is disabled and requires medication to benefit from his/her educational program.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written authorization from both the child's physician and parent/guardian. These documents shall be kept in the school office.

No student is allowed to provide or sell any type of medication to another student. Violations of this rule will be considered violations of the Student Code of Conduct.

Only medication in its original container labeled with the date, if a prescription; the student's name; and exact dosage will be administered. No more than a twenty (20) day supply (equivalent to one month) of medication may be kept at the school. The Superintendent or his/her designee shall determine a location in each building where the medications will be locked up, unless the medications require refrigeration. In such case, the medications shall be stored in a refrigerator not commonly used by students. A parent or student authorized, in writing by physician and parent, may administer medication or treatment but only in the presence of another adult. However, students shall be permitted to carry and use, as necessary, an asthma inhaler or an Epi-pen, provided the student has prior written permission from his/her parent and physician and has submitted the appropriate form to the principal and a school nurse assigned to the building.

A special education employee, hired on or after July 1, 1989, may be required to administer medications after receiving required training. Other school employees designated by the school administrator and school nurse may administer medications after receiving the required training.

All school administrators will be current in CPR/First Aid and medication training in case a back-up is needed. At least two (2) designated school personnel in each building, in addition to the principal, need to be current in CPR, first aid, and automated external defibrillation (AED).

Additionally, the Board shall permit the administration of any medication by a licensed nurse or other authorized staff member.

Students who may require administration of an emergency medication may have such medication stored in a secure location and administered in accord with this policy.
WV Code § 18-5-22a

WVBOE Policies 2422.7, 2422.8

ADMINISTRATION OF NALOXONE

Purpose

In accordance with W. Va. Code §18-5-22d and West Virginia Board of Education Policy 2422.7: Standards for Basic and Specialized Health Care Procedures, the Putnam County Board of Education establishes this policy to provide for the administration of naloxone, an opioid antagonist, to aid any person(s) who may be suffering from an opioid overdose or suspected opioid overdose.

Background

Naloxone HCL (Narcan Nasal Spray) is a medication indicated for the emergency reversal of a suspected opioid overdose. An opioid overdose occurs when opioids excessively stimulate the area of the brain that regulates breathing. Naloxone is indicated to reverse respiratory and central nervous system depression. Intranasal naloxone (Narcan Nasal Spray) acts by displacing an opioid from the opioid receptors in the brain leading to reversal of respiratory depression. Symptoms of an opioid overdose may include but are not limited to unresponsive or unconscious, slowed or no breathing, snore-like or gurgling sounds, cold or clammy skin, and discolored lips and/or fingernails. Other symptoms may include limp body, extreme drowsiness, awake but unable to respond, slow and/or no heartbeat (pulse), choking, vomiting, and pinpoint pupils.

Definitions

Designated School Personnel – Employee of Putnam County Schools who agrees to administer naloxone, who completes the required training by the certified school registered nurse (RN) and is qualified for the delegation of the administration of medications in accordance with W. Va. Code §18-5-22d and West Virginia Board of Education Policy 2422.7: Standards for Basic and Specialized Health Care Procedures.

Overdose – an acute condition, including, but not limited to, severe physical illness, coma, mania, hysteria, or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction.

Opioid – include illegal drugs such as heroin, as well as prescription medications used to treat pain, such as morphine, codeine, methadone, oxycodone, hydrocodone, fentanyl, hydromorphone, and buprenorphine.

Opioid Antagonist – a drug that acts on one or more of the opioid receptors. An example of an opioid antagonist is naloxone or Narcan.

Procedure

Certified school RNs are the leaders of healthcare teams in the school setting. Certified school RNs are authorized to train designated unlicensed school personnel in the administration of an opioid antagonist such as naloxone (Narcan Nasal Spray), deem competent, and authorize designated school personnel to administer an opioid antagonist.

Any person employed as a school nurse and properly licensed by the West Virginia Board of Examiners for Registered Professional Nurses may possess naloxone on or near school property and administer the naloxone if s/he believes in good faith that a student or other individual at the school is suffering from an opioid-related overdose during regular school hours.

Designated school personnel trained in accordance with this naloxone policy shall make every reasonable effort to include the use of naloxone, combined with rescue breathing, to revive the victim of any apparent or suspected overdose. Designated school personnel shall follow the listed protocol.

1. Call 911.
2. Prepare and administer naloxone, as ordered.
3. Administer rescue breathing. (Provide CPR, if indicated.)
4. Administer another dose of naloxone in three (3) minutes if no response or minimal breathing.
5. Continue rescue breathing. (Provide CPR, if indicated.)
6. Complete and submit documentation required by Putnam County Schools. Complete and submit the Naloxone Report to the West Virginia Poison Center (1-800-222-1222).

Naloxone may be administered by the certified school RN and/or other designated unlicensed personnel deemed to be properly trained, by the certified school RN, in the administration of naloxone. Other trained school staff may include professional and service personnel who have been trained in CPR/First Aid/AED and naloxone administration and who have provided return demonstration of the correct method of administering naloxone and verbalizes follow-up care and procedures. Documentation of staff receiving naloxone training will be kept at the school in close proximity to the naloxone storage area. Naloxone may be given to a student, school personnel, or any person on school property during regular school hours, when the authorized personnel believe, based upon their training,

that the individual is experiencing an adverse opioid event.

Prior notice to the parent/guardian of a student of the administration of naloxone is not required. Immediately following the administration of naloxone, the school shall provide notice to the parent/guardian of a student who received naloxone. The notice shall include who administered the naloxone, the rationale for administering naloxone, the approximate time of the administration of naloxone, and any other necessary elements to make the student's parent/guardian fully aware of the circumstances surrounding the administration of naloxone.

Any certified school RN, other licensed nurse, or other designated, trained school personnel working in the school who administers naloxone to a person believed to be suffering from an opioid-related overdose is required to seek additional medical treatment at a medical facility for the impaired person. Medical treatment must be sought immediately following the administration of naloxone to avoid further complications resulting from suspected opioid-related overdose.

Any individual administering naloxone must follow Putnam County Schools Naloxone Administration Protocol and complete the Report of Naloxone Administration. All Report of Naloxone Administration forms must be forwarded to the lead nurse of Putnam County Schools.

Any certified school RN, other licensed nurse, or other designated, trained school personnel who administers naloxone as provided in W. Va. Code §18-5-22d and West Virginia Board of Education Policy 2422.7: Standards for Basic and Specialized Health Care Procedures is immune from liability for any civil action arising out of any act or omission resulting from the administration of naloxone unless the act or omission resulted from gross negligence or willful misconduct.

Naloxone, Materials and Storage

The West Virginia Department of Education recommends the following be available at all schools to support the administration of naloxone.

1. Four doses of naloxone HCL 4 mg/0.1 mL nasal spray
2. Nitrile, powder-free gloves
3. Mask/barrier kit
4. Pediatric and adult ambu/manual resuscitator bags
5. Step-by-step instructions for administering intranasal naloxone.

Naloxone will be visibly identified and stored in. The certified school RN will confirm that all necessary staff are aware of the naloxone storage location.
Naloxone will be kept by manufacturer guidance, avoiding extreme cold, heat, and direct sunlight. Inspection of naloxone in storage shall be conducted regularly, including checking the expiration date.

Stocking of Naloxone

Naloxone training and stocking protocols shall be allowed under a written standing order from the State Health Officer and/or the Health Officer of the Putnam County Health Department.
The State Health Officer and/or the Health Officer of the Putnam County Health Department and/or Putnam County Health Department shall provide educational materials and training to the certified school RN, other licensed nurses, and school employees as well as materials on administering naloxone.

Non-Employee Administration of Naloxone

Nothing in this policy is intended to regulate, restrict, or otherwise deter a law enforcement officer, emergency medical technician, paramedic, volunteer fire department member, licensed medical professional, or other authorized individual from administering his/her own supply of naloxone when responding in good faith to a suspected drug overdose occurring on school property.

Severability

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

5.21 CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

Students with chronic health conditions will be provided a free, appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions may be provided pursuant to a Section 504 Plan, as needed.

Chronic Medical Plans must be approved and signed by a physician specializing in the student's Chronic Medical Condition.

In order to achieve maximum benefit from the chronic medical plan, all documentation, absences, excuses, and communication related to the chronic medical condition should be from the same physician who signed the chronic medical plan.

For the purposes of this policy, *chronic health conditions* shall include life threatening food allergies, other life threatening allergies (i.e. insect bites or stings), asthma requiring medical accommodations during the school day, diabetes requiring medical accommodations during the school day, seizures with an order for Diastat, and other health conditions that require medical accommodations during the school day.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with county policies.

The county will coordinate school health practices for management of a chronic health condition and shall provide for

A. identification of individuals with chronic health conditions;
B. development of individual health care action plans and/or intervention guides;
C. coordination of health care management activities by school staff;
D. communication among school staff who interact with children with chronic health conditions; and
E. development of protocols to prevent exposure/episodic reactions.

Healthcare management activities shall include

A. procedures to obtain, maintain, and utilize written health care action plans signed by the child's parents for each student with a chronic health condition;
B. a standard emergency protocol in place for students experiencing a distress reaction;
C. procedures for students to have immediate access to medications that allow them to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians and the school nurse; and
D. prevention strategies to avoid causal elements.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services, such as giving inhaler treatments or injections or conducting glucose and/or ketone tests, shall be provided training specific to the procedures, at least annually, by a licensed health professional.

The school nurse and principal shall maintain a copy of the training program and the records of training completed by school employees.

If a student begins to struggle academically while on a Chronic Medical plan, the parent should consider making an application for homebound instruction.

Updated April 16, 2024

5.22 STUDENT ACCIDENTS

The Board believes that school personnel have certain responsibilities in case of accidents which occur in school. These responsibilities extend to the administration of first aid by trained personnel, summoning of medical assistance, notification to administrative personnel, notification to parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

It should be noted that in West Virginia, no person, including a person licensed to practice medicine or dentistry, who in good faith renders emergency care at the scene of an accident or to a victim at the

scene of a crime, without remuneration, shall be liable for any civil damages as the result of any act or omission in rendering such emergency care.
WV Code § 55-7-15

5.23 EMERGENCY MEDICAL AUTHORIZATION

Students at high risk due to known medical problems shall be preregistered with emergency medical services. In the event emergency medical treatment for a student is necessary, the county will adhere to the instructions on the authorization form.

Any time a student with an emergency medical authorization form is taken out of the county to participate in a school event, the staff in charge of the event must take the Emergency Medical Form for the student. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

5.24 STUDENT DRUG TESTING

The Board believes accountability is a powerful tool to help students avoid using drugs and that early detection and intervention can save lives. It is the responsibility and commitment of the Board, administration, and staff to safeguard the health, character, citizenship, and personal development of all students.

Participation in athletics, extra-curricular activities, and driving on campus are student privileges, not rights. Students who voluntarily participate in these activities have a responsibility to be drug-free. The sanctions imposed for testing positive for drugs will limit the participating student's privileges to participate in athletics, extra-curricular activities, and/or to drive on school property as described herein.

Purposes

The purposes of this policy are as follow:

A. to educate students of the serious physical, mental, and emotional harm caused by illegal drug use, including performance-enhancing drugs;
B. to alert students with possible substance abuse problems and their parent/guardian/custodian of the potential harms that drug use poses for their physical, mental, and emotional well-being, and to offer them the privileges, as described above, as an incentive to stop using illegal substances;
C. to ensure that students adhere to a 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 illegal and performance-enhancing drug use;
E. to reduce the effects of negative peer pressure by providing an additional, legitimate reason for students to refuse illegal and performance-enhancing drugs;
F. to offer students practices, competition, and school activities free of the effects of illegal and performance-enhancing drug use;
G. to maintain a safe school environment for all students, staff, and visitors; and

H. to assure the safe operation of student-driven vehicles on campus.

Definitions

Activity student - a member of any middle or high school-sponsored extra-curricular activity, including but not limited to, academic teams, school-sponsored clubs and athletics

Drug use test - a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's saliva

Extra-curricular activity - an organized student activity that does not fall within the scope of a regular curriculum, is officially or semiofficially approved, and carries no academic credit

Illegal drugs - any substance that an individual may not sell, possess, use, distribute, or purchase under either federal or West Virginia law - Illegal drugs include, but are not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, all prescribed and over-the-counter drugs being used for an abusive purpose, and alcohol.

Medical Review Officer - a licensed physician trained and certified in the process and interpretation of drug testing results

Monitor - an employee of the drug testing company responsible for obtaining the specimen

Opt-In participant - any student in grades 6-12, who is not an activity student or a student driver, whose parent/guardian/custodian elects to include the student in the random selection for testing

Participating student -any student included in the random testing pool

Performance-enhancing drugs - anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability - Performance-enhancing drugs *do not* include dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.

Positive Result - a toxicological test result that demonstrates the presence of an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test

Random Selection Basis - a mechanism for selecting participating students for drug testing that results in an equal probability that any participating student from the total pool will be selected and prevents school system discretion to waive the selection of any participating student

Season - any time that the student is meeting, practicing, scrimmaging, or competing in the sport or extra-curricular activity

S*tudent Driver* - a student who is permitted to drive to and from school and is issued parking privileges on the school campus

Superintendent's Designee – Designee shall be responsible for implementation of this policy. In the event that the designee is unavailable, the Assistant Superintendent for Personnel/Pupil Services shall serve as the designee.

Procedures

Distribution of Policy

Each student in grades 6-12 shall receive, on an annual basis, a flyer outlining the policy. The principal, head coach, or sponsor shall be responsible for explaining the policy to all prospective participants and conducting an educational presentation to acquaint students with the harmful consequences of drug and alcohol use and abuse.

Orientation Session

Prior to the commencement of drug testing, an orientation session will be held with all activity students, student drivers, and opt-in participants to educate them about the sample collection process, privacy arrangements, drug testing procedures, and other concerns that may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process.

Consent Form

Each participating student shall be provided a copy of the Student Drug Testing Consent form which shall be read, signed, and dated by the student, parent/guardian, and the applicable administrator/ coach/sponsor. The consent form must be signed before an activity student is eligible to practice or participate in any extra-curricular activities and before issuance of a parking pass to a student driver. This consent form will remain on file for the student for the remainder of his/her programmatic level and will only be removed from the Random Drug Testing Program by signed consent of parent/guardian/custodian, delivered to the Superintendent's designee. The consent form requires the activity student, student driver, and opt-in participant to provide a saliva sample when the activity student, student driver, or opt-in participant is selected by the random selection process. A student athlete whose season is over may be removed from the drug testing program by signed consent of parent/guardian/custodian, delivered to the Superintendent's designee, but the student shall be ineligible for extra-curricular activities for the remainder of the school year.

Random Sample

Drug use testing will be done on a random selection basis from a list of all participating students. The Board's administration will determine the number of students who will participate in the random testing at any given time and the frequency of the testing.

Professional Laboratory

All drug tests will be administered by or at the direction of a professional laboratory chosen by the Board's administration. The professional laboratory shall be required to use scientifically validated toxicological testing methods and have detailed, written specifications to assure chain of custody of the specimens, proper laboratory control, and scientific testing. The drug testing service shall provide all collection materials used in the drug testing process.

Privacy

All aspects of the drug testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.

Obtaining Samples

The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a room behind a closed door. The drug testing service shall provide an employee to collect the sample(s) subject to drug testing. This individual will also monitor the collection of the sample(s). Any participating 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.

List of Medications Taken

Participating students and/or their parent/guardian will be provided the opportunity to inform the testing company of any medications legally prescribed for the student that he/she has taken in the preceding 30 days. The medications listed will remain confidential and not be viewed by district employees.

Confidentiality

Notification by Drug Testing Service

The Medical Review Officer (MRO) shall notify the superintendent's designee, in writing, of any positive test result.

Notification to Student and Parent/Custodial Guardian

To keep the positive test results confidential, the Superintendent's designee shall provide written notification only to the individuals identified in the *Consequences* section of this policy. The Board's administration will rely on the opinion of the drug testing service that performed the test in determining if the positive test result was produced by something other than the taking of an illegal or performance-enhancing drug.

Record of Test Results

Test results will be kept in files maintained by the designee, shall be disclosed only to those school personnel who have a need to know, and will not be turned over to any law enforcement authority unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent form from the parent/guardian or student, if of age to do so. Records of positive test results maintained by the Superintendent's designee shall be destroyed upon the student's graduation from high school.

Appeal Process

The parent/guardian of a participating student or the participating student, if of age, who has been identified as having a positive test result, shall have the right to appeal the decision to the Superintendent. The appeal must be submitted to the Superintendent, in writing, within five (5) working days of notice of the positive test results. The Superintendent shall determine if the original finding was justified. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent and shall be final and non-appealable.

Consequences

Restrictions on Participating Students

Any participating student who tests positive in a drug test under this policy shall be subject to the following restrictions. The restrictions shall be cumulative in grades 6-8 and again in grades 9-12.

For the first positive test result

The Superintendent's designee will be notified by the MRO immediately of the student's positive result. He/she will inform the parent/guardian and the student. A meeting will then be conducted with the student, parent/guardian, and Superintendent's designee to discuss the results and options. The Superintendent's designee will provide documentation that the meeting occurred. In order for the student to continue participation in the activity, he/she must voluntarily submit to a second drug test to be administered within two (2) weeks of the meeting and in accordance with the testing provisions of this policy. If deemed necessary, a urine test may be recommended.

If an activity student continues to participate in the drug testing program after her/his activity is over and has a positive test result during the "off-season" of her/his activity, he/she will be afforded the same option established above before he/she can participate in another activity.

If the parent/guardian and/or student do not agree to these provisions, the consequences listed below for the second positive test result will be imposed.

For the second positive test result

The Superintendent's designee will be notified by the MRO immediately of the student's positive result. He/she will notify the principal, parent/guardian, and the student. The following consequence(s) shall be assigned to the student: a consecutive fourteen (14) day suspension of driving privileges on school property and participation in all activities, including meetings, practices, scrimmages, and competitions, covered under this policy. In addition, the student must complete two (2) hours of county-provided substance abuse education/counseling before reinstatement to the extracurricular activity or of driving privileges on school property. The student will be tested monthly for the remainder of the school year. If deemed necessary, a urine test may be recommended. The time and date will be unknown to the student and parent/guardian and shall be scheduled by the Superintendent's designee.

These restrictions and requirements shall begin immediately and shall remain in effect throughout the appeal process, if such appeal occurs.

If the parent/guardian and/or student do not agree to these provisions, the consequences listed below for the third positive drug test will be imposed.

Nothing in this policy prohibits a coach or sponsor from expelling the student from the extracurricular activity after the second positive test result under the provisions of the approved handbook or contract for the extra-curricular activity in which the student is participating.

For the third and each subsequent, positive test result

The Superintendent's designee will be notified immediately of the student's positive result by the MRO. Suspension of driving privileges on school property and participation in all extra-curricular activities, including meetings, practices, performances and competitions, for one (1) calendar year from the date of the third or subsequent positive test result will be imposed.

Restrictions for Opt-In Participants

The parent/guardian, student, and Superintendent's designee will be contacted by the MRO immediately of the student's positive test. The Superintendent's designee will notify the parent/guardian and student. A private conference with the Superintendent's designee will be scheduled to discuss the results and options for treatment.

Self-Referral

An activity student, student driver, or opt-in participant may, on his/her own volition, inform (self-refer) the Superintendent's designee, principal, or coach/sponsor of usage before being submitted to a drug test. However, such student will be considered as having a positive test result under the policy and will be subjected to the appropriate consequences identified in this policy.

Student Code of Conduct Violation

When school district employees are made aware of drug use by an activity student, student driver, or opt-in-participant, solely as a result of drug testing under this policy, that participating student *shall not* be disciplined under the Student Code of Conduct. However, any student, who violates the Student Code of Conduct and West Virginia law by the possession, sale, distribution, or use of illegal drugs while on school grounds or is under the influence of illegal drugs on school grounds, shall be subject to disciplinary action as outlined in the Student Code of Conduct, up to and including expulsion. If reasonable suspicion testing, not covered under this policy, reveals that a student possessed, sold, distributed, or used or was under the influence of illegal drugs on school property, the student will be subject to disciplinary action under the Student Code of Conduct.

Refusal to Submit to Drug Use Test

A participating student who refuses to submit to a drug test at any juncture authorized under this policy shall not be eligible to participate in any activity covered under this policy including all meetings, practices, performances and competitions, drive on school property, or be considered for any activity honors or awards given by the school until he/she agrees to abide by the provisions of this policy.

Advisory Council

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, middle school, and elementary school levels and the designee.

5.25 SUBSTANCE ABUSE PREVENTION

The Board recognizes that the misuse of drugs, including alcohol, is a serious problem with legal, physical, and social implications for the whole school community. As the educational institutions of this community, the schools should strive to prevent drug abuse and help drug abusers by educational means, where practicable.

For purposes of this policy, drugs shall include

A. all controlled substances as so designated and prohibited by West Virginia statute;
B. all chemicals which release toxic vapors;
C. all alcoholic beverages;
D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
E. anabolic steroids;
F. any substance that is a *look-alike* to any of the above;
G. any *bogus* drugs; and
H. synthetic drugs with mind/mood altering properties.

Under the Student Code of Conduct, the Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia, as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, in school vehicles, or at any school-sponsored event.

To address prohibited drug use in the schools under this policy, Putnam County Schools shall

A. emphasize preventative measures;
B. require implementation of WVBOE Policy 1461 at the school level;
C. provide clear procedures for identification, intervention, and referral of students with substance abuse problems; and
D. provide for a comprehensive, age-appropriate, developmentally based drug and alcohol education and prevention program which:
    1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
    2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
    3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
    4. promotes positive emotional health, self-esteem, and respect for one's body; and
    5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the state department of education;
E. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
F. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on

school premises or as a part of any school activity, noting the same are prohibited by the Student Code Conduct;

G. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;
H. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students, and provide procedures to direct students and their parents to the appropriate programs;
I. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students as found in the Student Code of Conduct;
J. require the notification to parents and students that compliance with the standards of conduct is mandatory;
K. provide a review of the Board's program, as needed, to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
L. contain enforcement provisions for students which may include, but are not limited to, counseling, school/community service, voluntary cessation programs, parent/guardian notification, mandatory education sessions, alternative to suspension programs, plan for behavior improvement, policy notification, and/or prosecution;
M. establish procedures for addressing students suspected of drug use or suspected of possession or distributing drugs in school, and ensure that the Board's policy on search and seizure, suspension, and expulsion are complied with fully;
N. include procedures for communicating the terms of these guidelines to students, staff, and parents through employee and student handbooks.
O. include a plan for implementing required kindergarten through grade twelve (12) preventive education to provide a comprehensive substance abuse prevention curriculum for all children; *Note: School administrators, Local School Improvement Councils, and school curriculum teams shall assure that prevention education is comprehensive, coordinated, and age appropriate. Examples include developmental guidance, advisor-advisee, peer involvement, after school programs, and integration into instructional objectives*.
P. explain the manner in which the Board plans to provide or make referral to voluntary support programs, such as a local mental health provider or tobacco cessation program or hotline programs; to address the physical, psychological, and social issues associated with addiction; to provide on-going support and reinforcement necessary for desired behavior change; and to provide information about available programs to all students in grades four (4) through twelve (12) and staff on a regular basis, and
    1. contain enforcement provisions for the public, which may include, but are not limited to, 1) request to stop use or leave premises, 2) deny access to school property, 3) and/or police notification;
    2. shall provide for appropriate due process procedure in taking action against a student for violation of this policy; and

Note: If the student is an eligible handicapped student according to state board policy, any action taken against the student must comply with and must not be in violation of this policy. All disciplinary action taken against the student shall be in accordance with local, state, and federal law.

3. identify responses and/or interventions that are consistent with the levels specified in state board policy to address violations.
   Note: The specific procedures to be followed when any staff member observes any violations outlines in this policy shall be outlined in county system policies and procedures.

W.Va. Code § 18-2-7b
WVBOE Policies 1461, 4373

5.26 STUDENT ASSISTANCE PROGRAMS

In keeping with its concern for the safety and well-being of both students and staff and for maintaining a school environment that is conducive to learning, the Board has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies.

The Board seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of intemperate, immoral, or illegal behavior. Educational programs have been established to promote healthful, productive living, and discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, the Board recognizes that students may experience difficulties that educational programs and sound discipline may not prevent, and that other forms of assistance need to be available through the school.

The school system has established assistance programs for students which provide for effective intervention in areas such as substance abuse, crisis situations, and other situations which have impact on students' emotional, mental, and/or social well-being and affect their ability to benefit from educational experiences.

Pursuant to state board policy, the WV Department of Education, and school systems shall provide training and technical assistance and support in research-based, effective models for violence prevention education (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible students program, and character education. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

WVBOE Policy 4373

5.27 PROMOTION, RETENTION AND ACCELERATION

The Board recognizes that the personal, social, physical, and educational growth of children will vary and that students should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

Promotion and retention are based primarily on the degree to which a student has mastered the essential content standards and objectives of the appropriate grade level curriculum. Promotion should signify that the student has mastered the prerequisite skills necessary for academic success at the next level. Likewise, retention should signify that the student lacks prerequisite skills and is unlikely to experience academic success at the next level.

Elementary School (Grades K-5)

The primary purpose of elementary school is to provide a foundation in basic skills and to promote social and emotional maturity that enhance success. Therefore, the criteria for promotion and retention shall be related to the following factors:

A. academic ability,
B. current level of academic mastery,
C. extent to which the student has put forth effort,
D. social maturity,
E. chronological age,
F. impact of exceptionalities upon achievement, and
G. educational and social history.
H. Effective July 1, 2026, if the student demonstrates a reading deficiency at the end of third grade, the child may not be promoted to fourth grade unless an exemption is met.

While the principal should be consulted regarding promotion or retention, the chief responsibility shall lie with the teacher. Parents shall be informed concerning the progress of the student, but no student will be promoted or retained on the insistence of parents.

Any student who is being considered for retention shall be subject to a review by the classroom teacher and principal. Criteria for this review shall include, but not be limited to, the seven aforementioned factors listed for consideration in promoting or retaining a student.

The parents shall be notified in writing concerning the possibility of retention following the end of the first semester. For students being considered for retention who have enrolled after the semester, this notification will occur as soon as possible. A conference will be held with the parent, principal, and the teacher to discuss current academic status and appropriate placement for the following academic year during the month of May. All students being considered for retention are to be referred to the Multi-Tier System of Support Teach (MTSS)..

Middle School (Grades 6-8)

The middle school philosophy and middle school team structure is dedicated to the success of each student. All efforts will be made to prevent retention and to promote academic success. Teams will meet regularly to discuss student success and to complete the following actions, as appropriate, when a student

is in danger of retention: 1) develop classroom re-teaching plans or team remedial plans that address student deficiencies, 2) refer the student to the School Assistance Team to be considered for alternative placement or supplemental services, and 3) work with parents through conferencing and other communications to address behavioral and/or academic habits that may impede student success. In each case, the team will made every effort to assist the student in acquiring the appropriate grade level habits and academic skills that will promote academic success at the next level.

In cases where students are not achieving academic success, it is the responsibility of the appropriate middle level team, in consultation with the administration, to determine retention or promotion. Each middle level team shall convene prior to the conclusion of the school year to discuss potential retentions. The team shall include representatives of both the core subjects and the related arts subjects. Using the following criteria, the team will determine those students who are candidates for retention.

A. A student shall be considered for retention if that student has two (2) semester failing grades in mathematics or two (2) semester failing grades in reading/language arts for the current school year.
B. A student shall be considered for retention if that student has a total of four (4) semester failing grades for the current school year among the following subjects: science, social studies, related arts, physical education, health, language arts/reading, and/or mathematics.

In addition to grades, the team will also consider student achievement on the West Virginia Assessment Program and classroom observations of student performance prior to making a final decision. If a student has failed mathematics or reading/language arts but the team feels that the student could acquire requisite skills through additional time and remediation, the team may recommend -a personalized intervention plan. At the conclusion of the -personalized intervention plan, if the student demonstrates mastery of the appropriate skills in reading/language arts or mathematics, the team may reconsider promotion to the next level.

Although the teaching team makes the final decision on retention, parent input and support should be sought. Through the school communication system, parents and students will be made aware of school procedures and Board policy regarding promotion and retention. In cases where a student is making insufficient progress and may be in danger of retention, written notification will be sent to the parent/guardian at the conclusion of the first semester. Parents should be invited to participate in the process of planning a program to improve the student's academic performance. If the student continues poor performance and is being considered for retention, the parent shall be notified in writing. If possible, the team will arrange a conference with the parents to solicit their input and support.

In extenuating circumstances involving social/emotional development or other factors, the team, in cooperation with the principal and the appropriate level director, may choose to promote or retain a student whose best interests will be served by an exception to the retention criteria.

High School (Grades 9-12)

In the high schools, students should be notified annually of the number of credits required for sophomore, junior, or senior status. This information shall be provided in the Programs of Study.

A student may be accelerated when her/his demonstrated achievement, as well as measured ability, significantly exceeds that of his/her grade level peers. Consideration may be given to promoting him/her to a grade other than the next succeeding one or permitting him/her to enroll in a course other than the next one in the academic sequence. A student will be accelerated in this manner when he/she has

A. achieved the grade/course objectives and state-mandated requirements, if applicable, for the grade/course in which he/she is presently enrolled as well as for the grades(s)/course(s) that will be skipped;
B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade/course as well as the succeeding one(s);
C. demonstrated sufficient proficiency to permit him/her to be accelerated in the educational program; and
D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the grade/course to which he/she will be promoted or enrolled.

However, following sound principles of child development, the Board discourages the skipping of grades.

WVBOE Policy 2510
Revised August 21, 2023

5.28 REPORTING STUDENT PROGRESS

The Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports and parent conferences with teachers and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which

A. ensure that both student and parent receive ample warning of a pending grade of *failure* or one that would adversely affect the student's status;

B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;
C. specify the issuance of report cards at intervals of not more than nine (9) weeks**;** and
D. ensure a continual review and improvement of methods of reporting student progress to parents. For students in grade4s kindergarten through third, parents will be notified in writing within 15 days of an identified deficiency in reading or math. This notification will include a description of proposed research-based interventions and strategies for the parent to use at home to help their child succeed.
E. Approved benchmark assessments and screeners will be given to students in grades K-3 within the first 30-days of school repeated at mid-year and at the end of the year. Dyslexia and dyscalculia screeners will be given no less than twice per year in kindergarten through third grade and any time students with identified deficiencies are not responding to interventions.

WV Code § 18-5-45,18-5-39,WVBOE Policy 2510, WV Codes 18-2E-1,18-5-18a, 18-9A-5, 18-20-10
WVBOE Policy 2520
Revised August 21, 2023

5.29 GRADING

The Board recognizes its responsibility for providing a system of grading student achievement that can help student, teachers, and parents judge properly how well the student is achieving the goals of the school system's program.

The Board believes that the grading system should be reliable and one that ensures each student's grades signify accurately his/her degree of mastery of those expected content standards and objectives, which are to be stated for each program at every grade level, kindergarten through twelve (12).

The Board directs the Superintendent to develop procedures for grading whereby the professional staff

A. develops clear, consistent criteria and standards, particularly when grades are based on subjective assessment;
B. helps each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade;
C. provides frequent opportunities for each student to obtain information as to his/her progress toward the learning of the content standards and objectives of his/her courses or programs; and
D. provides students the opportunity to assess both their own achievements and their areas of difficulty.

Grading Scales:

Average	Grade	Quality Points
90-100	A	4.0
80-89	B	3.0
70-79	C	2.0
60-69	D	1.0

Average	Grade	Quality Points
0-59	F	0

In calculating the final grade for grading period, a grade of .5-.9 shall be rounded to the next highest whole number.

Courses Taken for High School Credit

The West Virginia Board of Education established a uniform grading policy that must be used for any course taken for high school credit, regardless of the grade level of the student at the time the course is taken, other than courses that the county Board designate by policy as weighted courses. The Board is not required to adopt this grading scale for use in courses or grade levels for which high school credit is not involved.

The Board shall issue weighted grades for Advanced Placement and Dual Credit courses for which high school credit is to be awarded.

Weighted Course Grading Scale for Advanced Placement

Average	Grade	Quality Points
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	

A high school student who earns an unsatisfactory grade in a course may retake the course to improve proficiency. Both grades will appear on the student's transcript, however, the higher of the two grades will be used for computing the total grade point average (GPA).

A teacher may not be required by the principal or any other person to change a student's grade on either an individual assignment or a report card unless there is clear and convincing evidence that there was a mathematical error in calculating the student's grade.

WV Code § 18-5-46
WVBOE Policy 2515

5.30 FINAL CLASS RANKING

Seniors shall be ranked at the end of eight (8) semesters to determine overall class ranking. All subjects for which high school credit can be earned, including high school courses taken before grade nine (9), must be used to calculate the total grade point average. Credits earned through a public high school or Exemption K school shall be considered for class ranking. Credit shall not be granted for home school.

In computing the final grade point average (GPA) for class rank, courses will be valued using the following scale: A = 4, B = 3, C = 2, D = 1. Students completing the AP Exam for an AP course earn AP extra value. The scale for AP extra values is A = 5, B = 4, C = 3, D = 2. Class rank will be determined by total GPA.

International exchange students shall not be ranked with seniors or be eligible for honors.

5.31 GRADUATION REQUIREMENTS

It shall be the policy of the Board to acknowledge each student's successful completion of the graduation requirements of the state and county system by the awarding of a diploma at fitting graduation ceremonies.

The Board shall award a regular high school diploma to every student enrolled in the county system who has completed the standard graduation requirements. An eligible student with disabilities who has been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional modifications, to meet state and county standard graduation requirements may receive a modified diploma. An institutional program operated by the West Virginia Department of Education will transfer graduation credits to a county system for the awarding of the high school diploma. An eligible student with disabilities who meets the criteria for instruction based on modified standards may pursue either a standard or modified diploma. These decisions are specified on the student's IEP.

The requirements for graduation from high school include earning necessary units of credit in grades nine (9) through twelve (12) as established in state law and WVBOE policy.

In addition to the state requirements, the Board requires 28 units of credit as specified below.

English – 4 credits
Mathematics – 4 credits
Science – 3 credits*
Social Studies – 4 credits
Physical Education – 1 credit
Health – 1 credit
The Arts – 1 credit
World Language – 1 credit**
Four core courses in a concentration as defined in the Programs of Study
Electives needed to earn a minimum of 28 credits
**an undergraduate college or university may require 4 science credits*
***an undergraduate college or university may require 2 credits of the same world language*

In addition to the 28 units of credit for graduation, students must have the following.

2.0 or higher GPA
Passage of the Algebra I exit exam (score of 75% or better)
Maintenance of a career portfolio and portfolio interview

Honors, advanced placement (AP), dual credit, and college courses are available as defined in the county Programs of Study.

Graduation requirements are determined by the requirements in effect during the year the student enters ninth (9th) grade.

All students must be fully enrolled in a full day of high school and/or college credit bearing courses.

Transfer of Credit

The public schools of West Virginia are cognizant of the reality that various ways exist to provide a high quality education. Therefore, they are open to accepting a transferred credit from a nonpublic Exemption (K) school, provided the transferring credit meets standards as rigorous as those of the course it will replace in the public school curriculum. This proviso utilizes the same standard as used for the acceptance of any credit into the public school system.

Putnam County Schools accepts credit transfers for courses from Exemption (K) schools with advanced approval. Approval is given following a curriculum review by the Director for Secondary Education and Assistant Superintendent for Curriculum and Instruction. The review includes a correlation to the state's required curriculum so that the student may receive a state-approved course credit for successful completion of the course.

The purpose of the curriculum review is to ascertain that the content, skills, and learning tools of the transferring credit meet the same high standard of content, skills, and learning tools that are the basis of the public school curriculum.

The county system will conduct a curriculum review of the proposed credit transfer when a nonpublic Exemption (K) school requests to have its credits considered for transfer into a county public school. School officials, in consultation with the transferring nonpublic Exemption (K) school, will determine if the proposed credit meets standards that are comparable to those set by the West Virginia Board of Education. The nonpublic curriculum standards do not have to duplicate the public school standards.

This process/policy will not interfere with or seek to control the religious freedoms guaranteed to citizens nor will it impose the public school curriculum on the nonpublic Exemption (K) school.

This process will not compromise the Board's authority to oversee its public schools, compromise the state board of education's authority to set and define the requirements for graduation from a public school, or ignore the legal authority of the State Superintendent of Schools to interpret school laws and rules of the West Virginia Board of Education.

Credit for Foreign Study

Putnam County high school students who are accorded the honor of being selected as foreign exchange students shall be given full faith and credit for credits earned in their host school.

Principals shall apply the following guidelines in assessing credit earned by a Putnam County student who has attended school in a foreign country.

A. The student must meet the graduation requirements which are in effect at the time he/she desires to graduate. Consequently, the student must show adequate units of credit in all currently required courses and sufficient units of elective credits to meet at least the minimum number of

units of credits to graduate. Both required and elective credits earned in a foreign country may be used to meet graduation requirements.

B. The principal shall require a transcript of credits earned or classes successfully completed.
C. The principal shall request an attendance record in order to determine the number of days of instruction the student received.
D. From an examination of the transcript and attendance record, the principal shall determine the applicable equivalent units of credits earned. The classes successfully completed are to be counted the same as course credits transferred into Putnam County from any other public or accredited private school in the United States.
E. For purposes of determining class rank and honors, the classes attended and grades earned in a foreign country *shall not* be averaged into the student's cumulative grade point average.

Credit Check

Prior to the time of advanced enrollment for the next school year, the principal or counselor must evaluate, with extreme care, the credits which have been earned by students who are to be the members of the senior class. A personal interview with the student is very important.

In the course of the interview, the pupil's record of credits earned to date should be carefully reviewed with the pupil as follows.

A. The pupil should be informed of and assisted in the evaluation of his/her credits to date.
B. All additional credits which the pupil shall need to graduate should be noted carefully, and the pupil should be made thoroughly aware that those credits must be earned before graduation.
C. Great care must be taken to make certain that all state and county requirements can be met.
D. If a deficiency exists which will render graduation at the end of the fourth (4th) year impossible, the student and parent must be so informed.
E. If a deficiency can be made up by summer school attendance, the student shall be so informed.
F. In the final analysis, the student is responsible for determining that all requirements have been met. Nevertheless, the student has a right to expect any appraisal of status by a school official to be accurate.
G. Pupils who have met all requirements, but who lack no more than one (1) credit or who have a 1.9 GPA, may be permitted to participate in senior commencement activities. In no case shall the diploma be issued until all requirements for graduation have been completed.
H. The students shall know definitely what courses must be taken to graduate.
I. Every prospective senior should understand that any commitment made by the school regarding graduation is dependent upon the satisfactorily passing of all subjects which are designated as required.

First Semester Review

The principal or counselor shall review the record of credits of each senior at the end of the first semester. If a first semester failure jeopardizes graduation, the student and parent must be informed.

Graduation Exercises

Seniors are not required to attend graduation exercises. If a student does not attend graduation exercises, diploma should be sent to the Assistant Superintendent of Instruction. The student may then obtain the diploma from the central office staff after the school has completed graduation exercises.

A student who is otherwise eligible to graduate shall not be allowed to participate in graduation exercises unless the student has been enrolled and in attendance a minimum of two (2) weeks immediately preceding the last day of classes for seniors. A student who lacks more than one (1) credit to meet graduation requirements shall not be permitted to participate in graduation exercises.

Foreign exchange students may participate in graduation exercises and receive a certificate of attendance.

The parents/guardians of deceased students in grades 9-12 must contact the principal of their home school prior to the expected date of graduation. Memorializing may be limited to the listing of the deceased student's name and date of death in the graduation program. The student will be memorialized the year that they would have graduated.

Commencement exercises will include only those students who have successfully completed requirements for graduation or for students who are within one (1) credit of the requirement as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

WVBOE Policy 2510

5.32 CERTIFICATE OF PROFICIENCY

Every high school graduate shall be issued, in addition to a diploma, a final transcript which shall serve as a Certificate of Proficiency, containing specific information regarding the graduate's skills, competence and readiness for employment and further education.

WV Code § 18-2-6

WVBOE Policies 2510, 2515

5.33 EARLY GRADUATION

Under normal circumstances, students must attend four (4) years of high school.

When compelling circumstances exist, the student may apply for permission to graduate early, providing all requirements have been met. Compelling circumstances are defined as hardship cases, military service, and early entrance to post-secondary programs.

Early enrollment in college or postsecondary programs may be arranged in conjunction with high school under the provisions of *advanced college placement*.

Application for early graduation will be submitted to the high school principal in accordance with school regulations. The Superintendent may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

The student may participate in the graduation ceremonies with his/her designated class.

Such graduation shall exempt the student from the compulsory attendance rules.

WV Code § 18-8-1(f)

5.34 BILL OF RIGHTS AND RESPONSIBILITIES FOR STUDENTS

The Board recognizes that students possess not only the right to an education but many of the rights of citizenship as well. Attendant to the rights afforded to each student, however, are certain responsibilities that he/she must assume.

The West Virginia Legislature has established the following.

A. The mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood.
B. Democratic citizenship and productive adulthood begin with standards of conduct in schools.
C. Schools should be safe havens for learning with high standards of conduct for students.
D. And rights necessarily carry responsibilities.

In recognition of the above, the Legislature and the Board have adopted the following *Bill of Rights and Responsibilities for Students and School Personnel*. Every student has the rights and responsibilities to

A. attend a school and ride a bus that is safe, orderly, and drug free;
B. learn and work in a school that has clear discipline codes with fair and consistently enforced consequences for misbehavior;
C. learn and work in a school that has alternative educational placements for violent or chronically disruptive students;
D. be treated with courtesy and respect;
E. attend a school and ride on a bus that is free from bullying;
F. expect support from school administrators when enforcing discipline policies;
G. expect support from parents, the community, public officials, and businesses in their efforts to uphold high standards of conduct; and
H. adhere to the principles in this *Bill of Rights and Responsibilities for Students and School Personnel*, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

WV Code § 18A-5-1c

5.35 STUDENT CONDUCT AND DISCIPLINE

The Board recognizes the need for students, teachers, staff, administrators, and other personnel to have a nurturing and orderly, safe, and stimulating educational environment. Healthy learning climates support student achievement.

School leaders play a critical role in building and maintaining a healthy learning environment. The principal must be familiar with policies for educating students and staff, for disseminating information to the school community, and for enforcing policies. County administrators and school principals shall address school climate/culture within the Student Support Goal of the Strategic Plan, and implement a Multi-Tiered System of Support (MTSS) and/or Positive Behavior Intervention Strategies (PBIS), to develop and support positive behavior, data-driven continuous improvement activities, and application of appropriate consistent interventions. The principal shall have the responsibility for the implementation and administration of proper discipline.

The purpose of this policy is to provide our schools with a student code of conduct that will ensure a safe and orderly environment that is conducive to learning. . The school administrator shall ensure that due process requirements are in place and followed as outlined in WV Code. The school administrator makes the final decision concerning the level of the infraction and its consequence. More specific details regarding WVDE Policy 4373 are available electronically at the WVDE website

It is expected that all students enrolled in our schools will

A. behave in a manner that promotes a school environment that is nurturing, orderly, safe, and conducive to learning and personal/social development;
B. help create an atmosphere free from bullying, intimidation, and harassment;
C. demonstrate honesty and trustworthiness;
D. treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others;
E. demonstrate responsibility, use self-control, and be self-disciplined;
F. demonstrate fairness, play by the rules, and will not take advantage of others;
G. demonstrate compassion and caring;
H. demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others;
I. adhere to the provisions of WVBOE Policy 4373, excerpts and references of which are included in this policy; and
J. abide by national, state, and local laws and regulations as well as the rules of the school.

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.

Level I Violations

Behaviors	Definitions – Level 1
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.
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.
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 W. Va. § 126CSR81, WVBOE 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.

Level 1 Interventions and Consequences

A. Administrator/student conference or reprimand
B. Administrator and teacher-parent/guardian conference

C. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
D. Counseling referrals and conference to support staff or agencies
E. Daily/weekly progress reports
F. Behavioral contracts
G. Change in the student's class schedule
H. School service assignment
I. Confiscation of inappropriate item
J. Revocation of privileges
K. Restitution/restoration
L. Detention (lunch, before and/or after school)
M. Denial of participation in class and/or school activities
N. Immediate exclusion by teacher from the classroom with a recommended duration of one period/ subject of the school day for the first exclusion, (WV Code § 18A-5-1)
O. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
P. In-school suspension
Q. *WV Code § 18A-5-1(d) prohibits the use of suspension solely for not attending class.
R. 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.
S. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

Level 2

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

Level 2 Violations

Behaviors	Definitions – Level 2
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: A. 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. B. 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.

Behaviors	Definitions – Level 2
	C. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. D. Recruiting student(s) for gangs.
Habitual Violation of School Rules or Policies	A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.
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.
Leaving School Without Permission	A student will not leave the school building, campus of 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.
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.
Possession of Knife not meeting Dangerous Weapon Definition (WV Code § 61-7-2)	A student will not possess a knife or knife-like implement under 3½ inches in length. WV 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 WVBOE Policy 2460, Safety and Acceptable Use of the Internet.

Level 2 Interventions and Consequences

A. Administrator/student conference or reprimand
B. Administrator and teacher- parent/guardian conference
C. Referral to support staff or agencies for counseling or other therapeutic services
D. Daily/weekly progress reports
E. Behavioral contracts
F. Change in the student's class schedule
G. School service assignment
H. Confiscation of inappropriate item
I. Revocation of privileges

J. Restitution/restoration
K. Before and/or after-school detention
L. Denial of participation in class and/or school activities
M. Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (WV Code § 18A-5-1)
N. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
O. In-school suspension
P. Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2) WV Code § 18A-5-1(d) prohibits the use of suspension solely for not attending class.
Q. The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
R. Expulsion
S. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

Level 3

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

Level 3 Violations without Specific Interventions and Consequences

Behaviors	Definitions – Level 3
Battery Against a Student	A student will not unlawfully and intentionally injure another student.
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

Behaviors	Definitions – Level 3
	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 WV 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 property, on a school bus or at a school sponsored event.
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 W. Va. 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.

Level 3 Interventions and Consequences

Level 3 behaviors are criminal 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:

A. Administrator/student conference or reprimand
B. Administrator and teacher-parent/guardian conference
C. Referral to support staff or agencies for counseling or other therapeutic services
D. Notification of appropriate Health and Human Resources
E. Daily/weekly progress reports
F. Behavioral contracts
G. Change in the student's class schedule
H. School service assignment
I. Confiscation of inappropriate item(s)
J. Revocation of privileges
K. Restitution/restoration
L. Before and/or after-school detention
M. Denial of participation in class and/or school activities

N. Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (WV Code § 18A-5-1)
O. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
P. In-school suspension
Q. Out-of-school suspension for up to ten (10) days (See guidelines in Chapter 6, Section 2)
R. The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
S. Expulsion

Level 3 Violations with Specific Interventions and Consequences
Behavior – Harassment/Bullying/Intimidation

Definitions

A student will not bully/intimidate/harass another student. According to WV 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. 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;
UU. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or
VV. 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:

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:

A. 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

B. 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
C. 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:

A. verbal harassment of a sexual nature or abuse;
B. pressure for sexual activity;
C. inappropriate or unwelcome patting, pinching or physical contact;
D. 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;
E. behavior, verbal or written words or symbols directed at an individual because of gender; or
F. 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.

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

A. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
C. 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:

A. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
C. 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:

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;
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.

Racial violence is a physical act of aggression or assault upon another because of, or in a manner 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.

Level 3 Interventions and Consequences – Harassment/Bullying/Intimidation

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 - Mandatory report as outlined in WV Code § 49-1-201, 49-2-803, and 49-2-812

Level 3 Additional Violations with Specific Interventions and Consequences

Behaviors	Definitions – Level 3
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.
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 as 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. *Special considerations* according to WV Code § 16-9A-4. A. 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. B. 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. W. Va. § 126CSR51, WVBOE Policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Level 3 Additional Interventions and Consequences

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

Level 4

Safe Schools Act Behaviors - are consistent with those addressed in WV Code § 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV 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 W. Va. Code § 18A-5-1a a.

Level 4 Violations

Behaviors	Definitions – Level 4
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 WV 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 WV Code § 18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (WV Code § 61-3-1), malicious wounding and unlawful wounding (WV Code § 61-2-9), bomb threat (WV Code § 61-6-17), sexual assault (WV Code § 61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (WV Code § 61-6-24) and grand larceny (WV 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 WV 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 Policy 2422.8 - Medication Administration and instances of prescription drug abuse.
Possession and/or Use of Dangerous Weapon	According to WV Code § 18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in WV Code § 61-7-2, on any school bus, on school property or at any school-sponsored function as defined in WV Code § 61-7-11a. As defined in W. Va. Code § 61-7-2, a "dangerous weapon" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a

Behaviors	Definitions – Level 4
	weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

Level 4: Consideration for EXPULSION

Students are not permitted to engage in the following conduct on school premises, on school buses or school transportation, or at school-sponsored functions; such conduct is grounds for suspension:

Group A

A. Intentionally make physical contact of an insulting or provoking nature with a school employee while he or she is performing job duties; is commuting to or from work; or in retaliation to the school employee's action to supervise or discipline students
B. Possess a firearm or other deadly weapon
C. Participate in the sale of a narcotic drug

Group B

A. Committing an act or engaging in conduct that would constitute a felony in West Virginia if committed by an adult
B. Possessing a controlled substance governed by the Uniform Controlled Substance Act

Group C

A. Injuring, or threatening to injure, a student, teacher, administrator, or other school personnel
B. Willfully disobeying a teacher
C. Possessing alcohol
D. Using profane language directed at a school employee or student intentionally defacing school property
E. Participating in a physical altercation with another person while under the authority of school personnel
F. Habitually violating school rules or policies

When a principal has notified the county superintendent of a student's suspension for conduct described in Group A above and makes the mandatory request to the county superintendent that the student be expelled, the superintendent shall recommend to the county board that the student be expelled. Upon receiving the superintendent's recommendation, the county board shall hold a hearing. If it is determined the student did commit alleged, the county board shall expel the student in accordance with Level 4, Chapter 4, Section 2. When a principal has notified the county superintendent of a student's suspension for conduct described in Groups B and C above and submits a request to the county superintendent that the student be expelled, the superintendent may recommend to the county board that the student be expelled. If the superintendent makes such recommendation, the county board may hold a hearing. If it is determined the student did commit the conduct alleged, the county board may expel the student.

Students may be expelled for a period not to exceed one school year, except that if a student is determined to have committed conduct described in Group A above the student shall be expelled for a period of not less than twelve consecutive months.

The 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. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

A. The extent of the student's malicious intent;

WW. The outcome of the student's misconduct;

XX. The student's past behavior history;

YY. The likelihood of the student's repeated misconduct; and

ZZ. If applicable, successful completion of satisfactory progress towards successful completion of Juvenile Drug Court.

Administrative Procedures – Level 4

School personnel that receive information or witness student(s) committing conduct described in Level 4 behaviors must immediately report such student(s) and conduct to the school administrator.

Prior to suspending a student, the school administrator must hold an informal hearing. The hearing must be held immediately after the conduct giving rise to the suspension occurred. The hearing must take place before a student is suspended. However, a student may be suspended without first holding a hearing if the principal believes the continued presence of the student in the school poses a continuing danger or presents a continuing threat of disrupting academic progress. In such situations an informal hearing must be held as soon as practically possible following the suspension.

The student and his/her parent or guardian must be given telephonic notice, if possible, of the informal hearing. This notice shall include a brief statement of the grounds for suspension.

The school administrator shall report any suspension the same day it has been decided upon, in writing, to the parent or guardian of the student by regular US Mail. The suspension shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension. All suspensions must be recorded in WVEIS within 24 hours.

For any student suspended as the result of conduct described in Group A, the principal **must** make a request, within 24 hours of the suspension, to the county superintendent that expulsion is recommended.

For any student suspended as the result of conduct described in Groups B or C, the principal **may** make a request to the county superintendent that the student be expelled.

Each expulsion imposed upon a student shall be recorded in WVEIS.

The principal may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the WVDE.

Procedures for Addressing Allegations of Inappropriate Behaviors

Section 1. Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be addressed consistently. 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.

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.

County boards of education shall develop procedures to assure that any person who believes he or she has been the victim of an Inappropriate Behavior or any person with knowledge or belief of conduct which may constitute a violation of Policy 4373 has an identified mechanism to report the alleged acts immediately to the appropriate official(s) designated by the county policy and school implementation plan. Nothing in this policy shall prevent 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.

County Boards of Education shall develop appropriate procedures for investigating, reporting, responding, and devising consequences for the failure of an employee to appropriately respond to violations Policy 4373, in accordance with W. Va. § 126CSR142, Policy 5310 - Performance Evaluation of School Personnel in a manner that promotes understanding and respect.

Complaint Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education and the WVDE shall develop 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 this policy shall prevent any person from reporting harassment or violence directly to the county superintendent or the state superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

A. 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.
B. Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under WV Code § 49-6-1, et seq. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

Section 2. Procedures for Investigating Allegations of Inappropriate Behavior

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.

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

When any student is to be interviewed in connection with an investigation pursuant to a Level 3 or 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.

The principal shall:

A. Determine whether the alleged conduct constitutes a violation of this policy.
B. 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.
C. Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

Upon completion of the investigation:

A. 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.
B. The report shall be recorded and filed at the county/school level as shall be determined in the county policy.
C. 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.

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.

Investigation Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education and the WVDE shall develop procedures following the above

guidelines to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education. For the WVDE, the State Superintendent shall take the place of the Principal.

Section 3. Procedures to Prevent Reprisal

The county board of education shall develop 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.

Likewise, the county board of education shall develop a disciplinary process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

Procedures for Taking Action on Substantiated Inappropriate Behaviors

Section 1. Interventions and Consequences of Inappropriate Behavior

It is the intent of the WVBOE for schools to be pro-active and preventive in their approach to student behavior. It is also the WVBOE's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the WVBOE's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for Levels 1, 2 and 3. WV Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy.

In determining the appropriate intervention and/or consequence in response to a substantiated Level 1, 2, or 3 inappropriate behavior, the principal, superintendent and/or local board of education should consider:

A. the surrounding circumstances,
B. the nature of the behavior,
C. past incidents or continuing patterns of behavior, and
D. the relationships between the parties involved and the context in which the alleged incidents occurred.

Section 2. Guidelines for Specific Responses to Inappropriate Behavior

Exclusion: According to WV Code § 18A-5-1, The teacher, may exclude any student who is guilty of disorderly conduct; who in any manner that obstructs the teaching or learning process of others in the classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal

of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(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.

When a teacher of students grade six through twelve determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:

A. The student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day;
B. If the student is excluded pursuant to the subdivision of (A) of this section;
C. The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion:
D. The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and
E. If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive as determined by the principal an in-school suspension, or may be considered for placement in an alternative learning center.
F. The principal shall support the teacher in the discipline of students if proper cause and documentation is provided following the schoolwide discipline policy. The teacher may not be reprimanded if their actions are legal and within the structure of Putnam County Board of Education policy.
G. A teacher may appeal if the principal refuses to allow the exclusion of a student from the classroom if a teacher believes the principal has prematurely ended the exclusion of a student from the classroom. The appeal will be made to the Superintendent or his/her designee.

Bus drivers must follow the guidelines outlined in W. Va. § 126CSR92, Policy 4336 – West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/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.

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 to three school days, but may extend to ten school days.

Suspension typically takes one of two forms:

A. 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.
B. Out-of-School Suspension: Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to WV 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.

Section 3. Considerations for Transferring Students with Expulsions

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment in the county school system unless determined to be a "dangerous student" under the procedures set forth in WV 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).

Section 4. Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans

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 W. Va. § 126CSR16, Policy 2419 - Regulations for the Education of Students with Exceptionalities for specific guidelines related to protections which may be warranted for these students.

Section 5. Procedures for Reporting Action on Substantiated Incidents

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The 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 Levels 1, 2, 3 and 4 shall be reported through:

A. Teacher level documentation – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal.
B. 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.
C. Superintendent level WVEIS data entry – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

Section 6. Conflict Resolution Process

If someone believes that a county board of education has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in W. Va. § 126CSR188, Policy 7211 - Conflict Resolution Process for Citizens. However, this policy does not address personal complaints against a school employee. The procedures set forth in W. Va. § 126CSR188, Policy 7211, are not deemed to be a precondition to seeking relief in some other forum.

Right to Alternative Complaint Procedures

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

Dissemination of Policy and Training

This policy or a summary shall be conspicuously posted throughout the Board's facilities in areas accessible to students and staff members.

This policy or a summary shall appear in the student handbook and on the county website, and if no handbook is available, a copy will be distributed to all students, faculty, staff, and parents.

The middle and high school student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the policy and consequences associated with violations.

Training shall be developed and implemented for students and staff on this policy and on means for effectively promoting the goals of this policy. This policy shall be reviewed at least bi-annually for compliance with state and federal law and WVBOE policy.

WV Code §17A-1-1, 18-2C-2, 18A-5-1,18A-5-1(b), (d), 60A-1-101, et. seq., 61-2-9, 61-2-12, 61-2-15(a), (b), 61-3-1, 61-3-11, 61-3-13, 61-6-17, 61-6-24, 61-7-2, 61-7-11a, 61-8B-3
WVBOE Policies 2419, 2422.5, 2460, 4110, 4150, 4373
Revised August 21, 2023

5.36 DRESS AND GROOMING

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program and process of the schools. The Board authorizes the Superintendent to establish a reasonable dress code in order to promote a safe and healthy school setting and to enhance the educational movement. The dress code shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the -following dress and grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices that

A. present a hazard to the health, safety, or welfare of the student himself/herself or to others in the school;
B. materially interfere with school work, create disorder, or disrupt the educational process;
C. distracts or is indecent to the extent that it interferes with the teaching and learning process;
D. displays or promotes a drug-, alcohol-, or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles, and at all school-affiliated functions;
E. cause excessive wear or damage to school property; and/or
F. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

These regulations are *minimum standards* for attire and appearance. Schools may require additional standards as may be appropriate.

Upper Body

Students have the right to wear any headwear or shirt provided it meets the following conditions.

A. Headwear may be not be worn except with special permission of the principal.
B. The midriff is not bare, front or back.
C. While standing straight, shirts, tops, or blouses must come to the top of the pants or other lower body attire.
D. See-through tops or open-sided shirts shall be worn with a shirt underneath.
E. Shirts, tops, and dresses must have straps of one (1) inch minimum width at the shoulders.

Lower Body

Attire for the lower body must meet the following standards.

A. Lower body attire shall be no shorter than mid-thigh.
B. Footwear with soles must be worn while on campus.

Personal Hygiene

Students with a hygiene need shall be offered private counseling and time set aside for use of school facilities for improving personal hygiene.

Appropriate apparel for physical education class and athletic activities shall be worn.

Students have the right to wear any clothing or accessories imprinted with slogans or advertisements as long as they do not contain obscenity, profanity, or advertisements of tobacco, alcohol, drugs/substances, or other related products.

Guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing Putnam County Schools at a public event.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

WVBOE Policy 4373

5.37 USE OF TOBACCO

The Board accepts medical evidence that smoking tobacco may cause lung cancer, heart disease, emphysema, and other serious health problems, while the use of smokeless tobacco may cause gum disease and oral cancer.

Use or possession of tobacco, tobacco products, or non-tobacco substitutes, in any form, is forbidden at all times on all school property, including all school buses and Board vehicles, and at school sponsored events.

Any student in violation of this policy shall be subject to the consequences outlined in the Student Code of Conduct.

Individuals supervising students are prohibited from distributing or using any tobacco product while in the presence of students or at any time while engaged in any activities directly involving students.

This policy shall be provided to students, school staff, parents or families, visitors, and the community-at-large through employee and student handbooks and general public notification.

U.S.C. 6081 et seq., 20 U.S.C.7182
WVBOE Policies 2422.5, 2520.5, 4373

5.38 CARE OF SCHOOL PROPERTY

The Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the principal of each school to demand full payment from those responsible for the loss, damage, or destruction of school equipment, apparatus, musical instruments, library material, and textbooks and for damage to school buildings. If payment is not forthcoming as demanded, the principal is authorized to seek judicial assistance in obtaining payment.

The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.
WVBOE Policy 1224.1

5.39 USE OF MOTOR VEHICLES

The Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students. This responsibility includes the care of property, the observation of safety rules and in the display of courtesy and consideration toward others, and an assumption of liability on the part of those students and their parent(s).

The Board shall not be responsible for motor vehicles which are lost, stolen, or damaged while on school property or at school sponsored events.

The use of private vehicles for transportation onto school grounds is a privilege, not a right, and it can be suspended or revoked for failure to comply with established rules and regulations or for conduct endangering the safety of others.

No student in middle school shall be allowed to drive to school.

The principal shall have full authority to control the use of vehicles and motorcycles on school grounds, to establish additional rules and procedures to implement such controls, and to enforce safe conditions and established rules and regulations.

The principal shall apply, as a minimum, the following rules and regulations for the control of student vehicle use and shall have the authority to establish other reasonable rules and regulations pertaining to the school:

A. A student who drives to school must participate in the Putnam County Schools random drug testing program.
B. A student must obtain a permit to drive to and from school for the regular school day. Such permit must be signed by the parent or guardian and shall be kept on file in the principal's office. Issuing of permits will be prioritized based upon student needs.
C. Use of personal vehicles for student travel between schools is prohibited unless a waiver is granted by the Superintendent or designee.
D. All students who drive to school must obey all traffic and parking rules established by the school principal.

E. Any student who drives recklessly or in any way endangers the safety of others on any school grounds or going to and from school shall be subject to suspension or revocation of driving permit privileges or suspension from school.

The principal has the authority to discipline students for violation of such rules and regulations, including suspension or revocation of driving permit privileges and suspension from school.
WVBOE Policy 4373

5.40 CLOSED CAMPUS

All students shall be required to stay on the school grounds from the time they arrive on campus until they are dismissed at the end of the regular school day. The principal may give a student who normally walks to school permission to walk home for lunch, provided the parent/guardian requests such permission in writing. The principal shall have the authority to withdraw this privilege if the student abuses it.

5.41 ANTI-HARASSMENT AND VIOLENCE

Racial, sexual, religious/ethnic, and disability harassment are forms of discrimination that violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq., and WV Code § 5-11-1, et seq., the West Virginia Human Rights Act.

This policy applies to any student during any school related activity or during any education sponsored event, whether in a building or other property used or operated by the Board or in any other facility being used by the Board.

During any school related activity or during any education sponsored event, no student shall engage in sexual, racial, religious/ethnic, or disability harassment or violence. Persons found to have violated this prohibition shall be subject to the penalties in Section VII of the Civil Rights Act.

The Board shall require Title IX non-discrimination notices to be posted in each and every school in Putnam County. Non-discrimination notices should normally provide the name, office address, telephone number, and email address for the county's Title IX Coordinator so that relevant complaints may be file with the Title IX Coordinator. However, printer materials may omit such specific information about the Title IX Coordinator, and may instead identify a general email address or phone number by which the Title IX Coordinator can be reached, so that printer materials do not have to be replaced each time the Title IX Coordinator changes. Complaints may be filed with the Title IX Coordinator at 304.586-0500 ext. 1109. All electronic and online materials must reflect the complete and current information for the Title IX Coordinator. Parents and guardians shall be sent notice of the school system's Title IX grievance procedures.

The Board will act promptly and confidentially to investigate all harassment and violence complaints, formal or informal, verbal or written, and will take appropriate disciplinary action based upon the results of the investigation.

The Student Code of Conduct serves as warning of potential consequences for perpetrators. In addition, sources of education and support will be made available.

Definitions

Racial Harassment – physical, verbal, or written conduct relating to an individual's race when the conduct

A. has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance;
C. otherwise adversely affects an individual's employment or educational opportunities;
D. includes racially degrading words or actions used to intimidate or to describe an individual or refer to some aspect of the individual's behavior, appearance, attitude, or conduct;
E. includes the display, use, or dissemination of racially motivated gestures, objects, pictures, and/or jokes by any means;
F. includes race based labeling or stereotyping with respect to mental, physical, or other abilities, talents, and/or occupational or life goals;
G. includes unwelcome behavior, verbal or written works, or symbols directed at an individual because of race; and/or
H. includes words or actions directed toward a person because of his/her race that tends to distract or otherwise make it more difficult to perform his/her job or achieve an education

It is the responsibility of all students and employees to promote and maintain an environment free of all types of racial harassment.

Religious/Ethnic Harassment – physical, verbal, or written conduct that is related to an individual's religion or ethnic background when the conduct

A. has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment;
B. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance;
C. otherwise adversely affects an individual's employment or educational opportunities;
D. includes religiously or ethnically degrading words or actions used to intimidate, describe an individual, or refer to some aspect of the individual's behavior, appearance, attitude or conduct;
E. includes the display, use, or dissemination of degrading religiously/ethnically suggestive gestures, objects, pictures, and/or jokes by an means;
A. includes religiously/ethnically based labeling or stereotyping with respect to mental, physical, or other abilities, talents, and/or occupational or life goals; and/or
B. includes words or actions directed toward a person because of his/her religion or ethnicity that tends to distract or otherwise make it more difficult to perform his/her job or achieve an education

It is the responsibility of all students and employees to promote and maintain an environment free of all types of religious/ethnic harassment.

Disability Harassment – unwelcome physical, verbal or nonverbal conduct based on an individual's disability

Disability harassment may include, but is not limited to,

A. interfering with the individual's or educational performance;
B. creating an intimidating, hostile, or offense working and/or learning environment; or
C. interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Sexual Violence – a physical act of aggression or force or a threat that involves the touching of another individual'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 breasts, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to

A. touching, patting, grabbing, or pinching another person's intimate parts regardless of the other person's gender;
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 another sexual act on another person;
D. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another person; and/or
E. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

Racial Violence – physical act of aggression or assault upon another person because of or in a manner reasonably related to race

Religious/Ethnic Violence – physical act of aggression or assault upon another person because of or in a manner reasonably related to religion or ethnicity

Disability Violence – physical act of aggression or assault upon another person because of or in a manner reasonably related to a disability

Assault – an act done with intent to cause fear of immediate bodily harm or death in another person or the threat to do bodily harm to another person with present ability to carry out the threat

All allegations of Sexual Harassment will be investigated and handled pursuant to the Putnam County Title IX Policy 4.35, in the event the sexual harassment alleged does not fall under the Title IX Policy, this policy shall control.

Reporting Procedures

In Each School Building

The building principal is the person responsible for receiving oral or written reports of student sexual, racial, religious/ethnic, or disability harassment or violence at the building level. Upon receipt of a report of conduct, the principal must notify the Title IX Coordinator and shall commence investigation of the complaint. Upon completion of the investigation and, in most cases, no later than ten (10) working days of receiving the complaint, a written report shall be forwarded to the Title IX Coordinator. The report will be shall be shared with the Superintendent.

Any time a report is given to the building principal verbally, he/she shall reduce it to written form before the close of the next working day.

County-Wide

The Board designates its Title IX Coordinator as the officer to receive reports or complaints of sexual, racial, religious/ethnic, and disability harassment or violence. The name of the Title IX Coordinator, including a mailing address and telephone number, shall be conspicuously posted in each school building and in other school system facilities.

Use of county reporting forms is recommended but not mandatory.

All alleged incidents of student harassment or violence observed by employees must be reported to the building principal or Title IX Coordinator within 24 hours of observing the incident.

The Board's investigation of student harassment or violence complaints will be conducted with maximum effort to protect the confidentiality of all those involved in the complaint or investigative process and to facilitate prompt resolution of the complaint. School officials may take immediate steps to protect individual privacy and safety pending resolution.

Investigation and Recommendation

Upon receipt of a complaint of student harassment or violence, the individual(s) designated to investigate shall immediately begin an investigation. The investigating party shall provide a written report of the result of the investigation and a recommendation of discipline within 21 calendar days to the Superintendent and to the Title IX Coordinator. In determining whether alleged conduct constitutes racial, religious/ethnic, or disability harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the conduct involved, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation should, 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 circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods, documents, and review of circumstances deemed pertinent by the investigator(s).

Confidentiality

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 complaints 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.

Results of the Investigation

The result of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant and his/her legal guardian by the Superintendent.

Student Discipline and Other Actions

In determining the appropriate response and/or punishment, the principal or Superintendent shall 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 incident occurred.

A. If the complaint against a student is substantiated, the principal or Superintendent will take appropriate action based on the results of the investigation. Such action may include, but is not limited to, warning, suspension, exclusion, or expulsion.
B. The Board shall also initiate other action appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy.
C. The Superintendent shall immediately file a report with the West Virginia Department of Education when the investigation substantiates that harassment or violence occurred. The report shall include all actions taken in response to the incident.

If the principal recommends to the Superintendent that a student be expelled from school, the student shall be suspended for a period of time not to exceed ten (10) school days. The principal shall notify the student's parent/guardian/custodian, in writing, of his recommendation.

Upon receipt of the principal's recommendation, the Superintendent shall review the allegations contained in the complaint, investigative report, and recommendation. Based on this information, he/she may then schedule a hearing before an independent hearing examiner who, by law, must be an attorney licensed to practice law in this state. The independent hearing examiner shall issue a decision and written findings of fact and conclusions of law within five (5) days of the conclusion of the hearing. The hearing examiner's decision shall have the same force and effect as a decision rendered by the Board. If the student is guilty of the allegations, the hearing examiner shall expel the student for up to no more than one (1) school year.

Nothing in this policy shall prevent the student from being represented by counsel, at his/her expense, nor shall the student be compelled to present any evidence that may tend to incriminate himself/herself.

In the event that the student who is accused of committing the act is a student who receives special education and related services, no disciplinary action can be taken until and unless the student's IEP team has determined that the student's actions did not arise as a result of his/her disability.

Nothing in this policy prohibits contacting law enforcement or other parties, including the Human Rights Commission, regarding the actions of any party subject to a complaint.

Reprisal

The Board will discipline, as appropriate, any individual who retaliates against any person who reports allegations of racial, or religious/ethnic harassment or violence, or any person who cooperates, testifies, assists, or participates in any racial, sexual, or religious/ethnic harassment or violence investigation, proceeding, or hearing. *Retaliation* includes, but is not limited to, any form of retaliation or intimidation, reprisal, coercion, provocation, or harassment.

Student/Employee Relationships Prohibited

Amorous relationships between employees of the Board and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties and disciplinary action defined herein.

Non-Harassment

The Board recognizes that not all allegations of sexual, racial, religious/ethnic, or disability harassment will result in findings that such an incident has occurred. However, the Board encourages all persons who believe that they are a victim of such harassment to come forward and affirms its policy that no adverse action will be taken upon the filing of a complaint under this policy, unless it is shown, through investigation, that the complaint is patently false.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the filing charges with the West Virginia Human Rights Commission, filing a citizen's appeal under state board policy, filing a Title IX grievance under the appropriate procedures, filing charges with the Federal Equal Employment Opportunity Commission, or initiating civil or criminal action under state and/or federal law.

Sexual Harassment as Abuse

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under state law. In such situations, the school system and its employees shall comply with the provisions of law for reporting such abuse.

Dissemination of the Policy

This policy or a summary shall be conspicuously posted throughout each school or facility of the Board in areas accessible to students and staff members.

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

The students and staff of the Board shall be trained on these regulations and on means for effectively promoting the goals of this policy.

The Board policy shall be reviewed at least bi-annually to assure compliance with state and federal law and with state board of education policy.

Groups and persons utilizing school properties for curricular and extra-curricular activities shall comply with this policy. Failure to comply with this policy by a non-student group will result in the immediate forfeiture of the group's use of the school properties.

Implementation and Education

The Title IX Coordinator shall develop a program designed to raise the awareness of the different types of harassment, how it manifests itself, and its emotional, educational, and legal consequences. Multi-cultural education programs must be established to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

The Title IX Coordinator shall present written and verbal information to all faculty, staff, and students at least once annually. Dissemination of written and verbal information may be made by a designee(s) of the Title IX Coordinator, as appropriate, and such presentation must be age-appropriate for the students.

20 U.S.C. 1681 et seq., 621 et seq., 794
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., 2000d et seq., 2000e et seq., 2000ff et seq., 1983
WV Code § 18-2-7b, 18A-5-1, 18A-5-1b, 49-6A-2
WVBOE Policy 2421

5.42 FREEDOM OF SPEECH

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

5.43 INTIMIDATION OR BULLYING

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Intimidation, bullying, or aggressive behavior toward a student by other students is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all school activities in the county, including school activities on and off of school property at any school sponsored, school-approved, or school related activity or function (i.e. a field trip or athletic event), where students are under the school's control or where an employee is engaged in school business in monitoring student activity.

Any student who believes he/she has been or is the victim of intimidation, bullying, or aggressive behavior should immediately report the situation to the building principal or assistant principal. The student may also report concerns to a teacher, counselor, or staff member with whom the student feels comfortable and who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged and every staff member is required to report any situation that they believe to be intimidation, bullying, or aggressive behavior directed toward a student. Reports may be made to those identified above. Parents or guardians of any student alleged to have been the perpetrator or victim of intimidation, bullying, or aggressive behavior shall be notified of the same.

All complaints about intimidation, bullying, or aggressive behavior that may violate this policy shall be promptly investigated and that investigation shall be completed as soon as practicable.

If the investigation finds intimidation, bullying, or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include suspension or expulsion for students. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying, or aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in same manner as intimidation, bullying, or aggressive behavior. Making intentionally false reports about intimidation, bullying, or aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action.

The following definitions are provided for guidance only. If a student or other individual believes there has been intimidation, bullying, or aggressive behavior, regardless of whether it fits a particular definition, he/she should report it and allow the administration to determine the appropriate course of action.

Bullying is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent (i.e. repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal, psychological, or a combination of all three (3). Some examples of bullying are listed below.

A. *Physical* – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impending student movement, or unwelcome physical contact
B. *Verbal* – taunting, malicious testing, insulting, name calling, or making threats
C. *Psychological* – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.

Intimidation includes, but is not limited to, any threat or act intended to 1) tamper, substantially damage, or interfere with another's property, 2) cause substantial inconvenience 3) subject another to offensive physical contact, or 4) inflict serious physical injury. Such behavior, again, may or may not be based on the victim's age, race, color, religion, national origin, disability, marital status, physical characteristic, cultural background, socioeconomic status, geographic location, or sexual orientation.

Menacing includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

Hazing means to 1) cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or 2) 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 extracurricular activities.

Confidentiality

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.

However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. In such circumstances, those involved shall make only those disclosures absolutely necessary to the final resolution of the complaint and completion of the investigation.

Notification

Notice of this policy will be posted annually in conspicuous locations in all school buildings and departments within the county and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and federal rights posters on discrimination and harassment shall also be posted at each building.

WV Code § 18-2C-1 through 6
WVBOE Policy 4373

5.44 STUDENTS AND COMMUNITY AGENCIES

The Board is committed to protecting students from individuals not associated with the school system but also recognizes its responsibility to cooperate with law enforcement agencies and the Department of Health and Human Resources.

When such agencies request permission to interrogate a student at school, the principal or his/her designee shall attempt to notify the student's parent/guardian, when appropriate.

Whenever it has been determined that an agency has a legitimate purpose in interrogating a student within the confines of the county, the principal or his/her designee or representative should be present throughout the proceedings. He/she should also verify that the student has been informed of his/her rights to refuse to answer questions, to be informed that anything he/she says may be used against her/him in court, and to consult with and be advised by legal counsel.

When an agency requests permission to remove a student, the principal or his/her designee shall notify the Superintendent.

WVBOE Policy 4373

5.45 DISCIPLINE FOR STUDENTS WITH DISABILITIES

According to state law, the Board is required to incorporate and implement a preventive discipline program. If a student's behavior, regardless of the student's disability, impedes his/her learning or the learning of others, the IEP Team must consider the use of strategies, including positive behavioral supports and interventions, to address the behavior. If the IEP Team determines that such services or supports are needed, they shall be included in the IEP and be implemented.

Disabled students who are subject to disciplinary actions by the county are entitled to all of the due process rights afforded students without disabilities under state law. In addition to these rights, IDEA 2004 provides added procedures and safeguards to a student with a disability whom the county is considering removing from his/her current educational placement for disciplinary reasons. When determining whether a change of placement is appropriate, the county personnel must consider any unique circumstances on a case-by-case basis. These procedures do not prevent county personnel from maintaining a safe environment conducive to learning that is critical for all students.

Disciplinary Change of Placement

A *disciplinary change of placement* is the removal of the student from his/her current educational placement for more than ten (10) consecutive school days or a series of removals that constitutes a pattern. A pattern is established when 1) the series of removals total more than ten (10) cumulative school days in a school year, 2) that student's behavior is substantially similar to his/her behavior in the previous incident(s) that resulted in the series of removals, and 3) additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another are present. Whether a pattern of removals constitutes a change of placement will be determined on a case-by-case basis by school personnel. These determinations are subject to due process and judicial review.

The following sections delineate the actions the county system shall take when the removal is or is not a change of placement.

Actions When Removals Are Not a Change of Placement

School personnel may remove any student, including a student with a disability, for up to ten (10) consecutive school days in a school year if the student violates the county's Student Code of Conduct. During the initial ten (10) cumulative days of removal, services need not be provided to a student with a disability unless services are provided to students without disabilities. These removals must be applied to the same extent as they are applied to students without disabilities.

School personnel may remove a student with a disability for up to ten (10) consecutive school days per incident for separate acts of misconduct in a school year as long as the removals do not constitute a pattern resulting in a change of placement.

Actions When Considering a Disciplinary Change of Placement

A manifestation determination is required if the county is considering removing a student with a disability from his/her educational placement for disciplinary reasons beyond ten (10) consecutive school days or more than ten (10) cumulative school days when the county deems that a pattern exists. A *manifestation determination* is defined as a review of the relationship between the student's disability and the behavior subject to disciplinary action. Whenever considering disciplinary action that will result in a change of placement, the county must do the following:

A. Provide same day written notice of the removal, prior written notice (PWN), and the procedural safeguards notice to the parent/adult student of the disciplinary action to be taken; and
B. within ten (10) school days of any decision to change placement, meet with the parent and relevant members of the IEP team to conduct a manifestation determination by reviewing all pertinent information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parent(s) to determine if:
    1. the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
    2. the conduct in question was the direct result of the county's failure to implement the IEP.

If the county, the parent, and relevant members of the IEP Team determine that either of the conditions described above was met, the conduct must be determined to be a manifestation of the student's disability, and the county must take immediate steps to remedy those deficiencies.

Actions When Conduct is Determined to Be a Manifestation of the Student's Disability

The IEP team shall

A. conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) if one has not been completed; or
B. review the existing BIP, revise, as needed, to address the current behavior(s), and return the student to the placement from which the student was removed unless the parent and the county system agree to a change of placement as part of the modification of the BIP as determined by the IEP team.

Actions When Conduct is Determined Not to Be a Manifestation of the Student's Disability

The IEP team shall

A. determine appropriate disciplinary action that may include relevant disciplinary procedures applicable to students without disabilities;
B. reconvene IEP Team to develop an IEP that specifies the educational services to be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
C. provide, as appropriate, a FBA and BIP with modifications that are designed to address the behavior violation so that it does not recur.

Actions When a Behavior Violation Involves Weapons, Illegal Drugs, or Serious Bodily Injury

Regardless of whether the behavior is a manifestation of the student's disability, the county may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days, if the student

A. carries or possesses a weapon at school, on school premises, or at a school function;
AAA. knowingly possesses, carries, or uses illegal drugs or sells, or solicits the sale of a controlled substance while on school premises or at a school function; or
BBB. inflicts serious bodily harm to another person at school, on school premises, or at a school function.

The county must use the following definitions when removing students because of the above special circumstances.

A. *Weapon* – device, instrument, material or substance that is used for or is readily capable of causing death or serious bodily injury.

B. *Illegal drug* – a controlled substance, drug, or other substance identified under the Controlled Substance Act, excluding one that is legally possessed and used under the supervision of a licensed health care professional or under any provision of federal law.
C. *Serious bodily harm* – a bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of the bodily member, organ, or mental faculty.

The IAES must enable the student to receive educational services and participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. As appropriate, the setting must include a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

Hearing Officer Actions Resulting in a Change of Placement

Through an expedited due process hearing, county administrators may ask a West Virginia Department of Education (WVDE) hearing officer to remove a student with a disability to an appropriate IAES if the county believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The hearing officer may order a change of placement to an appropriate IAES for not more than 45 school days. This procedure may be repeated, if the county believes the student would be dangerous if returned to the original placement.

Free & Appropriate Public Education (FAPE) Requirements in an Interim Alternate Educational Setting (IAES)

If the student's placement will change to an IAES, the IEP Team shall create/select an IAES that enables the student to

A. 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 set out in his/her IEP; and
B. receive, as appropriate, a FBA and BIP to address the behavior violation so that it does not recur.

Additional Disciplinary Considerations

Requesting an Expedited Hearing

An *expedited hearing* is a hearing conducted by a WVDE hearing officer and occurs within twenty (20) school days of the request with a decision rendered within ten (10) school days of the hearing.

An expedited due process hearing may be requested if

A. the parent/adult student disagrees with the manifestation determination decision, any decisions of the IEP team regarding a change of placement during a disciplinary proceeding, or the decision regarding the student's placement in an IAES; or
B. the county believes that maintaining the current placement is substantially likely to result in injury to the student or to others.

In an expedited hearing, due process procedures will be used with the following exceptions:

A. A resolution session meeting must occur within seven days of the date of the receipt of the due process complaint by the WVDE unless mutually waived by both parties.
B. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen days or receipt of the due process complaint.
C. Time periods for disclosure of evidence and evaluations and recommendations based on those evaluations must not be less than five business days prior to the hearing.
D. The hearing must occur within twenty school days of the date the hearing is requested and must result in a determination within ten school days after the hearing with no extensions permitted.
E. The students remains in the IAES pending the decision of the hearing officer or until the expiration of the time period provided (no more than forty-five days), whichever comes first, unless the parent/adult student and school personnel agree otherwise.

In making a determination in an expedited hearing, the due process hearing officer may:

A. Return the student from placement from which the student was removed; or
B. Order a change in placement of a student with a disability to an appropriate IAES setting for not more than forty-five days if the district believes maintaining the current placement of the student is substantially likely to result in injury to the student or others.

The decision of a hearing officer in an expedited hearing may be appealed to federal or state district court.

When a request for an expedited hearing has been made, the student shall remain in the IAES pending the decision of the hearing officer or until the expiration of the disciplinary removal, whichever occurs first unless the parent and the WVDE or county agree otherwise.

Due process hearing rights and procedures are described in WVBOE policy related to students with disabilities.

Parent/Adult Student Request for Evaluation for a Disciplined Student

If a request for an 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, the evaluation must be conducted in an expedited manner. Pending the results of the evaluation, the student remains in the educational placement determined by county officials. Such placement can include suspension or expulsion without educational services if services cease for students without disabilities.

If the student is subsequently determined eligible for special education services, the county will immediately convene an IEP team meeting to develop an IEP and conduct a manifestation determination.

If the behavior was caused by or had a direct and substantial relationship to the student's disability, the disciplinary action shall be set aside and the student shall be provided appropriate educational services in the least restrictive environment.

If the behavior was not caused by or did not have a direct and substantial relationship to the student's disability, the student is subject to the disciplinary action as determined by school personnel. However he/she is still entitled to receive FAPE, which must be defined by the IEP team. Educational services cannot cease for more than ten (10) school days in a school year. Educational services shall be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his/her IEP.

If the evaluation team determines that the student is not a student with a disability and is not eligible for special education services, he/she will be subject to the same disciplinary actions as all other students without disabilities who engage in comparable behaviors.

Protections for Students Not Yet Eligible for Special Education Services

A student who has not been determined eligible for special education and related services and has violated any rule or code of conduct of the county may assert the protections of the IDEA 2004, if the county had knowledge that the student has a disability before the behavior that precipitated the disciplinary action occurred.

With limited exceptions, the county will be deemed to have knowledge that an individual is a student with a disability if one (1) or more of the following is true.

A. The parent/adult student has expressed written concern to county professional personnel that the student may need special education and related services.
B. The parent/adult student has requested, in writing, that the student be evaluated for special education services.
C. The student's teacher or other county personnel have expressed concern about a pattern of behavior demonstrated by the student directly to the director of exceptional education or other county supervisory personnel in accordance with the county's established child find system and referral process.

The county will be deemed not to have knowledge that an individual is a student with a disability if one (1) or more of the following is true.

A. An evaluation was conducted and a determination was made that the student does not have a disability.
B. The parent/adult student did not give written consent for an evaluation.
C. The parent/adult student refused special education and related services.

If the county did not have a basis of knowledge that a student is a student with a disability prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

Referrals to and Action by Law Enforcement and Judicial Authorities

The county may report a crime committed by a student with a disability to appropriate authorities. The IDEA 2004 does not prevent state law enforcement or judicial authorities from exercising their

responsibilities with regard to the application of federal and state law for crimes committed by a student with a disability.

If a student with a disability brings a firearm to school, law enforcement must be contacted pursued to federal law.

If the county reports a crime, it will ensure that copies of the special education and disciplinary records of the student are provided to the appropriate law enforcement authorities for their consideration. Such release of records must be in accordance with FERPA and WVDE policy. Generally, the release of records requires parent or adult student consent.

Transfer of Discipline Records

State law requires that whenever a student transfers to a new school in the state, the principal of the school from which the student transfers shall provide to the principal of the school to which the student is transferring written record of any disciplinary action taken against the student.

IDEA 2004
FERPA
Gun-Free Schools Act
WV Code § 18A-5-1, 18A-5-1a
WVBOE Policies 2419, 4350

5.46 REMOVAL, SUSPENSION AND EXPULSION OF STUDENTS

The Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, out-of-school suspension, or expulsion, is the most severe sanction that can be imposed on a student in this county and one that cannot be imposed without due process. The Board takes very seriously its role in providing a safe, nurturing, and orderly learning environment for its students, free from drugs, violence, harassment, and other disruptive and/or inappropriate behavior. Therefore, the provision of this policy shall be enforced strictly.

No student is to be removed, suspended out-of-school, or expelled unless his/her behavior represents misconduct as specified in state law, WVBOE policy, and/or the Student Code of Conduct approved by the Board. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures, and considerations shall apply to students identified as disabled.

Students may be subject to discipline for violations of state law, WVBOE policy, and/or the Student Code of Conduct approved by the Board, even if that conduct occurs on property not owned or controlled by the Board but where 1) such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board or 2) conduct that, regardless of where it occurs, is directed at a Board official or employee or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct, the following definitions and actions shall apply.

Removal from the Classroom – the exclusion by the teacher from a classroom any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee

Any student excluded shall be placed under the control of the principal or a designee. The excluded student may be admitted to the classroom only when the principal or designee provides 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/she shall provide written and, if possible, telephonic notice of the action to the parent/guardian. When a student is excluded from a classroom two (2) times in one (1) semester, and after exhausting all reasonable methods of classroom discipline provided in the discipline plan, the student may be readmitted to the classroom only after 1) the principal, teacher, and, if possible, the parent/guardian have held a conference to discuss the student's disruptive behavior patterns and 2) the appropriate employees agree on a course of discipline. The parent/guardian shall be notified of the course of action.

If the student's disruptive behavior in class persists, the principal may, by the teacher's request, transfer the student to another setting. If a student has been disciplined two (2) times in one (1) semester, a conference to discuss the student's disruptive behavior patterns shall be conducted. During the conference, the parent/guardian shall be present.

Suspension – the temporary exclusion of a student by the principal or designee from the Board's instructional program and property for a period not to exceed ten (10) school days.

Suspension may extend beyond the current school year if, at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The principal or designee may apply any or all of the period of the suspension to the following year.

A suspension of more than ten (10) days requires a formal hearing before the Board. Procedures the school and county must follow when processing suspensions of more than ten (10) days are outlined in state law.

A student may not participate in any school sponsored activities or be permitted on school grounds during the period of suspension without the written permission of school officials.

The following offenses, as described in Level IV Violations of Section 5.34 – Student Conduct and Discipline, require the mandatory suspension of the student from school or transportation to and from school on a school bus after an informal hearing has been conducted pursuant to state law.

A. *Felony* - The principal or designee may request that the student be expelled.
B. *Possession of controlled substance* –The principal or designee may recommend that the student be expelled.
C. *Battery* –Within 24 hours, the principal or designee must request that the student be expelled.

D. *Possession of a firearm or deadly weapon* – Within 24 hours, the principal or designee must request that the student be expelled.
E. S*ale of a narcotic drug* – Within 24 hours, the principal or designee must request that the student be expelled.

Expulsion – the exclusion of a student from the schools of this county for up to no more than one (1) year

Only the Board or an independent hearing examiner may expel a student. A student may be expelled if the student

A. threatened to injure or in any manner injured a student, teacher, administrator, or other school personnel;
B. willfully disobeyed a teacher;
C. possessed alcohol in an educational facility, on school premises, on a school bus, or at any school sponsored function;
D. used profane language directed at a school employee or student;
E. intentionally defaced any school property;
F. participated in any physical altercation with another person while under the authority of school personnel;
G. committed an act or engaged in conduct that would constitute a felony under state law if committed by an adult including those identified above;
H. unlawfully possessed a controlled substance on school premises or at a school sponsored function; or
I. habitually violated school rules and/or policies.

The following offenses require the recommendation for expulsion of the student, and if after the offense is confirmed in a hearing, the mandatory twelve (12) calendar month expulsion:

A. battery of a school employee,
B. possession of a firearm or deadly weapon, and/or
C. sale of a narcotic drug.

The Superintendent may lessen the mandatory one (1) year period of expulsion for the offenses identified above if the circumstances of the student's case demonstrably warrant such a reduction. Upon the reduction of the expulsion period, the principal of the school from which the student was expelled shall be notified. The Superintendent may use the following factors in determining if the expulsion period should be reduced:

A. the extent of the student's malicious intent.
B. the outcome of the student's misconduct;
C. the student's past behavior history; and
D. the likelihood of the student's repeated misconduct.

The Board shall provide for an alternative education for a student that has been expelled from school, except it may refuse an alternative education for a *dangerous* student.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy, even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

Any student who has been suspended or expelled from school pursuant to state law or who has been suspended or expelled from a public or private school in another state, due to actions described in state law, may not be admitted to any public school within the county system until the period of suspension or expulsion has expired.

Nothing in this policy shall be interpreted to violate the Individuals with Disabilities Education Act, the Americans with Disabilities Education Act, or WVBOE policy.

18 U.S.C. Section 921
20 U.S.C. 3351, 7151, 8921
WV Code §§18A-1-1, 18A-5-1a, 18A-5-1b, 60A-1-101 et seq.
WVBOE Policies 2419, 4336, 4373

5.47 IN-SCHOOL SUSPENSION

It is the purpose of this policy to allow *for* an alternative to out-of-school suspension in response to student misconduct. The availability of an in-school suspension program is dependent upon the financial ability of the Board to support such a program.

In-school suspension will only be offered at the discretion of the school administrator for offenses found in the Student Code of Conduct.

As long as the in-school suspension alternatives are served entirely within the school setting, they will not require any notice, hearing, or appeal rights for the student and/or his/her parent/guardian.

WVBOE Policy 4373

5.48 SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS

Students riding on a school bus are under the authority of and directly responsible to the school bus operator. The operator has the authority to enforce the established regulations for school bus conduct and the duty to report student violations of WVBOE policy and the Student Code of Conduct to the principal immediately. Written notification to the principal shall be completed by the operator as soon as possible. If the principal finds that disciplinary action is warranted, he/she shall provide written and, if possible, telephonic notice of the action to the parent/guardian/custodian.

A student may be disciplined for any violation of established rules/regulations for proper school bus conduct and/or for violations of the Student Code of Conduct occurring on the school bus. Discipline for such misconduct shall be consistent with the provisions of the Student Code of Conduct. A student's

school bus riding privileges may be suspended by the principal when the student commits a Level III violation of the Student Code of Conduct.

Exclusion from Bus

A principal may exclude from the school bus any student

A. who is guilty of disorderly conduct;
B. who in any manner interferes with an orderly educational process;
C. who threatens, abuses, or otherwise intimidates or attempts to intimidate a school employee or a student;
D. who willfully disobeys a school employee; or
E. who uses abusive or profane language directed at a school employee.

Once a student is excluded from the school bus, the student shall be placed under the control of the principal of the school or a designee. The principal or designee shall take appropriate disciplinary action and notify the student's parent/guardian, in writing, of the disciplinary action taken.

The student to be excluded from the bus shall be notified by the operator. The parent/guardian of the student shall be notified by the school principal or his/her designee. The student shall be transported until the parent/guardian has been properly notified about the exclusion.

An excluded student shall be readmitted to the school bus only after the principal or his/her designee provides a written certification to the operator that the student may be readmitted and specifies the type of disciplinary action, if any, that was taken. The length of the student's exclusion from the school bus shall be determined by the principal or his/her designee in his/her sole and exclusive judgment. Parents/Guardians will also be notified by the school principal or his/her designee when their son/daughter may resume riding the school bus.

When a student is excluded from a school bus two (2) times in one (1) semester and after exhausting all reasonable methods of discipline provided in the discipline plan, the student may be readmitted to the school bus only after the principal, the operator, and, if possible, the parent/ guardian of the student have held a conference to discuss the student's disruptive behavior patterns. The bus operator and the principal must agree on a course of discipline for the student and inform the parent/guardian of the course of action.

While on a school bus, each student shall

A. behave in a manner that promotes a school environment that is nurturing, orderly, safe, and conducive to learning and personal/social development;
B. help create an atmosphere free from bullying, intimidation, and harassment;
C. demonstrate honesty and trustworthiness;
D. treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others;
E. demonstrate responsibility, use self-control, and be self-disciplined;

F. demonstrate fairness, play by the rules, and will not take advantage of others;
G. demonstrate compassion and caring; and
H. demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

WV Code § 18A-5-1
WVBOE Policies 4336, 4373

5.49 STUDENT DUE PROCESS RIGHTS

The Board recognizes that students have certain due process rights regarding the administration of discipline while students are at school, on school grounds or at school-affiliated functions. Students shall be afforded the due process of law with respect to suspension, expulsion, and decisions which the student believes injure their rights.

Due process is provided when the cause for action is valid and when the student is offered the opportunity to hear the charges and make a defense against those charges according to established procedures. For an expulsion, due process includes advance written notice and a formal hearing, including the right to representation. For other decisions, due process includes an informal hearing with the person making the decision and the right to request review by appropriate administrative staff.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extracurricular activities.

The application of this policy shall comply with the requirements of the Individuals with Disabilities Education Act 2004.

WV Code § 18A-5-1a
WVBOE Policy 4373

5.50 CORPORAL PUNISHMENT

The Board does not allow the use of corporal punishment as a disciplinary measure.

The physical seizure and removal of unruly students from the classroom or other areas and the exercise of reasonable physical force to restrain students from fighting or engaging in destructive or illegal acts may be used when necessary.

WV Code § 18A-5-1(e)
WVBOE Policy 4373

5.51 STUDENT COMPLAINTS

The Board recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the development of respect for lawful procedures is an important part of

the educational process. Accordingly, individual and group complaints should be provided for and appropriate appeal procedures should be implemented.

For purposes of this policy, a *student complaint* shall be any such complaint that arises out of actions, procedures, and policies of this Board or its employees or the lack of such action, policy, or procedure.

The Board or its employees will hear the complaints of the students of this county provided that such complaints are made according to procedures established by the Board.

5.52 SCHOOL SPONSORED PUBLICATIONS AND PRODUCTIONS

The Board may sponsor student publications and productions as means by which students learn, under adult direction, the rights and responsibilities of public expression in a free society.

For purposes of this policy, publications shall include any audio, visual, or written materials such as banners, videos, pamphlets, notices, newspapers, books, or other like materials. Productions shall include theatrical performances as well as impromptu dramatic presentations.

In sponsoring a student publication or production, the Board is mindful of the fact that it could be available to any student attending this school and must, therefore, generally be age and subject appropriate for all students.

Advertising is permitted in school newspapers, yearbooks, programs, etc. that are published by student organizations. Advertisements shall be approved by the principal before they are placed in such publications.

The Board recognizes that freedom of expressions is protected by the First Amendment to the United States Constitution, Article III, section 7 of the West Virginia Constitution, and the Student Journalist Press Freedom Act. As such, student journalists have the right to freedom of speech and of the press in school sponsored media regardless of whether the media is supported financially by the school, uses the facilities of the school is produced in conjunction with a course or class in which the student is enrolled.

No student journalist shall be disciplined, penalized, restrained, or otherwise censored, punished, or subjected to any form of retaliation, nor shall there be prior restraint by any person of material prepared for the school sponsored media unless it falls within one of the exceptions below:

a It is libelous or slanderous;

b. it constitutes an actionable invasion of privacy;

c. it is obscene;

d. it violates federal or state law, or;

e. It expressly incites students to engage in the commission of an unlawful act or acts, or violate a lawful school policy, or is likely to cause the material and substantial disruption of the orderly operation of the school.

A student journalist or student media advisor who is notified of limitations placed on school sponsored media may appeal in writing to the Superintendent or his/her designee. The appeal shall occur within five business days. The Superintendent or his/her designee shall conduct a hearing with the student journalist and/or student media advisor within 10 business days of receiving the appeal. The Superintendent shall issue a written decision within five business days of the hearing.

The student journalist or student media advisor shall have the right, within five business days of receiving the Superintendent's written decision, to appeal, in writing, to the school board. The school board shall hear the appeal within 30 days and advise the complainant of its decision, in writing, within 30 business days following the appeal.

The Board reserves the right to designate and prohibit the publications or productions which are not protected by the right of free expression because they are disruptive of the educational environment and/or violate the rights of others. Such unprotected materials are those which

A. are grossly prejudicial to an ethnic, religious, racial, or other delineated group;
B. libel any specific person or persons;
C. seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other religious denomination, sect, or point of view;
CCC. advocate the use or advertise the availability of any substance or material which may reasonably be believed to:
    1. constitute a direct and substantial danger to the health of students;
    2. contain obscenity or material otherwise deemed to be harmful to impressionable students who may receive them; and/or
    3. incite violence, advocate the use of force, or urge the violation of law or school regulations.

The Board also prohibits publications and productions that

A. fail to identify the student or organization responsible for distribution;
B. solicit funds for non-school organizations or institutions when such solicitations have not been approved by the Board; and/or
C. promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or question submitted at any election.

The decision as to whether or not something is published or produced shall be made by the advisor with appeal to the principal and Superintendent.

WVBOE Policy 4373,7211
WV Code §188-21-4
Updated August 21, 2023

5.53 VOTER REGISTRATION

The Board recognizes that a primary goal of public education is to prepare students to actively participate in a democratic society, which involves functioning within the democratic process. Voting is a primary responsibility and opportunity of a citizen in a democratic society.

A student who is at least seventeen (17) years of age and who will be eighteen (18) years of age by the time of the next ensuing state or county general election may be permitted to register to vote.

An onsite voter registration at each high school may be cooperatively scheduled each school year by the principal and the County Clerk's office. In an election year, each student who is eligible by age shall be provided an opportunity to register to vote at least 45 days prior to the primary election.

WV Code § 3-2-2, 3-2-8, 18-2-9
WVBOE Policy 2324

5.54 PARENTAL-MARRIED STATUS OF STUDENTS

No student, whether married or unmarried, who is otherwise eligible to attend school in the county shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

The schools shall strongly encourage pregnant students to continue with their education. Any pregnant student should stay in school unless a doctor indicates the student should not due to a high-risk problem. Pregnant students are still subject to compulsory attendance laws.

The Board reserves the right to require, as a prerequisite for attendance in the regular classes of the schools and the co-curricular and extracurricular programs of the schools, that each pregnant student presents to the principal her physician's written statement that such activity will not be injurious to her health or jeopardize her pregnancy.

When, in the opinion of the physician, the physical condition warrants it, the expectant student shall be provided homebound instruction. The student shall be provided homebound instruction for a maximum of six (6) weeks postpartum, unless the physician provides documentation of continued medical need. Students who are expecting or post delivery in an at risk category with extenuating circumstances may receive homebound services for a duration established by the county attendance director.

5.55 SEARCH AND SEIZURE

The Board recognizes that the privacy of students as to their person and their belongings may not be violated by unreasonable search and seizure and directs that no student be searched in an unreasonable manner or without reasonable suspicion.

The Board 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.

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.

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, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Strip searches of students shall never be conducted.

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.

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.

A request for the search of a student or a student's possessions will be directed to the school administrator who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search of the student's possessions will be conducted by the school administrator in the presence of the student and another staff member. 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.

The school administrator 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 school administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

U.S. Constitution, 4th Amendment
WVBOE Policy 4373

5.56 WEAPONS

The Board finds that the safety and welfare of the citizens of this county are inextricably dependent upon assurances of safety for the children attending and the persons employed by schools in this county system.

The Board prohibits students from possessing, carrying, or causing the possession or carrying of any firearm or other deadly weapon on any setting that is under the control and supervision of the Board including, but not limited to, 1) property leased, owned, or contracted for by the Board; 2) the site of any school-sponsored event; or 3) in a Board-owned vehicle. However, a law enforcement officer, acting in

his/her official capacity, may carry a sidearm. Any student violating this policy shall be subject to disciplinary action, up to and including expulsion.

The terms *weapon*, *dangerous,* or *deadly weapon* mean any object or device which is intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any object or device that is used for self-protection. Weapons include, but are not limited to, items described in WV Code §61-7-2.

Deadly weapon means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term *deadly weapon* shall include, but not be limited to, the instruments defined above or other deadly weapons of like kind or character which may be easily concealed on or about the person. Additionally, this term includes explosive, chemical, biological, and radiological materials.
Policy exceptions include.
items or materials owned by the school or Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes;

A. students, with written approval from the school principal, to conduct programs with valid educational purposes; and
   Note: Working firearms and ammunition shall never be approved.

DDD. items displayed in program, conducted with the approval of the Board or school, which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police or local law enforcement to ensure that it is safe.

Students shall report, to the school administrator, any information concerning weapons and/or threats of violence by students, staff members, or visitors. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code.

The Superintendent is authorized to establish instructional programs on the weapons.

The principal will refer any student who violates this policy to the student's parent/guardian and to the criminal justice or juvenile justice system. The student may also be subject to disciplinary action, up to and including, expulsion.

Any court, that adjudicates a person who is fourteen (14) years of age or older as delinquent for possessing a weapon, may, in its discretion, order the Division of Motor Vehicles to suspend any driver's license or instruction permit issued to such person for such period of time as the court may deem appropriate. Such suspension, however, is not to exceed beyond such person's nineteenth (19th) birthday. When such person has not been issued a driver's license or instruction permit by this state, the court may order the Division of Motor Vehicles to deny such person's application for the same for such period of

time as the court may deem appropriate. Such denial, however, shall not to extend beyond such person's nineteenth (19th) birthday.

It shall be the duty of the principal of each school to report the possession of a weapon to the State Superintendent of Schools within 72 hours after such violation. In addition, it shall be the duty of the principal of each school to report any student possessing a weapon discovered by such principal to the local office of the West Virginia State Police within 72 hours after such violation occurs. 18 U.S.C. 921, 20 U.S.C. 8922, 20 U.S.C. 7151
WV Code § 18A-5-1a, 61-7-2, 61-7-11a WVBOE Policy 4373
Revised August 21, 2023

5.57 PARENT RIGHTS

Parents have rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies. These rights may be exercised consistent with the provisions of WVBOE policy and pertinent state and federal law and regulation.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional material does not include academic tests or academic assessments.

Each school shall ensure that the adopted, up-to-date, county-adopted class curriculum is posted on the school's internet website at the beginning of each school year or no later than 30 business days after new or revised curriculum is adopted. Only students, parents, or guardians of the students shall be provided the login information to gain access to the online curriculum.

Each classroom teacher shall comply with the request of any parent, custodian, or guardian to inspect additional instructional materials adopted by the county board, supplementary instructional materials that were not adopted by the county board, and books in the classroom that are available for students to read, subject to the following: (1) only the parent, custodian, or guardian of a child enrolled in the class may make a request, (2) the classroom teacher may require that the parent, custodian, or guardian schedule an appointment in order to inspect the instructional materials. If the classroom teacher requires an appointment pursuant to this subdivision, the teacher shall schedule the appointment within 10 business days of the request of the parent, custodian, or guardian; and

As part of the inspection and upon request of the parent, custodian, or guardian, the classroom teacher shall demonstrate how the instructional material relates to the content standards adopted by the state board. For any class in which reading a book or books will be required, the classroom teacher shall include the book or books on a class syllabus. The classroom teacher shall make the syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon request.

Any parent, custodian, or guardian may file a complaint with the county superintendent, on a form developed and provided by the county superintendent, if the classroom teacher fails to comply with any provision of this section. If the complaint is not resolved by the county superintendent within seven business days, the parent, custodian, or guardian may file a complaint with the State Superintendent or

his or her designee. The State Superintendent shall make a form available for parents to file a complaint pursuant to this subsection.

For purposes of this section, "parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child. For purposes of this section, "custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the information contemplated by this section, For purposes of this section, "guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child.

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

20 U.S.C. 1232h
WVBOE Policy 4350
WV Code §18-5-27,18-5A-6, 18-2A-10
Revised August 21, 2023

5.58 STUDENT GOVERNMENT

The Board acknowledges the importance of offering students the opportunity to participate in self-government within the establishment of the schools.

Students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the school principal and/or the Board.

The Board will recognize each school's student leadership organization as the official voice of the student body for students in grades 6-12 and for the purpose of

A. giving students practical experience in organizing, planning and, affecting outcomes;
B. developing student leadership;
C. providing a learning experience in democratic decision making; and/or
D. offering another avenue toward the realization of the goals of this county.

5.59 STUDENT FUNDRAISING

For purposes of this policy *student fundraising* shall include student solicitation and collection of money for any purpose from any persons, including collection of money in exchange for tickets, papers, or any other goods or services, other than donations.

The Board will permit student fundraising in school, on school property, or at any school-sponsored event only when the profit is to be used for school purposes or for an activity connected with the schools.

All proceeds from fund-raisers conducted by a school are to be receipted and deposited intact into one of the school's depository accounts.

All school support organizations must be approved, in advance, by the Board in order to conduct fund raising activities in the name of a county school. In addition, the organization must obtain approval from the school principal prior to each fund raising activity being held. A profit and loss statement shall be

prepared for each fund raising activity conducted by a school support organization that shows gross proceeds, cost of goods sold, and net proceeds.

General Invitation Projects

General invitation projects are those in which a general public invitation to participate in an activity is issued, but individuals are not directly solicited. Community participation in such events would depend upon voluntary initiative.

Such projects might include games and contests, dances, performances, carnivals, donation boxes, single location sales (i.e. book sales, bake sales, or rummage sales), buyer initiated sales, fairs, dinners, car washes, auctions, or similar activities.

Providing principal approval is obtained, no limit is placed on the number of general invitation, fundraising projects which may be held during the year. Students or parents may be allowed to sell advance tickets to fund-raising events to family and friends but shall not be authorized to conduct door-to-door or other random sales.

Direct Solicitation Projects

Direct solicitation projects are those in which the fund-raiser approaches individuals directly and asks them to make a purchase or donation. Such projects include door-to-door and telephone canvassing or sales and similar activities. There will be no door-to-door solicitation unless accompanied by an adult.

Students in grades K-8 may be asked to participate in a direct solicitation project providing parent or guardian is notified two (2) weeks in advance of the project and given the opportunity to refuse participation.

Students in grades 9-12 may be asked to participate in such projects without prior permission.

No student may be identified or penalized for nonparticipation. All students should be rewarded equally in school or group activities.

Guidelines governing athletic fund-raising are detailed in the *Putnam County Schools Athletic Handbook*.

Direct Sales

The school principal may authorize one (1) direct solicitation sales project per semester in elementary and middle school and one to three (1-3) per semester in high school. Additionally, high school principals may authorize two (2) single organization direct sales projects per semester, based on the organization's need for funds. A direct sales project may be conducted jointly by several groups.

Sales projects may not be approved if an employee or immediate family member of an employee is an owner, distributor, or salesperson of the company providing the product or in any way stands to gain personally from such sale.

Direct Donations

The principal may authorize one (1) school-wide direct solicitation donation drive per year. In addition, the principal may authorize one (1) direct solicitation of advertising by the student publications per year.

Preplanning

The principal or designee shall be responsible for organizing the preplanning necessary to coordinate cooperative direct solicitation projects. A fund raising committee should include representatives of school-related groups and sponsors of all authorized organizations who wish to participate in direct solicitation projects.

In planning cooperative fundraising some attention should be given to assigning territories and businesses to avoid repeated intrusions. In cooperative fundraising projects, a mutually agreeable system of distributing general donations or profits should be established prior to the project.

Advisors for approved school organizations shall not accept any form of compensation or gift from vendors that might influence their selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation or gifts from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Treasurer, in writing, that he/she received such compensation and shall thereafter properly transmit said compensation to the Treasurer at his/her earliest opportunity.
WVBOE Policy 1224.1

5.60 STUDENT ATTENDANCE AT SCHOOL EVENTS

The Board encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to ensure that students attending as nonparticipants are properly safe-guarded, the Board expects that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. Additionally, at a school sponsored events where chaperones are provided, they do not serve as sitters who assume responsibility for

unaccompanied students. The Board and its agents will not be responsible for students if they attend without an adult chaperone. The Board will provide adequate supervision for all students who are participants in county sponsored events.

The principal shall have jurisdiction over all social affairs of the school, such as school dances, junior/senior prom, and class parties. All events must be approved by the principal. Two (2) or more schools may co-sponsor social affairs in which case all principals involved shall share responsibility.

Evening dances or parties should be held on evenings not proceeding school days if at all possible. All evening parties or dances should close not later than 10:00 p.m., except that the junior/senior prom may continue until 12:00 midnight. When school dances are held after athletic events, they must end in time to close the building by midnight.

All evening parties or dances must be in the charge of appointed faculty members. Strict rules of conduct must be observed, such as those listed below.

A. No use, possession, or distribution of illicit drugs shall be permitted. Any person guilty of same forfeits all rights for any further attendance at school social affairs.
B. When students come to the dances or parties, they *shall not* be allowed to sit outside but must come at once into the building and remain there until they go home. Once a student has left the building, he/she may not return to the party.
C. Anyone, whose dancing or other conduct is disapproved of by the faculty sponsor, after being warned shall be evicted and may be barred from future attendance at social affairs if that person does not cease such conduct immediately.

With reference to junior/senior proms, students of the respective school holding the prom may invite a guest who is not a student of that school. The student cannot invite more than one (1) guest, and this guest must be the date of the student. The student who sponsors a guest is responsible for that guest, and all rules and policies must be followed.

The guest must complete the form for prom guest and submit it to the principal at least two (2) weeks prior to the prom with signatures of both the guest sponsor and the guest.

A screening committee for student guests shall be established by the principal. The screening committee shall complete the form for prom guest and return it to the invited person, giving approval or rejection.

5.61 PUBLIC PERFORMANCES BY STUDENTS

The Board recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when

A. they constitute a learning experience which contributes to the educational program, and

B. the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved.

When involving out of state travel, all requests for public performances by students require the approval of principal and the Board.

The rules listed below governing all student performances shall be followed.

A. All programs of the school are to be planned under the direction of the principal and with prior approval. No engagement shall be scheduled until the principal has approved such participation.

EEE. The policy of the Board prohibits any performances at political meeting at any time, except that students shall be permitted to perform, if invited, only at programs where national candidates for the presidency and vice-presidency are involved and at the inaugural ceremonies of the Governor of West Virginia.

FFF. Transportation of performers shall be scheduled and arranged by the principal, who shall have authority to make all rules and regulations pertaining thereto.

GGG. Parental permission must be obtained before students participate.

HHH. Each high school band shall receive eight (8%) percent of the gate receipts, after expenses, for each varsity home football game.

5.62 STUDENT RECORDS

In order to provide appropriate educational services and programming, the Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student personally identifiable information includes, but is not limited to,

A. the student's name and the name of the student's parent or other family members;

III. the address of the student or student's family;

JJJ. a personal identifier such as the student's social security number, student number, or biometric record;

KKK. other indirect identifiers such as the student's date of birth, place of birth, and mother's maiden name;

LLL. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or

MMM. information requested by a person whom the county reasonably believes knows the identity of the student to whom the educational record relates.

The Board is responsible for the records of all students who attend or have attended schools in this county. Only records 1) mandated by the state or federal government and/or 2) necessary and relevant to the function of the school, county system, or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents/guardians, eligible students, designated school officials who have a legitimate educational interest in the information, or other individuals or organizations as permitted by law. Both parents shall have equal access to student records unless stipulated otherwise by court order or law. *Eligible students* are students over the age of eighteen (18) or enrolled in postsecondary education. In the case of eligible students, parents/guardians may be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

The Board authorizes the administration to

A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public or private school or school county in which a student of this county seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that
   1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student); or the Board's annual notification includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
   2. the parent or eligible student, upon request, receives a copy of the record; and
   3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;

NNN. provide personally-identifiable information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is a significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

OOO. report a crime committed by a child with a disability to appropriate authorities and to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

PPP. release de-identified records and information in accordance with federal regulations;

QQQ. disclose personally identifiable information from education records, without consent, to organizations conducting studies *for or on behalf of* the county for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; and/or

Note: Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than a representative of the organization conducting the study and must be destroyed when no longer needed for the study. In order to release information under this provision, the county will enter into a written agreement with the recipient organization that specifies the purpose of the study. While the disclosure of personally

identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

RRR. request each person or party requesting access to a student's record to abide by federal regulations and state laws concerning the disclosure of information.

In addition to the responsibilities noted above, each principal of the school at which a student has had a suspension or expulsion imposed, pursuant to state law, shall record, within 24 hours, such action in the West Virginia Education Information System. Each record of a suspension or expulsion shall include the student's name and identification number, the reason for the action, and the beginning and ending dates of the suspension or expulsion.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than 45 days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained, if required.

Only directory information regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent or if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board's policy and/or those specified in the law.

Maintenance of Student Records

Student academic records shall be retained as indicated below.

Type of Record	Person Responsible	Number of Copies	Location	Duration	Person Responsible for Destroying
Permanent record card	Principal	1 each	School and board office	Permanently	Not applicable
Grades	Principal	1	School	3 years	Principal
State assessment results	Counselor or principal	1	School	5 years	Counselor or principal
Special education information	Director and principal	1	School and board office	Permanently	Not applicable

Directory Information

Each year the Superintendent shall provide public notice to students and their parents of the county's intent to make available, upon request, certain information known as directory information. The Board may designate as student directory information a student's name, address, telephone number, date and place of birth, major field of study, participation in officially-recognized activities and sports, height and weight (if a member of an athletic team), dates of attendance, date of graduation, awards received, honor rolls, scholarships, and/or exemplary student work.

Directory information *shall not* be provided to any organization for profit-making purposes.

Parents/guardians and eligible students may refuse to allow the Board to disclose any or all of such directory information upon written notification to the Board within twenty (20) days after receipt of the Superintendent's annual public notice.

In accordance with federal and state law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. An eligible secondary school student, as defined in WVBOE policy, or parent of the student may request that the student's name, address, and telephone listing not be released without prior written consent by the parent or eligible student. The recruiting officer must sign a form indicating that any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces. The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever parental consent is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless agreed to otherwise, in writing, by both parents or specifically stated by court order. Any person or institution standing *in loco parentis* for the student may provide written consent at their discretion.

Whenever consent is required for the inspection and/or release of a student's health or education records or for the release of directory information, an eligible student may provide written consent at his/her discretion.

The Board may disclose directory information on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing, for selling that information, or otherwise providing that information to others for that purpose.

Inspection of Information Collection Instrument

The parent/guardian of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or

distributed to a student. *Personal information* for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address, a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least ten (10) work days before the scheduled date of the activity. The instrument will be provided to the parent/guardian or eligible student within ten (10) business days of the principal receiving the request.

The principal shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

A. college or other postsecondary education recruitment or military recruitment;
B. book clubs, magazines, and programs providing access to low-cost literary products;
C. curriculum and instructional materials used by elementary and secondary schools;
D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
E. the sale by students of products or services to raise funds for school-related or education-related activities; and/or
F. student recognition programs.

The Superintendent’s designee shall prepare guidelines to ensure that students and parents are adequately informed each year regarding their rights to

A. inspect and review the student's education records;
SSS. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
TTT. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;
UUU. challenge Board noncompliance with a parent's request to amend the records through a hearing;
VVV. file a complaint with the United States Department of Education; and
WWW. obtain a copy of the Board's policy and guidelines on student records.

The Superintendent’s designee shall also develop procedural guidelines for

A. the proper storage and retention of records including a list of the type and location of records; and
B. informing Board employees of the federal and state laws concerning student records.

The Board authorizes the use of the microfilm, electromagnetic, and optical/digital processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

34 C.F.R. Part 99
20 U.S.C., Section 1232f-i(FERPA), 20 U.S.C. 1400 et seq., IDEA, 20 U.S.C. 7165(b), 20 U.S.C. 7908
26 U.S.C. 152,
WV Code § 18A-5-1a
WVBOE Policy 4350

5.63 PERSONAL ELECTRONIC DEVICE USAGE IN SCHOOLS

This policy meets the minimum requirements of WV Code §18-2-46 and West Virginia Board of Education (WVBE) Policy 4374 in that it ensures a consistent approach to the use of a personal electronic device (PED) in all Putnam County Schools (PCS) during instruction time, including transition between classes. The goal is to promote a distraction-free learning environment while allowing for appropriate exemptions and educational opportunities.

A personal electronic device (PED) means any portable device capable of wireless communication or computing, including, but not limited to, cellular phones, tablets, laptops, smartwatches, and portable gaming systems not provided by PCS.

For the purpose of this policy, the instructional day shall be defined as the period of time from the start of the first instructional period to the end of the last instruction period, including transition between classes.

As referenced in WVBE Policy 4374, student possession of PEDs at school is a privilege, not a right. Student use of these devices during the instructional day routinely interferes with the academic and social development of students. As indicated in WVBE Policy 4374, the goal of the policy is to promote a distraction-free environment. PEDs are believed to prohibit the age-appropriate development of relationships, study skills, and other necessary skills to be successful. Therefore, students are prohibited from possessing PEDs during the instructional day unless an allowable exemption applies.

Any use of PEDs during off-campus co-curricular or field trips during the instructional day will be prohibited, unless such use is specifically allowed by the principal

After-school tutorial and disciplinary programs are an extension of the school day for participating students. The prohibition of PEDs in these activities extends until the conclusion of the program.

PEDs are permitted on school property, however, the use of and/or display of a PED is not permissible during the instructional day. Students must store PEDs in their assigned locker. For schools without lockers, students will store the PED in a principal approved location.

Students must store PEDs unless qualifiers for the following exemptions are met:

504 Plans, IEP, and Medical Conditions

Students may have access to their personal electronic devices during the instructional day if deemed necessary by a medical provider or the student's IEP or 504 team, or other written accommodation plan, by a school nurse, school psychologist or other school official; parent requests or notes shall not be accepted as approved accommodation. Barring emergency situations, a written order from the student's medical provider and/or a written explanation from the student's IEP or 504 team regarding the student's need for device access during instructional time must be submitted to the school principal before any exemption will be permitted. Medical orders and written explanations from IEP or 504 teams must specify the electronic device(s) to which the student shall have access, how long that access is likely to be needed, and the anticipated use of the devices when accessed during the instructional day. A school principal may request additional information from the medical provider, IEP or 504 team if the need to access a device is not clear from the documentation submitted.

Work-Based Learning Programs

Students enrolled in a county board approved work-based learning program may use specific PEDs for course-related activities, provided the:

A. Device type

B. Purpose

C. Specific courses are documented and approved by the school administration.

Non-Instructional Setting

High school students may possess PEDs in the gymnasium, common areas or cafeteria during lunch but only when instruction is not occurring in those areas. Student usage must be appropriate and not disruptive. Following this non-instructional lunch/period, the PEDs must be stored as set forth herein.

Students involved in extracurricular activities after school shall have any PED set to "silent" or "vibrate" mode so that the extracurricular activity will not be disrupted. Student use of cell phones during extracurricular activities may be regulated by the coach or group sponsor as needed to prevent disruptions. PEDs should not be used in any locker room area.

Each violation of this policy shall be documented in WVEIS. A principal may prohibit an individual student from possessing a PED if previous misuse has been documented. However, if a student is prohibited from possessing a PED on school property, a conference shall be offered to the parent/guardian to discuss the reasoning for the prohibition.

Elementary (PK-5):

A. Offense I: Personal electronic device is confiscated; phone returned to parent/guardian during school day; conference between administration and parent/guardian
B. Offense II: Personal electronic device is confiscated; phone returned to parent/guardian during school day; one (1) day in school suspension
C. Offense III: Personal electronic device is confiscated; phone returned to parent/guardian during school day; two (2) days in school suspension
D. Offense IV: Personal electronic device is confiscated; phone returned to parent/guardian during school day; any subsequent breaking of this policy will be considered habitual violation of school rules

Secondary (6-12):

A. Offense I: Personal electronic device is confiscated; returned at end of instructional day
B. Offense II: Personal electronic device is confiscated; phone returned to parent/guardian during school day; conference between administration and parent/guardian and student; one (1) day of detention.
C. Offense III: Personal electronic device is confiscated; phone returned to parent/guardian during school day; three days (3) of detention or one (1) day of Saturday School.
D. Offense IV: Personal electronic device is confiscated; phone returned to parent/guardian during school day; five days (5) detention or two days (2) of Saturday School or one (1) day ISS. Student may be prohibited from bringing PED on campus for the duration of the semester. A conference with the parent/guardian is required if a student is prohibited from bringing PED on campus.
E. Subsequent Offenses: Personal electronic device is confiscated; phone returned to parent/guardian during school day; considered habitual violation of school rules.

If a PED is used for an illegal activity, the principal shall report the matter to law enforcement officials. Use of a PED resulting in a violation of WVDE Policy 4373 is prohibited.

Principals shall make reasonable efforts to ensure information related to acceptable use of PEDs is disseminated to students and their parent/guardians including posting signs on school property and publishing the information in student handbooks, newsletters, social media and county or school websites.

PCS and the Board are not responsible for theft, loss, damage or vandalism to PEDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their children during the school day is by calling the school office.

Policy Review

Each school's Local School Improvement Council (LSIC) shall conduct an annual review of the implementation and effectiveness of the county's *Personal Electronic Device (PED) policy*. The LSIC shall review relevant discipline data and make recommendations designed to promote student compliance with the policy.

SECTION 6: PROGRAMS

6.1 STATEMENT OF PHILOSOPHY

Curriculum and instructional programs in Putnam County Schools are built upon the belief that all children can learn given the appropriate time and conditions. Furthermore, the school system believes that it is the responsibility of staff to modify the use of time and use the instructional strategies so that each child's unique talents and abilities are enhanced and each child is prepared in the basic literacy, numeracy, and technological skills necessary for the 21st century. The school system believes that every child by grade twelve (12) must meet rigorous academic standards and be focused toward further educational preparation and specific career goals.

6.2 EDUCATIONAL PROGRAM

The Board is committed to establishing high academic standards and providing high quality programs for every student in its schools. The Board will collaborate with parents, educators, communities, business and industry, and higher education to fulfill this commitment. It is important that the Board, the school, community, students, and families of students cooperate to establish high expectations for student performance and become actively involved in the education process, thereby enabling students to succeed in the classroom and the workplace; lead healthy, rewarding and productive lives; and participate responsibly in society.

The Board shall provide the necessary resources, including technology, to ensure that students attain high standards of performance. At early levels, students will achieve basic skills in reading, writing, mathematics, 21st century learning skills, and technology tools. Achievement of these skills will provide the foundation for later intellectual challenges in all programs of study. Students will be provided opportunities to explore their interests and abilities and engage in relevant activities to help them understand the world of work. Technology will be a tool to help achieve these standards in all schools. The Board anticipates the provision of sufficient resources and support, including an adequate system of professional development, appropriate instructional materials, and reliable assessment measures, to realize its goals and the goals set by the West Virginia Board of Education.

Schools, in cooperation with the Board, will determine their individual approaches to assist students in achieving high levels of performance in the state adopted Standards and Objectives, Learning Skills, and Technology Tools. Appropriate accountability measures will ensure that students and educators achieve high levels of performance.

The major purposes of these regulations are to improve the quality of learning and teaching and to ensure that equal education opportunities are provided to all students. Equal education opportunities to achieve one's potential include, but are not limited to, comparably high quality programs of study, including experiential learning opportunities; student support programs; personnel; facilities; instructional materials, supplies and equipment; technology integration; and effective instructional practices. Given the demands of the global marketplace, it is essential that all students become lifelong learners prepared for successful entry into post-secondary education or the workplace.

Goals

The Board will strive to achieve the following goals.

A. All students shall master or exceed grade level educational standards that reflect 21st century skills.
B. All students shall receive a seamless pre-kindergarten (hereinafter PreK) through grade twelve (12) curriculum designed and delivered with broad stakeholder involvement to promote lifelong learning in a global society.
C. All students and school personnel shall develop and promote responsibility, citizenship, strong character, and healthful living.
D. All students shall be educated in a school system that operates and delivers services efficiently and effectively.
E. All students shall be educated by highly qualified personnel.

Ensuring a quality education implies that a thorough and efficient education system exists that provides equal access to substantive curricular offerings and appropriate related services for all students. Providing such an education system shall be the goal of the Board. This policy provides the basic structure for all education programs and student support services necessary for a thorough and efficient system of education to be available to all students. The elements of a thorough and efficient system of education are

A. high quality education programs, student services, and experiential learning opportunities;
B. high quality administrative and instructional practices, personnel, facilities, instructional materials, technology integration, supplies, and equipment;
C. a safe and caring environment that fosters supportive relationships; that is free from harassment, intimidation, bullying, discrimination, and other inappropriate forms of conduct; and that involves parents;
D. a demanding curriculum for all students, with emphasis on the core academic programs of study, that are aligned with rigorous standards for 21st century content, learning skills, and technology tools and are communicated to students, parents, and communities; and
E. accountability measures to ensure the public that a thorough and efficient system of education is being provided to students enrolled in the public schools of Putnam County.

System Requirements

The Board shall provide opportunities for every child to develop literacy skills; proficiency in 21st century learning skills and technology tools; the ability to perform mathematical functions; the ability to make informed choices among persons and issues that affect his/her governance; the ability to assess self and the total environment to know options and choose life work; the ability to perform in the world of work and post-secondary education; the ability to live a healthy lifestyle; the ability to participate in recreational activities; an understanding of the creative arts; and sense of responsibility to facilitate compatibility with others in society and with other cultures.

The Board shall plan, deliver, and evaluate the education programs and student support services necessary to implement a thorough and efficient system of public education. The programs of study and student support services mandated by regulations shall be made available to all students. In carrying out this responsibility, the Board may, by specific policy, memorandum of understanding, and/or contract

A. cooperate with one (1) or more counties in establishing and maintaining joint programs;
B. use regional services or contract for services with public or private agencies having appropriate programs; and/or
C. coordinate and share programs, related services, and resources with other organizations, agencies, and local businesses.

The Board shall:

A. collaborate with local business and community groups through establishment of partnerships and a county steering committee;
B. be responsible for developing and implementing a five (5) year strategic plan that results in systemic change in the areas of organizational culture, curriculum, instruction, school effectiveness, and student support through a continuous improvement process, based on the WV Standards for High Performing 21st Century School Systems, Use of Technology by Students and Educators, and Distance Learning and the West Virginia Virtual School;
C. distribute the Board's resources as determined by the plan; and
D. be accountable to the public through the annual West Virginia Report Card.

The education program offered is defined in broad terms as all of the education activities that take place during the school day and the school year. The education program provides education opportunities for students to achieve high levels of learning in core subjects, 21st century content, and 21st century learning skills and technology tools that prepare students to be lifelong learners and successful citizens in a competitive global digital society. The education program is based upon the best information available regarding effective practices and scientifically based research so that the program of education is efficient and effective.

The education program is structured and based on four (4) programmatic levels: Early Childhood Education, Middle Level Education, Adolescent Education, and Adult Education.

The Board has adopted policies and procedures governing goals, content, and practices for each of these programmatic levels.

WVBOE Policies 2460, 2510

6.3 PARENT AND FAMILY INVOLVEMENT

The Board of Education recognizes, respects, and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership means a mutual belief in and commitment to high expectations and high educational goals for a student, collaboration on the means for accomplishing those goals, cooperation on developing

and implementing solutions to challenges, and ongoing communication regarding progress in reaching the goals.

In accordance with statute and the state board of education's Parent and Family Involvement Policy, use of the term *parent* includes families in order to include children's primary caregivers such as foster caregivers, grandparents, and other family members.

20 U.S.C. 6318 et seq.
WVBOE Policy 2200

6.4 MEETING STATE PERFORMANCE INDICATORS

The West Virginia Board of Education establishes a process for improving education that includes standards, assessment, accountability, and capacity building to provide assurances that a thorough and efficient system of schools is being provided for all West Virginia public school students on an equal education opportunity basis and that the high quality standards are, at a minimum, being met. This requires the provision of an adequate level of appropriately managed resources.

It is the intent of the Board to annually attain full approval for the county and full accreditation for each of its schools.

WV Code §18–2E-5
WVBOE Policy 2320

6.5 COUNTY AND SCHOOL IMPROVEMENT

The Board of Education supports the concept of county and school improvement as established by the West Virginia Board of Education and will seek to create and/or maintain effective schools as defined by state law and state board policies.

The Board shall create policies that support the School Improvement Process, including the establishment of Local School Improvement Councils. The Board will meet, as least annually, with the LSIC of each school that is determined, under the State Board of Education's accountability system, to be low performing. County Boards are permitted, but no longer required, to meet with representatives of the remaining LSICs.

WV Code § 18-2E-5, 18-2E-6, 18-5A-5
WVBOE Policies 2320, 2510

6.6 CURRICULUM DEVELOPMENT

The Board recognizes its responsibility for the quality of the educational programs of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent with the assistance of the county and school curriculum teams.

For purposes of this policy and consistent communication throughout the county, *curriculum* shall be defined as

A. the courses of study, subjects, classes, and organized activities provided by the school;

B. learning activities for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;
C. the plan for learning necessary to accomplish the educational goals of the county; and
D. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the county.

The Board directs that the curriculum of this county

A. provides instruction in courses required by statute and West Virginia Department of Education regulations;
B. is consistent with the county's philosophy and goals, and ensures the possibility of their achievement;
C. allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;
D. provides for continuous and cumulative learning through effective articulation at all levels;
E. utilize a variety of learning resources to accomplish the educational goals; and
F. encourage students to utilize guidance and counseling services in their academic and career planning.

Each school shall establish a school curriculum team composed of the principal, the counselor serving that school, and no fewer than three (3) teachers chosen by the faculty senate.

In cooperation with the county curriculum team, the school curriculum team shall establish methods for implementing a curriculum based on state-approved content standards and objectives and on the needs of the individual student.
WV Code § 18-5A-6

6.7 ADOPTION OF PROGRAMS OF STUDY

The Board shall provide a comprehensive instructional program to serve the educational needs of the students of this county. In furtherance of this goal and pursuant to law, the Board shall periodically adopt programs of study as well as determine the level of mastery which constitutes successful completion of a course.

No program of study shall be taught in the schools of this county unless it has been approved by this Board. Elective offerings not based on West Virginia Board of Education content standards and objectives must have written content standards and objectives approved by the Board. Such optional elective courses may be made available by the Board based on student need and interest but are not required to be made available.

The Superintendent, based on recommendation of the county curriculum team, shall recommend to the Board such programs of study as are deemed to be in the best interests of the students. The Superintendent's recommendation shall include the following information about each program of study:

A. its applicability to students and an enumeration of those groups of students to be affected by it;

B. the intended content standards and objectives (CSOs), defined in terms of how the learning is applied;
C. how the schools, in cooperation with the county central office staff, will determine their individual approaches to assist students in mastering the adopted CSOs;
D. its scope and sequence; and
E. its justification in terms of the goals of this County, especially when it is proposed to take the place of an existing program of study.

The Superintendent shall maintain a current list of all programs of study offered by this county.
WVBOE Policy 2510

6.8 PRESCHOOL PROGRAM

The Board recognizes a need to provide a preschool program to eligible children residing in its county and has obtained approval of its collaborative plan from the West Virginia Department of Education to operate a preschool program. All mandates of state board policy will be followed.

The Superintendent's designee will establish and implement procedures to ensure that the parent/guardian and other family members, as appropriate, understand about the availability of services, the attendance policy, and the benefits of childhood education.
WV Code § 18-2-5, 18-2E-1 et seq., 18-5-17, 18-5-18c, 18-5-44
WVBOE Policy 2525

6.9 EARLY CHILDHOOD PROGRAM OF STUDY

The Early Childhood Education program addresses the growth and development of young children using an integrated, developmentally appropriate approach as applicable to build the foundation knowledge in all curricular areas with an emphasis on the acquisition of skills in reading and mathematics. Early Childhood is divided into three (3) subgroups: School Readiness (Pre-K and K), primary elementary (grades 1-2), and intermediate elementary (grades 3-5). As children progress from Pre-K to 5th grade, daily instruction should be designed to meet their changing educational and developmental needs.
WVBOE Policy 2510

6.10 MIDDLE LEVEL EDUCATION PROGRAM OF STUDY

The middle level education program (grades 6-8) builds upon the results of early childhood education and transitions students into the adolescent education program. Middle level education provides unique, age-appropriate educational opportunities that challenge all students to use their minds well, providing them with the curriculum, instruction, assessment, support, learning skills, technology tools, and time they need to achieve rigorous academic standards. Students are provided opportunities for both independent inquiry and learning in cooperation with others. Middle level programming is challenging and engaging, tapping the young adolescent's boundless energy, interest, and curiosity though rich exploratory experiences. Students learn to understand important concepts, develop essential, skills and apply what they learn to real-world problems. The creation of small learning communities of adult and

students produces stable and mutually respectful relationships that support all students' intellectual, ethical, and social growth.

6.11 ADOLESCENT LEVEL EDUCATION PROGRAM OF STUDY

The adolescent level education program (grades 9-12) addresses the intellectual, physical, and social/emotional needs of students and prepares them for postsecondary education and the 21st century global workplace across all programs and areas of study.

Adolescent education provides students the 21st century intellectual, social/emotional, physical, and technological capacities for successful entry into adulthood. The adolescent education program provides challenging and rigorous courses in the program of study that will enable students to achieve high levels of competence so they can complete graduation requirements and be prepared to successfully enter and compete in the workplace and in postsecondary education. Students in the adolescent education program will have the opportunity to examine a system of career clusters and to select and complete a concentration and pathway.

6.12 COLLEGE AND CAREER READINESS

The Board understands the importance of college and career readiness skills and supports the integration of these skills in the curriculum for all students. These skills include not only rigorous academic skills, cut also *soft skills* such as work ethic, communication, collaboration, and leadership.

The Board's goal is to equip all students with the college and career ready skills necessary to be successful in life. In order to accomplish this goal, the Board shall implement initiatives designed to integrate these skills into all aspects of the curriculum. In grades PreK-5, all schools will cultivate a leadership model with a focus on self-discipline, personal responsibility, and interpersonal relations. At the secondary level (grades 6-12), such initiatives shall be part of the students' final grades.

The Board's expectation is that all employees teach, model, and reinforce these skills on a daily basis. In addition, regular monitoring of student progress of these skills shall occur in all classes on a regular and consistent basis.

6.13 ADULT EDUCATION

The Board believes that education is a continuous process throughout life and supports the position that the county should cooperate with other community agencies in providing education, employment and training, economic, civic, cultural, social, and recreational needs of adults in the community served by public schools. The school, in this setting, becomes a force for community service and improvement; and the values the community seeks for children in the regular school program are, thus, available for all citizens through the adult program.

WV Code § 18-5-18b
WVBOE Policy 2315

6.14 INNOVATIVE PROGRAMS

The Board shall promote continued improvement of the instructional and curricular program of the schools through all appropriate means. Members of the school staff and of the student body who wish to pursue a promising program for school improvement are encouraged to submit such programs to the Assistant Superintendent for Curriculum/Instruction for approval.

An innovative program design shall address the steps below, when appropriate to the project:

A. rationale,
B. specific objectives,
C. supportive research,
D. budgeting,
E. in-service requirements,
F. assessment of the learning,
G. plans for broader implementation, and
H. methods for program evaluation

Each innovative program shall be consistent with the Board's objectives and long range plans and must comply with state and federal laws and guidelines, including the Individuals with Disabilities Act.

6.15 PROGRAMS OF STUDY FOR LIMITED ENGLISH PROFICIENT STUDENTS

A limited English proficient (LEP) student in the State of West Virginia is classified according to the federal government's definition in Title III.

The county shall identify LEP students within 30 days of enrollment based on criteria established by the West Virginia Department of Education and available through the Office of English as a Second Language (ESL)/West Virginia International Schools.

The county shall use the English Language Proficiency (ELP) standards as a framework for providing a scientifically research-based alternative language program. The purpose of the program is to facilitate the student's achievement of English proficiency and the academic content standards as set forth in state board policies.

Title III
WV Code § 18-9A-22
WVBOE Policy 2417

6.16 TITLE I SERVICES

The Board elects to augment the educational program of educationally disadvantaged students by the use of federal funds and in accordance with Title I of the Elementary and Secondary School Improvement Act of 1965, as amended. The county shall comply with all federal and state laws and policies concerning Title I.

20 U.S.C. 6301 et seq.
34 C.F.R. Part 200, et seq.

6.17 RELIGION IN THE CURRICULUM

Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include instruction about the religions of the world as appropriate to the various ages and attainments of the students.

The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, such exercise or expression shall be limited to lunch periods or other non-instructional time periods when students are free to associate.

U.S. Const. Amend. 1
WV Code § 18-28-1

6.18 AIDS EDUCATION PROGRAM

The goal of this policy is to assist in the protection of students by providing them with the knowledge and skills necessary to avoid behaviors that will put them at risk of infection with the human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD).

All public schools containing any grades six through twelve (6-12) must teach health education which includes instruction in the prevention, transmission, and spread of AIDS and other sexually transmitted diseases. Inclusion of AIDS education in curricular areas such as science, social studies, and developmental guidance is warranted to assure total understanding of the disease and its consequences. WVBOE policy identifies the course curriculum requirements. Materials used, including textbooks, should be aligned with the content standards.

An educational in-service on the prevention, transmission, and treatment of current communicable diseases shall include, but not limited to, HIV and AIDS, and shall be provided to all school personnel every two (2) years by the Board, as specified in state law.

The district shall assure that AIDS education is taught by qualified personnel who periodically participate in staff development activities that will provide current information related to AIDS education. The district must also assure the program is comprehensive and provides not only knowledge about the disease, but also has a focus on behaviors and skills to prevent exposure to the virus.

The district must notify parents/guardians that they have the right to examine course curriculum requirements and curricular materials and exempt their child from AIDS and other STD instruction, if they deem it advisable. The parent/guardian must give written notice to the principal exempting their child from AIDS and other STD instruction.

Once the parent's request has been received, it is the responsibility of the principal to communicate this information to all appropriate personnel. The classroom teacher and other personnel are responsible for assuring that the parents' request is honored.

WV Code § 18-2-9, 18-5-15d
WVBOE Policies 2520.5, 2423

6.19 SUBSTANCE ABUSE AND TOBACCO EDUCATION PROGRAM

The goal of this policy is to provide students with the knowledge and skills necessary to assist them in avoiding the use of tobacco and the abuse of alcohol and other legal or illegal substances. This policy is intended to promulgate a positive, pro-active approach to the control of alcohol, tobacco, and other drugs.

A plan for implementing required kindergarten through 12th grade preventive education, as outlined in WVBOE policy, shall be coordinated with Safe and Drug-Free School Goals and Objectives to provide a comprehensive substance abuse prevention curriculum for all children. School administrators, Local School Improvement Councils, and school curriculum teams shall assure that prevention education efforts are comprehensive, coordinated and age appropriate.

The Board shall provide access to training and technical assistance in research-based and effective models for prevention education in the areas of alcohol, tobacco, and substance abuse. Training, technical assistance, and support also be provided in the effective use of student assistance teams to identify students who are at-risk and to develop interventions to assure school success for these students.

WVBOE Policies 2315, 2422.5, 2520.5

6.20 DRIVER EDUCATION

According to state law, an approved driver education course shall be made available to secondary school students. Tuition may not be charged to high school students enrolled for a summer program unless they have already had an opportunity to enroll in a no-cost program prior to graduation. If these conditions are met and the student desires to enroll for a program other than during the regular school year, tuition will be charged.

When high school students are enrolled, the course must meet the minimum standards for a high school program.

The Assistant Superintendent for Curriculum and Instruction may organize and direct the operation of an adult driver education program. The Assistant Superintendent shall obtain state approval for course and instructor prior to providing the adult driver education program.

Adult students will be charged a tuition fee.

Board owned driver education vehicles may not be used for purposes other than driver education. Only county personnel and students enrolled in driver education shall be allowed to operate Board owned vehicles.

WV Code § 18-6-5

WVBOE Policy 2422.2

6.21 MULTICULTURAL EDUCATION

The Board must develop and implement a multicultural program for faculty, staff, and students that fosters an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

Multicultural education is required to be taught to all students at all programmatic levels, PreK-4, 5-8, and 9-12.

WV Code § 18-5-15a
WVBOE Policies 2421, 2510

6.22 SPECIAL EDUCATION

The Board is committed to providing a free appropriate public education to children with exceptionalities identified in accordance with applicable state and federal laws, rules, and regulations. The term *exceptionalities* in this policy refers to eligible students with disabilities (including those students who have been suspended or expelled from school), all gifted students in grades one through eight (1-8), and eligible exceptional gifted students (9-12). This policy applies to pre-school, early childhood, middle childhood, adolescent, and adult students whose educational programs require special education and related services. These apply to three (3) year old, as of their third birth date, through five (5) year olds with disabilities; students with disabilities ages five (5) through 21-; all gifted students in grades one through eight (1-8) as specified; and all exceptional gifted students in grades nine through twelve (9-12). Rights under these regulations cease to apply at the end of the school year in which the student turns 21 years of age prior to September 1st or the student has met graduation requirements for a standard high school diploma.

In order to satisfy the requirements of state board policy, the Board adopts *WVBOE Policy 2419-Regulations for the Education of Students with Exceptionalities*. This document is incorporated by reference into this policy. The Board affirms its obligation to follow the Individuals with Disabilities Education Act of 2004 (IDEA) and the regulations implementing the IDEA.

In order to satisfy West Virginia code 18-20-22, the board shall implement administrative procedures in accordance with surveillance of video and audio recordings required in classrooms and/or restrooms of self-contained settings. Self-contained classrooms are those in which a majority of the students in regular attendance are provided specialized instruction guided by an individualized Education Plan.

IDEA 2004, 20 U.S.C. 1400 et seq.
34 C.F.R. Part 300
WV Code § 18-20-1, et seq.
WVBOE Policy 2419
WV Code §18-20-22
Revised August 21, 2023

6.23 GUIDANCE AND COUNSELING PROGRAMS

The Board shall implement requirements from State Policy 2315 – Comprehensive School Counseling Program (hereinafter CSCP) for all students in grades PK-12. The CSCP is coordinated by a certified school counselor as defined in W. Va. 126CSR136, WVBOE Policy 5202: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications and delivered collaboratively with school and community professionals.

School counselors spend their time planning, designing, managing, facilitating and evaluating a CSCP that benefits all students in accordance with the WV School Counseling Model, WVBOE Policy 5100 and WV Code § 18-5-18b.

The purpose of this policy is to define the core components of the CSCP and to establish the West Virginia Student Success Standards (hereinafter WVSSS) and outline school responsibilities for implementing the CSCP.

The CSCP is an integral part of the total school program and is aligned with the school's mission. The CSCP is a proactive, systemic approach to assist students with the acquisition of attitudes, knowledge, skills and behaviors necessary to maximize student success and preparation for a variety of postsecondary options. The CSCP provides universal prevention for all students, targeted interventions for at-risk students and intensive interventions for the most at-risk students. The CSCP is standards-based, designed to developmentally and sequentially address the WVSSS within each programmatic level. The CSCP utilizes school and community data to identify student needs in relation to the CSCP and to set annual priorities for the WVSSS. A certified school counselor, in collaboration with school and community stakeholders, will develop an Annual CSCP Plan in order to coordinate and implement a CSCP designed to address student needs. The CSCP contains four distinct delivery systems.

Personalized Student Planning – Personalized student planning includes providing opportunities for students to discover their interest in emerging careers. Ongoing opportunities at all programmatic levels are provided during the school day for career exploration and self-discovery. Personalized planning allows students to develop academic skills, identify interests, maximize strengths, minimize weaknesses, set and reach personal/educational goals and realize their career aspirations. A Personalized Education Plan (hereinafter PEP) is developed collaboratively, involving students, parents/guardians and school staff.

During the 8th grade year, each student's PEP is developed to identify course selections for the 9th and 10th grade based on each student's identified career aspirations. Prior to development of the PEP, the school shall provide ongoing opportunities during the school day for career exploration and self-discovery involving student needs assessments, career and interest inventories, learning style inventories, self-reflections and career inquiry. When finalizing the PEP, the counselor and/or student advisor will meet with the student and parents/guardians to secure signatures documenting involvement. The student and parents/guardians are provided a copy of the PEP.

During the 9th grade year and each subsequent year each student reviews and updates his or her PEP in collaboration with the school counselor, teachers, advisors and parents/guardians. Review of the PEP

will include academic offerings, career plans, review of various interests, learning styles, career and academic assessments (e.g., ACT EXPLORE, interests and learning styles inventories, aptitude tests, multiple intelligence inventories) to guide changes to course selections.

During the 10th grade year the second phase of the PEP is developed. Students identify course selections for grades 10-12 and postsecondary plans for the first year after high school. To assist with development of the three-year PEP, the school will provide ongoing opportunities during the school day for career exploration and self-discovery involving completing student needs assessments, career and interest inventories, learning style inventories, self-reflections and multi-faceted opportunities for career inquiry. Each student's individual assessments will be reviewed to ensure academic planning maximizes individual strengths and interests. Career exploration and planning and the development of the PEP is a shared responsibility between the school counselor, teachers, advisors and parent/guardians.

The PEP is reviewed annually in grades 9-12 with the student and his or her parents/guardians and is signed and dated during each annual review conference. Students may amend his or her PEP at the end of any semester as long as it does not interfere with the completion of graduation requirements based on availability of courses.

Integrated Delivery of WV Student Success Standards – The WVSSS (see Policy 2315) describe the attitudes, knowledge, skills and behaviors all students shall develop in relation to academic and learning development; career and life planning; personal and social development; and global citizenship. The WVSSS are critical to the holistic development of all students and require integration into all aspects of each student's educational experience utilizing a variety of delivery modalities. The WVSSS are the foundational standards for each CSCP. The integrated delivery of these standards is coordinated by the school leadership team, the school counselor and teachers.

Responsive Services – Events and situations in students' lives and the school climate and culture often impede student success. Responsive services offer preventive activities and programs to address the identified needs of students in each school, as well as evidence-based interventions to address targeted student needs. The services include working with at-risk students to provide the help and support needed to ensure grade level success. Usually short-term in nature, responsive services include individual and small group counseling; academic and behavior intervention plans, crisis prevention and response; consultation with parents/guardians and other school staff; and referrals to school and community resources. Some students may require an immediate and expert response to assist with an academic, emotional or behavioral crisis of a severe nature. In cases where students require ongoing support or therapy, the counselor makes appropriate referrals and works with families to secure appropriate resources within the school or community. Schools identify who will coordinate and follow-up on each referral. The school counselor collaborates with stakeholders to create a school-wide, prevention-based approach to individual and school crises and has a crisis plan in place to address the mental health component of common school-wide crises. The school crisis team educates other stakeholders to assist with school-wide crisis preparedness, prevention, intervention and response, outlining responsibilities and best practices in the school crisis planning and response.

Student Supports - The student support component of the CSCP consists of a systemic, coordinated approach of developing and implementing programs and activities within the school and community aimed at supporting the success of all students. High quality education programs provide well-designed student support systems, ensuring that the learning environment is safe and supportive and that the academic, social and emotional, and career development needs of students are identified and addressed. The school counselor collaborates with stakeholders to ensure school-wide coordination of the CSCP and other student support programs. Schools design and identify programs and resources that address identified student needs and enhance the success of each child. Additionally, students and families may seek support to address their unique academic, career and personal-social needs.

Annual CSCP Plan – Each school annually develops a CSCP plan to outline priority goals and strategies to attain goals. The counselor(s), school leadership and school counseling advisory council members review relevant data to guide development of the annual plan. This data will include results of the CSCP Audit, the school counselor self-reflection completed by the counselor as part of the performance evaluation, student and staff needs assessments, other school data (various student assessments, attendance, discipline, dropout rates, etc.) and community data (disasters, crime, poverty, domestic violence rates, etc.). The annual plan addresses the five school counselor performance standards: Program Planning, Design and Management, Program Delivery, Data Driven Accountability and Program Evaluation, Leadership and Advocacy and Professional Growth Responsibilities. The CSCP Plan identifies priority student WVSSS objectives to be addressed in each of the four program delivery systems described in Section 5.

The CSCP is supported and monitored by the principal who ensures the school counselor and leadership team develop an Annual CSCP Plan that is aligned with requirements set forth in this policy.
WV 126CSR136,
WVBOE Policy 5202

6.24 ALTERNATIVE DELIVERY OF EDUCATIONAL PROGRAMS

The Board recognizes the need to provide alternative means by which students achieve the goals of the county.

The Superintendent's designee shall prepare a plan for the alternative delivery of educational programs (hereinafter *educational options*) for use in meeting student needs. Schools will implement, in an equitable manner, targeted programs during and after the instructional day.

Extended Student Learning

A. Extended student learning may include, but is not limited to extended day or year, credit recovery, or original credit courses.
B. Extended student learning may be provided by the school system, community agencies, institutions of higher education, businesses, or other entities under agreements authorized by the Board or WVBOE. These agreements may include payment specifications for those parties using the facilities.

C. Students may elect to participate in extended learning opportunities and may receive elective credit when approved by the Board or WVBOE.

Summer School

Subject to approval of the West Virginia Board of Education, the Board may conduct a summer program of academic instruction and/or recreational activities at the elementary and secondary levels for resident students of this county and such other students as the Board may admit.

Summer school instruction shall be designed to provide opportunities for students to

A. repeat classes failed in grades 9-12;
B. to earn additional credit toward graduation;
C. enrich a scholastic program;
D. explore new academic areas;
E. intervention;
F. remedial instruction; or
G. accelerated instruction.

The Board shall annually approve a summer school program and submit the same to the state board for approval. In order to support such a program of summer instruction, the Board will

A. employ staff;
B. employ school service personnel to perform related duties outside the regular school term;
C. make available school facilities as required;
D. purchase such books, materials, supplies, and equipment as may be necessary; and
E. appoint a director, if necessary.

The Superintendent's designee shall be responsible for developing procedures for the operation of the summer school program which shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the county.

WV Code § 18-5-39
WVBOE Policy 2510
WV Code §18-2E-1
WV Code §18-5-18a
WV Code §18-9A-5
WV Code §18-20-10

Community Education

The Board should maximize opportunities to provide adult basic education or adult enrichment opportunities.

Opportunities to provide continuing education and staff development for local businesses should be maximized. This includes training on appropriate placement and supervision of students receiving experiential learning.

Home/Hospital Instruction

A. Students who, due to injury or for any reason as certified in writing by a licensed physician, are temporarily confined to home or hospital, for a period that has lasted or will last more than two (2) consecutive weeks shall be eligible to receive home/hospital instruction.
   1. The written statement must include the specific reasons the student must remain at home or in the hospital and the criteria or conditions under which the student can return to school, and the expected data of such return.
   2. A written statement by a licensed physician must be resubmitted every six (6) months or semester if a student's temporary home/hospital instruction is prolonged.
   3. The Board may require that the parent/guardian obtain an opinion from a second licensed physician at the expense of the Board.

XXX. Home/Hospital teachers are responsible for facilitating instruction on the core courses' content standards and objectives as guided by the student's classroom teacher(s).

YYY. Home/Hospital instruction provided for an exceptional student who is unable to attend school temporarily because of an injury, illness, or health condition requires a change in the student's placement to Out-of-School Environment (OSE) as defined by state board policy. The change of placement to OSE must be addressed by the student's IEP team and implemented in accordance with the requirements stipulated in policy.

ZZZ. Home/Hospital services may also be provided temporarily for students during the expulsion process.

Alternative Settings for Disruptive Students

The Board recognizes that the regular school program may not be appropriate for all students and that certain students may need special programs to help them overcome attendance, academic, and/or behavioral problems.

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. In addition to serving students with disruptive behavior, the county schools may place at-risk students in an alternative education program who are not succeeding in the traditional school setting.

The purpose of this program is to

A. provide a safe and orderly learning environment for the education of all students in the county; and
B. meet the educational needs of disruptive and other identified students through the developmental educational programs.

The alternative education programs for disruptive and other at-risk students may encompass the following: in-school suspension, a school on an alternative site, or an after school class/night school program.

The Board may request a waiver of state board policies and regulations in the development and operation of alternative education programs directly from the State Superintendent.

Goals of the Program

The goals of the program are to

A. prepare students for the transition back into the regular classroom;
B. assist the student in the completion of regular high school graduation requirements and the awarding of a regular high school diploma; or
C. prepare the student for the Test Assessing Secondary Completion (TASC), formerly known as the GED.

Eligibility

Students may be placed in alternative education programs for:

A. violations of the Productive and Safe Schools Act;
B. repeated violations of the county's discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school;
C. continuation of educational services during periods of suspension or expulsion;
D. lack of academic success; and or
E. social and emotional well-being.

Process for Placement

Placement decisions, excluding short-term in-school suspension, shall be made by the Student Assistance Team or Individual Education Program Team with option of the participation of the student's parent/guardians.

The Student Assistance 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. For students with disabilities having an IEP, the-IEP team -will develop their written plan, the IEP.

Curriculum

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

Instruction

The county shall deliver instruction in accordance with the following standards.

A. Instructional activities shall be consistent with the written curriculum and appropriate for the students' developmental levels.

B. Instructional materials shall be age appropriate, functionally appropriate, and of high interest level for the students.
C. The program shall provide for individualized instruction and accommodate the entry and exit of students.
D. Curricular and instructional practices shall reflect high expectations for the students.
E. The instructional program shall be delivered in a climate conducive to learning.
F. Sufficient instructional materials, supplies and equipment shall be available to deliver the instructional program.

Student Assessment

Students enrolled in alternative education programs shall participate in the state assessment program, in accordance with state board policy. The test scores for these students shall be counted in the results of the home school of referral.

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 indicate in the student's written plan.

Special Education Services

The Board shall comply with applicable state and federal laws and regulations in the education of exceptional students placed in alternative education programs.

Plan for Awarding Credits

The Board shall grant units of credit for work satisfactorily completed in an alternative education program.

Criteria for Completion/Reentry into Regular Education

Students may complete an alternative education program in one (1) of the following manners:

A. fulfillment of the criteria for re-entry into the regular school program;
B. completion of regular high school graduation requirements and awarding of a regular high school diploma from the referral school;
C. completion of identified performance criteria leading to a high school diploma; or
D. Test Assessment Secondary Completion (TASC), formerly known as the GED.

Performance Measures and Process for Program Evaluation

The Board shall conduct an annual evaluation of the effectiveness of the program(s).

The State Department of Education shall review compliance with state board policy and the effectiveness of alternative education programs through the Performance Based Accreditation System. The program shall be evaluated on the basis of its stated goals and the provisions of state board policy.

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; 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 TASC; and rates of successful job placement and job retention.

WV Code § 18A-5-1a
WVBOE Policies 2418, 2444.4

West Virginia Virtual School Options

With the appropriate approval, the West Virginia Virtual School may provide additional course options to be taken through distance learning that will support the alternative delivery settings described above. The Superintendent's designee shall develop guidelines to support the delivery of the Virtual School Program.

Home Schooling

The Board encourages the enrollment of all school age children resident in this county in public schools. However, the Board recognizes that school age children may be exempted from compulsory school attendance under certain circumstances, including attendance at a parochial, private, or other approved school or if the child is receiving home instruction.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in a public, private, parochial, or other approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

All requests to educate a child with a home instruction program are to be submitted to the attendance director.

All statutory and regulatory requirements must be met prior to approval of a home instruction request.

The Board shall observe participation in activities according to those rules and regulations promulgated by the West Virginia Department of Education and the West Virginia Secondary Schools Activities Commission.

Upon approval of the Board, the student may attend any class offered by the Board, subject to normal registration and attendance requirements.

Dropout Prevention

To help keep students in school and prevent dropouts, school and central office personnel shall give special attention to the following areas.

Instructional Programs

The instructional program should be tailored to meet the individual needs of students identified as potential dropouts. The following criteria shall be considered:

A. adjusted school schedule, where appropriate, per the individualized educational program;
B. flexible schedule within the guidelines of state standards;
C. tutorial programs;
D. home instruction, where appropriate;
E. career exploration option at Putnam Career and Technical Center; and
F. Option Pathway.

Counseling Programs

The counseling program should give troubled students opportunities to learn coping skills. Programs may include individual counseling at the school with the school counselor or attendance director at the principal's request.

Financial Assistance Programs

Eligible students may be referred for financial assistance with programs such as special projects which impact on assistance to the student.

Health Programs

Health programs should help potential dropouts find professional help for medical problems. These may include assistance of the school nurse in making medical referrals and county dental clinic services provided at the Career and Technical Center.

Students who are likely to drop out of school shall be identified through referral by a teacher, counselor, parent, or other adult interested in the student's welfare or identification through attendance and academic records, as a result of a pattern of absences, low achievement, or at risk indicators.

When a student has been identified as likely to drop out, the principal or assistant principal must review program options listed above and contact appropriate personnel to begin the intervention program.

All alternative delivery of programs for elementary and secondary schools must meet the standards and safeguards set forth in WVBOE and Board policies related to curriculum, instruction, and student support services.

Letters of agreement and/or contracts shall be used with external agencies, businesses, and individuals to clarify responsibilities in areas such as student supervision, public access to school facilities, finance, and program accountability.

Prior approval of the educational option application by the Superintendent shall be required before a student participates in one of the available educational options. Prior permission of a parent or guardian shall also be required before a student under age eighteen (18) participates in one of the available educational options.

Participation in an educational option shall be in accordance with an instructional plan which will be developed based on the individual student’s needs. The instructional plan will include

A. instructional goals and objectives that align with county's curriculum requirements;
B. a description of the criteria and method for assessing student performance;
C. an outline of specific instructional activities, materials, and learning environments.

Participation is subject to the oversight of a credentialed teacher who will review the instructional plan, provide or supervise instruction, and evaluate student performance.

Credit shall be granted to the student upon successful completion of the program. The credit shall be placed on the student transcript.

Credits earned from educational options may be counted toward graduation requirements in accordance with applicable State law and administrative code.

WV Code § 16-3-4, 18-8-1
WVBOE Policies 2418, 2419, 2510, 4110

6.25 CONTROVERSIAL ISSUES

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools. Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or that is likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program

A. is related to the instructional goals of the course of study and level of maturity of the students;
B. does not tend to indoctrinate or persuade students to a particular point of view; and
C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves, provided they are presented in the ordinary course of classroom instruction and the discussion is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools, unless prior approval has been given by the principal.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues that have been approved by the Superintendent.

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such. A teacher must not express such an opinion for the purpose of persuading students to his/her point of view.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parent/guardian.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If, after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent-requested absences.

6.26 HOMEWORK

In-class work should be emphasized over work out-of-class and homework. Moreover, the objective of any homework assignment should be the reinforcement or extension of material covered in class, rather than repetitious exercises with no clear objective related to the original purpose of a lesson.

Compulsory homework assigned in the elementary school below fifth grade should be limited. Voluntary work should always be encouraged.

With middle childhood education, grades 6-8, compulsory homework may be assigned either as reinforcement or as an extension activity of in class work.

At the high school level, students should expect reasonable homework assignments.

In all cases, if a teacher deems it necessary to assign homework with written assignments, such work shall be checked, critiqued, and returned to the student so that the activity can be viewed as meaningful and productive.

6.27 COUNTY SPONSORED FIELD TRIPS AND CO-CURRICULAR AND EXTRACURRICULAR TRIPS

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should

A. supplement and enrich classroom lessons and procedures by providing learning experiences in an environment outside the school;

AAAA. arouse new interests among students;

BBBB. help students relate school experiences to the reality of the world outside of school;

CCCC. bring the resources of the community – natural, artistic, industrial, commercial, governmental, and educational – within the student's learning experience;

DDDD. afford students the opportunity to study real-world events, experiences, and processes in their actual environment;

EEEE. increase the academic expectations for all students and help them to succeed in achieving those higher expectations; and/or

FFFF. develop within the student an awareness of the work environment and how the skills the student is acquiring will be applied in that work environment.

For purposes of this policy, a field trip or *co-curricular trip* shall be defined as any planned journey by one or more students away from school premises, which is an integral part of a course of study and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent. Co-curricular activities may take place during the instructional day.

A county-sponsored *extracurricular trip* shall be defined as any planned, student-travel activity which is approved as part of the county's total educational program and is under the direct supervision and control of a professional staff member or other advisor as designated by the Superintendent. Extracurricular activities shall be scheduled outside of the instructional day or during the school day using time that is not part of the required instructional day such as accrued instructional time. It may be used for athletics, non-instructional assemblies, social programs, entertainment, and other similar activities.

The Board providing transportation for students participating in curricular and extracurricular activities shall require participating school officials to submit a planned schedule to the Superintendent or his/her designee for approval.

The county administrators shall approve all proposed field trips. In addition to the county administrators, the Board shall approve those field trips and other county sponsored trips that are planned to keep students out of the county overnight or longer or out of the state, except in cases where the students perform or compete at sectional, regional and/or national events. Overnight trips shall not involve more than two (2) instructional days, unless additional days are required by the event or competition.

When students are required to attend academic state competitions, the Board will pay 50% of the expenses. For academic national competitions, the Board will pay 75% of the expenses. The Board will pay 75% of the expenses for only the first and second place state winners who attend national competitions. While students may qualify for national competitions in multiple organizations, the Board will only pay 75% of the expenses for attending one national competition; the student must choose the one organization for which they want to compete.

The Superintendent shall approve all other such trips.

Students will not be charged for the cost of transportation to and from educational field trips on school days.

Students may be charged fees, including, but not limited to, admission fees for county sponsored trips. However, no student shall be denied participation for financial inability, nor shall non-participation be penalized academically.

Students on all county sponsored trips remain under the supervision of this Board and are subject to the county's policies and procedures.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the county who takes students on trips not approved by the Board or Superintendent. No staff member may recruit students of this county for such trips within the facilities or on the school grounds of the county without permission from the Superintendent. Permission to recruit neither grants nor implies approval of the trip.

Policies and procedures for the operation of field trips and other county sponsored trips, including athletic trips, shall ensure

A. the safety and well-being of students;
B. parental permission is sought and obtained before any student leaves the County on a trip;
C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
D. a meaningful instructional experience for any student who does not participate in the field trip shall be provided by the school.
E. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
F. each trip is properly monitored;
G. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
H. a copy of each student's emergency and medical information is in the possession of the staff member in charge;
I. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school; and
J. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Students must be supervised at all times, including overnight hours. Overnight supervision must include either an adult chaperone in each room or a continuous schedule of adult supervision throughout the night. In some cases, overnight supervision may be provided by contracted security personnel.

It is recommended that trips involving ten (10) or more students be made on school or chartered buses. The principal may approve a teacher/sponsor/coach's request of transporting students to an event in automobiles, providing that only the teacher/sponsor/coach and parents/guardians transporting their own children are permitted to drive. Cars must travel to an event in a caravan. With the approval of the teacher/sponsor/coach, the parent/guardian may sign out his/her child to ride home with him/her after an event. Students shall not be permitted to drive.

No more than ten (10) people, including the driver, may ride in a vehicle, other than a bus, transporting students to or from a trip. Principals may use chartered buses when appropriate. Student trips made on school buses shall be operated by regular or substitute bus operators employed by the Board. A school or organization using a school bus or buses shall pay the school bus driver(s) the appropriate amount based on their hourly rate. Time shall be calculated from a maximum of 30 minutes prior to the trip to allow for pre-trip, if required, inspection, and cleaning of the bus to a maximum of 30 minutes after the bus returns to the school to allow for cleaning the bus and preparing for the next trip.

WV Code §18-2E-8
WVBOE Policies 2436.10, 2510, 4336

6.28 PARTICIPATION IN CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

Student participation in co-curricular and extracurricular activities is voluntary. Students have the right to belong and take part in all co-curricular and extracurricular activities for which they qualify, regardless of race, sex, religion, handicap, or national origin.

Activities in which squads are reduced are expected to follow established selection procedures and participation requirements.

School sponsored co-curricular activities for students may be organized and conducted only with the principal's permission.

Organizations

Student organizations generally shall be encouraged when they enhance learning. Organizations should strive to use minimum class time. Secret organizations are not allowed.

The school principal shall determine what student clubs, organizations and activities a school will have, based on student interest, sponsor availability, adequate facilities, and adequate fiscal resources to support the desired activities.

Regulations

Each sponsor, coach, or director shall develop a handbook of rules and regulations for the activity. The handbook shall have the approval of the principal, and a copy must be filed in the principal's office. The handbook shall include forms for student and parents to sign, verifying that they have read and will abide by the rules and regulations in the handbook.

Many individuals and organizations contribute time and resources to extracurricular programs in a strong partnership among the schools, individuals, and corporate citizens. This spirit of cooperation and volunteer assistance represents a source of special quality and strength in service to our students.

Such participation, however, shall not be construed in any manner to represent endorsement of any community agency, business, or private individual. No employee or agent of the Board shall in any manner endorse, recommend, or promote compensated services through any community agency, business or private individual except as may be formally awarded through competitive bid.

Eligibility

Athletes, including cheerleaders, shall meet the WVSSAC eligibility guidelines as well as state board policy to be eligible to try out and participate in extracurricular activities. Band and band squad members must also meet WVSSAC guidelines to be eligible for participation.

Other organizations may establish eligibility requirements as part of their regulations, but such requirements must be reasonable and relevant to the purpose of the organization.

This policy applies only to nonacademic extracurricular activities such as interscholastic athletics, cheerleading, student government, class officers, and clubs which are not closely related to identifiable programs/areas of study in grades 6-12. Excluded from this policy are extracurricular activities that are closely related to identifiable academic programs/areas of study and which serve to complement academic curricular activities such as vocational, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic, and similar activities.

In order to participate in the extracurricular activities to which this policy applies, a student must meet all indicators below:

A. maintain a 2.0 average,
B. meet state and local attendance requirements of a full day for all students; and
C. be subject to random drug testing as per county policy.

Misconduct that is unrelated to the squad shall not be punished by suspension or dismissal from the squad, except suspension or expulsion from school, in which case the student would also be suspended or expelled from the squad while serving suspension or expulsion.

WV Code §18-2-5
WVBOE Policies 2436.10, 2510

Interscholastic Athletics

The Board recognizes *t*he value of a program of interscholastic athletics for students as an integral part of the total school experience. The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics.

The games, activities, and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the district alone.

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students of this county with those of another county.

The Board delegates the control, supervision and regulation of its interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission (WVSSAC).

Students desiring to participate in extracurricular interscholastic athletics shall be required to undergo an examination by a licensed physician once a year. For safety reasons, sixth grade students may not participate in interscholastic football.

Students identified as disabled under relevant state and federal laws are subject to the eligibility standards established by this policy unless specifically exempted by the express terms of their individualized education program (IEP). An IEP may specify the criteria by which a grade will be determined for (a) course(s), given the individualized student's disability.

Because the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition.

The Superintendent's designee shall develop appropriate guidelines for the operation of the athletic program and a Code of Conduct for those who participate.

Student participation in interscholastic sports is a privilege and not a right. A student may be prohibited from all or part of his/her participation in such activities by authorized school personnel without further notice, hearing, and/or appeal rights.

WV Code § 18-2-25
WVSSAC Rules and Regulations

6.29 ADOPTION OF INSTRUCTIONAL MATERIALS

All primary instructional resources used in Putnam County Schools shall be recommended by the Superintendent and shall be adopted by the Board in accordance with regulations of the State Board of Education and legislative requirements.

The Putnam County Board of Education shall furnish, free of charge, the necessary instructional resources to students attending the Putnam County Schools. All instructional resources furnished will be the property of the county board and loaned to students and teachers on terms as each prescribed by the Board.

Instructional resources are defined as: print materials, electronic resources and systems, kit-based instructional materials, or combinations of such instructional resources which convey information to a

student that covers no less than 80% of the required content and skills approved by the WVBOE for subjects taught in the public schools of the state.

The Assistant Superintendent of Curriculum, who shall report directly to the Superintendent, will guide and direct the process required to review, select and recommend the adoption of print, digital, and online instructional resources for all grade levels in the Putnam County Schools.

Instructional Resources Committee Members, Review, And Implementation

The Superintendent's designee/designees shall select an Instructional Resources Review Committee from a list of teacher nominations submitted by each school scheduled to use the new instructional materials. Committee members shall be chosen for their expertise and experience in the subject area being considered.

The duties of the Instructional Resources Review Committee include, but are not limited to:

A. Solicit input from all school curriculum teams regarding their curriculum and instructional resources needs for the subject area under consideration by the committee;
B. Review the state approved List of Registered Vendors of Instructional Materials and determine which vendors will be invited to submit sample materials;
C. The Superintendent's designee/designees shall submit formal requests for samples to the selected vendors. All necessary contracts with vendors will be processed through the Superintendent's office;
D. Sample materials will be sent to the school mailing address of the individual committee members.
E. The committee shall limit its review of samples to those that meet the non-negotiable requirements established by the WVBOE and cover no less than 80% of the required content and skills for a subject as approved by the WVBOE. The committee may rely on an instructional material review completed by the West Virginia Department of Education (WVDE) to fulfill this requirement.
F. Establish a calendar with specific timelines for completion of the review process. The review shall begin in January and must be completed by May 1 of the year of adoption;
G. The committee will use a rubric to evaluate the materials on list and meet to discuss the materials when convenient for committee members;
H. Submit a recommendation to the Superintendent by May 15. The Superintendent will then submit report of instructional resources adopted to the WVBOE by June 1;
I. The Superintendent's designee/designees will purchase all adopted materials beginning July 1 of each year;
J. The purchase of all adopted materials will begin July 1 of each year.

The Superintendent's designee/designees and the Instructional Resources Review Committee should read the Instructional Resources Adoption Policy in its entirety prior to beginning their task of selecting instructional resources for the county.

Public Review of Selected Instructional Resources

The Superintendent's designee/designees shall place the recommended instructional resources in the Central Office Board Room or other appropriate venue at the Central Office for public review prior to submitting the committee's recommendation to the Superintendent.

After the public review, the Superintendent shall submit the recommended selections to the Putnam County Board for approval.

Parents/Guardians Responsibility

The parents/guardians of a student who loses or destroys an instructional resource belonging to the Putnam County Board of Education shall be liable for the value of the replacement resource.

Disposition of Samples

Vendors who wish to claim their samples after the adoption process is completed shall notify the Board at the time samples are submitted for study of their intent to recall the samples. All costs shall be borne by the vendors. Vendor samples items must be collected within 30 days after the formal adoption.

Gifts and Bribes to Influence Adoption of Instructional Resources

Per WV Code §18-2A-9, "Any member of the state board, any county superintendent, any member of a county board or any other person who shall receive, solicit, or accept any gift, present, or thing of value to influence that individual in the vote for the adoption of instructional resources, print or electronic, or any combination thereof, or any person who shall either directly or indirectly give or offer to give any such gift or thing of value to any person to influence that individual in voting for the adoption of instructional resources, print or electronic, or any combination thereof, shall be guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one year and nor more than three years."

Grouping of Instructional Resources

Adoption Groups I-VI

Adoption Group	Content Areas
I	WV Pre-K, Social Studies
II	The Arts, Wellness Education, Drivers Education
III	English, Language Arts
IV	Science
V	World Languages, Student Success, Technology and Computer Science

VI Mathematics

The adoption period is based on the fiscal year (July 1 to June 30) and, unless otherwise noted, is established for six years.

WV Code § 18-2A-10
WVBOE Policy 244.40

6.30 SELECTION OF SUPPLEMENTAL INFORMATIONAL MATERIALS AND EQUIPMENT

The Board shall provide supplemental instructional materials and equipment, within budgetary constraints, to implement the county schools' educational goals and objectives and to meet student needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

Students shall be held responsible for the cost of replacing any materials or property which are lost or damaged through their negligence.

Costs may be charged for materials used in those activities which are beyond the basic, required curriculum and in which a student elects to participate, particularly in shop activities where the product becomes the property of the student.

Library Media Center Materials

The two primary roles of the school library media center are to support the school's programs of study and to encourage life-long learning. The materials in the library media center should reflect these two purposes. Students have a wide range of reading abilities and maturity levels, therefore, each school shall develop a collection of age appropriate materials that support both the curricular needs of the school and the recreational reading interest of students.

The library media center collection should be continually maintained to ensure materials are appropriate and in good physical condition. Worn materials shall be repaired, replaced, or removed. Materials that are inaccurate, out-of-date, or of no value to the school shall be removed.

In the secondary schools, professionally trained librarians are responsible for the selection of materials for the library media center; in the elementary schools, the principal or his/her designee is responsible for the selection of materials for the library media center. Other school personnel, students, and parents shall have the opportunity to provide input, ideas, or suggestions for materials to supplement the existing collection. Final responsibility for the selection of all materials lies with the building principals.

The selection criteria include materials that are

A. integral to the instructional program;
B. appropriate for the reading level and understanding of students in the school;
C. reflecting of the interests and needs of the students served;
D. presenting information with the highest degree of accuracy and clarity;
E. fair and unbiased in tone and content;

F. appealing to users from a variety of cultural backgrounds; and/or
G. of literary and/or artistic value and merit.

In controversial areas, the selected materials should represent as many shades of opinion as possible, in order that varying viewpoints are available to the students.

6.31 SERVICE LEARNING

The Board believes that participating actively in community service will enhance students' interpersonal skills and self-esteem, enabling them to connect their academic learning to the real world and making them aware of the wide range of opportunities for service that exist in any community.

The Board further believes that devoting time during a student's school years to serve others, or the community as a whole, may engender a life-long commitment to service and, thereby, make this community, or any community where our graduates make a life, a better place.

6.32 STUDENT ASSESSMENT AND INTERVENTION

The Board shall assess student achievement and needs in all program areas in compliance with the law and rules of the state board of education. The purpose will be to determine the progress of students and to assist them in attaining the content standards and objectives and the educational goals of this county.

At least annually, staff members will assess the proficiencies and needs of each student through both formative and summative assessments. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

The Board believes that students should be given every reasonable opportunity to learn the skills and acquire the knowledge necessary to demonstrate proficiency on State-mandated tests and locally-developed assessments. Therefore, pursuant to state law, the Board will provide intervention for those students whose performance on these tests and assessments indicates a need for it.

WV Code § 18-2E-5, 18-5A-6
WVBOE Policies 2320, 2340, 2510

6.33 DUAL CREDIT

Putnam County Schools may offer dual credit courses for students who wish to earn both a high school credit and college credit. Dual credit courses may be delivered at the high school, the college campus, an alternate site, in a virtual environment, or through a combination of these delivery methods.

If a dual credit course is offered, the instructor is responsible for aligning the content standards and objectives for both the secondary course and the postsecondary course. The instructor of the dual credit course must teach the standards for both the secondary and postsecondary content.

The instructor and the school administrator are responsible for consulting with the postsecondary institution to ensure compliance with all Higher Education Policy Commission (HEPC) requirements. The postsecondary institution will approve the instructor and the syllabus prior to the beginning of the course.

The dual credit course syllabus must provide for 180 days of instruction and shall include provisions for any dates when the postsecondary institution is not in session.

The instructor will develop guidelines for the awarding of credit for both the secondary and the postsecondary credit. The grading scale used for the awarding of credit will be that of the postsecondary institution.

Students may earn a secondary credit for a required course for graduation pending approval from the Assistant Superintendent for Curriculum and Instruction. These courses may include, but are not limited to, English 12, a higher level math course, a science course, a history course, as well as elective courses.

Students will be responsible for any costs associated with tuition, books, and/or other required materials for the postsecondary course. Books and materials needed for the secondary course will be provided by the school/county.

Postsecondary institutions, other than the one awarding the dual credit, may not recognize the dual credit on a student transcript.

6.34 EMBEDDED CREDIT

Putnam County Schools may offer embedded credit courses at the secondary level. An embedded credit course incorporates content standards and objectives from four (4) career/technical courses and one (1) or two (2) academic courses (English and mathematics) and allows students to earn credit for these courses.

The intent of embedded credit is to provide opportunities for students to complete both a rigorous academic and career/technical education course and to prepare for postsecondary opportunities by improving academic achievement. Embedded credit also allows for the application of skills from an academic course into a career/technical course. Embedded credit also provides students with opportunities to participate in advanced academic and/or career/technical courses without having to choose one over the other.

Collaboration between the academic instructor and the career/technical instructor will occur to develop an alignment of content standards and objectives for both content area courses, as well as the instructional delivery method(s) and the assessments to be used to determine proficiency of the embedded credit. The alignment must specifically outline how skill gaps in the content standards and objectives from the embedded course will be taught to ensure students have ample opportunities to demonstrate competency in both content areas. Once the alignment is completed, the instructors will determine if full credit is to be awarded for both courses and/or if additional instruction is necessary in order to address all of the content standards and objectives. The delivery of this additional instruction will be determined by the instructors. Once the alignment, instructional delivery method, and

assessment methods are completed, the documents are to be submitted for approval to the school administrator, the Director of Career Technical Education, and the Assistant Superintendent of Curriculum and Instruction prior to the start of the course.

Beginning with the 2016-2017 school year and beyond, embedded credit may not be transcripted for Transition Math for Seniors or Transition English for Seniors until after the 11 grade WVGSA is taken and results are known for College and Career Ready (CCR) benchmarks. If a student achieves the CCR benchmark, credit may be transcripted. If the student does not achieve the CCR benchmark, credit may not be transcripted for the Transition Course and the student must be enrolled in the Transition Course, or a higher level course, during the senior year. Parents and students will be made aware of this requirement upon enrolling in embedded credit courses. It is the discretion of the instructors to determine which career/technical courses must be completed prior to awarding of the embedded academic credit.

A student may not earn more than two (2) units of required graduation credit through embedded credit.

If the student does not demonstrate proficiency in the academic area and embedded credit is not awarded, the student will be responsible for making up the credit through credit recovery, 5th block, summer school, virtual school, or in a traditional setting at the home high school.

It is the right of each postsecondary institution to determine whether or not embedded credit will be accepted at their institution.

This policy will be reviewed annually for any necessary revisions.

6.35 VIRTUAL SCHOOL

Putnam County School's Virtual School Policy establishes provisions for delivering instruction to eligible K-12 learners in a full-time or blended virtual environment. The school system provides a virtual option for students with course opportunities consistent with the West Virginia Board of Education's academic standards, curriculum frameworks, and assessments.

Virtual courses will be delivered through a virtual provider and/or district-approved learning management systems. Any online course delivery must comply with state and federal privacy laws.

Information regarding Virtual School can be found in the Putnam County Schools Virtual School Guidelines and Operating Procedures.

WV Code § 18-5F-1 et. seq.

SECTION 7: COMMUNITY RELATIONS

7.1 PUBLIC INFORMATION PROGRAM

The Board believes that all reasonable means should be employed to keep the public informed on matters of importance regarding Board policies, finances, programs, personnel, and operations. It is the purpose of this policy to provide the ways and means to accomplish this purpose.

The Superintendent or his/her designee shall direct an information program designed to acquaint the citizens of the community and general public with the achievements and the needs of the schools.

Toward this end, the Board shall provide parents or guardians and other county residents opportunities for orientation and information regarding state regulations and local school procedures, and will utilize, insofar as practical, all appropriate means and media to achieve this end.

7.2 PUBLIC COMPLAINTS

Any person or group having a legitimate interest in the operations of this Board shall have the right to present a request, suggestion, or complaint concerning personnel, programs, and/or operations of the county system. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

A claim by one (1) or more citizens of a violation of state law or the policies, rules, and regulations of the West Virginia Board of Education shall seek resolution through *WVBOE Policy 7211 Conflict Resolution Process for Citizens.*

Any requests, suggestions, or complaints reaching the Board members and the administration shall be referred to the Superintendent for consideration according to the following procedure.

It is the desire of the Board to rectify any misunderstandings between the public and the school system by direct discussions of an informal type among the interested parties. Only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Matters Regarding a Professional Staff Member Including Administrators

First Level

If an individual has a concern with a professional staff member, he/she shall address the staff member directly. The staff member shall discuss the matter promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within her/his authority and county guidelines.

As appropriate, the staff member shall report the matter and any action taken to the immediate supervisor.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation that may require investigation or inquiry by school officials prior to contact with the professional staff member.

Second Level

If the concern cannot be satisfactorily resolved at the first level, it shall be discussed by the complainant with the staff member's immediate supervisor.

Third Level

If a satisfactory solution in not achieved at the second level, a written request for a conference shall be submitted to the Superintendent or his/her designee. The request should include the specific nature of the complaint, a brief statement of the facts giving rise to it, and how the complainant or his/her child has been affected.

Fourth Level

If the matter is still not resolved or if it beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting with the Board. The Board shall render a decision after meeting with the complainant. The complainant shall be advised of the decision, in writing, no later than 30 business days following the meeting. The Board's decision shall be final. No further meetings will be held with the complainant to discuss the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in her/his individual capacity and the complainant must follow the procedure outlined in this policy.

Matters Regarding the Superintendent

If an individual has a concern regarding the Superintendent that cannot be resolved through discussion with the Superintendent, the complainant may submit a written request for a conference with the Board to the Board president. The request must include the specific nature of the complaint, a brief statement of the facts giving rise to it, how the complainant or his/her child has been affected, and the reason the matter was not able to be resolved with the Superintendent.

After reviewing the request, the Board may grant a meeting before the Board or a committee of the Board, or refer the matter, if permitted by state law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within 30 business days.

Matters Regarding a Service Employee

If an individual has a concern with a service employee, the complainant shall be directed to the immediate supervisor. The matter may then go through the higher levels prescribed for professional staff members.

Matters Regarding County Services or Operations

If a request, suggestion, or complaint relates to a matter of county procedure or operation, it should be addressed initially with the person in charge. If not resolved, the complainant may go through the higher levels prescribed for professional staff members.

Matters Regarding the Educational Program

If a request, suggestion, or complaint relates to a matter of the county's educational program, it should be addressed initially with the building principal and brought through the higher levels of authority prescribed for professional staff members.

Matters Regarding Instructional Materials

If a request, suggestion or complaint relates to instructional materials used in the county, the following procedure shall be followed:

A. The criticism is to be addressed to the principal, in writing, and shall include the author; title; publisher; the complainant's familiarity with the material to which an objection is being made; sections under objection, by page and item; and the reason(s) for the objection.

GGGG. Upon receipt of the information, the principal shall appoint a review committee that may consist of three (3) professional staff members. In the case of challenged library materials at the secondary level, the librarian shall be a member of the review committee.

HHHH. The committee shall be guided in its evaluation of the material by the appropriateness of the material for the age and maturity level of the students with whom it is being used, the accuracy of the material, the objectivity of the material, and the use being made of the material.

IIII. The committee shall report its findings to the principal with ten (10) days. If the challenged material is deemed appropriate by the committee, the principal shall notify the complainant and the appropriate level director.

JJJJ. The committee's recommendation shall be reported to the Superintendent, in writing, within fifteen (15) business days following the formation of the committee. The Superintendent will advise the complainant of the committee's recommendation, in writing, and advise the Board of the action taken or recommended.

KKKK. The complainant may appeal the decision within 30 business days to the Board through a written request to the Superintendent. The Superintendent shall forward the request and all written material relating to the matter to the Board.

LLLL. The Board shall review the case and advise the complainant of its decision, in writing, within 30 business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for such removal.

Matters Regarding Violation of State Law or WVBOE Policies, Rules, and Regulations

When a citizen complainant claims violation of state law or WVBOE policies, rules, and regulations, the citizen complainant shall adhere to procedures and timelines of WVBOE Policy 7211. WVBOE procedures and claim forms will be available from WVDE website, the county system website, the central office, and each school.

20 U.S.C. 1232h
WVBOE Policy 7211

7.3 CITIZEN ADVISORY COMMITTEES

The Board may, from time to time, establish citizen advisory committees. All appointments of citizens to advisory committees shall be approved by the Board. All appointments of staff members to citizen advisory committees shall be made by the Superintendent. Staff members shall never constitute more than a minority of any such committee. Every effort shall be made to ensure that the makeup of an advisory committee is as truly representative of the community as possible. The chairperson of an advisory committee shall be chosen from among the lay members. Board members may be ex-officio members of an advisory committee.

Specific topics for study or well-defined areas of activities shall be assigned, in writing, to each committee immediately following its appointment. Upon completing its assignment, a committee either shall be given a new topic for study or shall be dissolved promptly. Each committee shall be instructed as to the length of time each member is asked to serve; the resources, if any, the Board intends to provide; the approximate dates on which the Board wishes it to submit reports; and the approximate date on which the Board wishes it to complete its study.

Furthermore, the committee shall be instructed as to the relationship is has to the Board, to individual Board members, to the Superintendent, and to school employees. A staff resource person will be identified for each advisory committee, and such person will serve as a liaison between the committee and the Board relative to equipment, meeting location, personnel or funding needs. Expenditure of county funds by an advisory committee shall be made only in limited circumstances and upon the prior approval of the Superintendent.

The structure and organization of an advisory committee shall be determined by the Board as appropriate to the assignment. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside Putnam County Schools.

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent. The Superintendent shall transmit the contents of any communication from a committee to the Board timely, generally at the next meeting of the Board. When a committee is ready to submit a report on its assigned topic, the Superintendent shall arrange a meeting for the purpose of receiving the report.

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

WV Code § 18-2-35, 18-5-13, 18-5A-2

7.4 SCHOOL VISITORS

The Board welcomes and encourages visits to school by parents, other adult residents of the community, interested educators and community officials. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

All visitors must report to the school office immediately upon entering the school or other Putnam County Schools facility. Each county public school and other work sites shall post a sign which requires visitors to report to the office, and such sign shall be prominently displayed on the exterior doors of the school or work site.

The Superintendent, principal, or other building administrator has the authority to prohibit the entry of any person to the county schools or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds, threatens, or creates a disturbance, the Superintendent, principal, or other building administrator is authorized to request assistance from the local law enforcement agency.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

Individual Board members who are interested in visiting schools, classrooms or other facilities on an unofficial basis shall make the appropriate arrangements with the principal or building administrator. Such Board member visits shall not be considered to be official unless designated as such by the Board.

The Board member shall be visiting as an interested individual in a similar capacity to any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

If a Board member observes a situation or condition which causes concern during a school visit, s/he should discuss the situation with the principal and the Superintendent as soon as possible.

WV Code § 18-5-13

7.5 PUBLIC ATTENDANCE AT SCHOOL EVENTS

The Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the county, but the Board also acknowledges its duty to maintain order and preserve the facilities of the county during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when

requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

The Board directs that no alcoholic beverage or other controlled substance as described by WV Code §60A-1-101 be possessed, consumed, or distributed at any function sponsored by the Board and/or at any function occurring on district premises.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

Service animals used by persons requiring this type of assistance shall be permitted in all County facilities and at all school events. The person requesting access for a service animal may be asked to provide evidence that the service animal has been individually trained and works for the benefit of the disabled person. Certain restrictions may be applied, when necessary, due to allergies, health, safety, disability, and/or other issues of those attending the event. The goal shall be to provide disabled attendees with the same access and participation provided to non-disabled members of the public.

WV Code § 5-15-1

Revised August 21, 2023

7.6 PARENT ORGANIZATIONS

The Board supports organizations of parents whose objectives are to promote the educational experiences of county students. However, in using the name of the county or its schools and in organizing a group whose identity derives from a school(s) of this county, the parent organization thereby shares responsibility with this Board for the welfare of participating students. These organizations must receive approval from the building principal to schedule an event or hold a fund-raiser.

Any parent organization desiring to use the name or good offices of the County, or any of its public schools, must obtain the approval of the school principal who in turn notifies the Superintendent.

Representatives and members of approved parent organizations shall be treated by County employees as interested friends of the schools and as supporters of public education in Putnam County.

Staff members are encouraged to join parent organization(s) in their school or in related area(s) of specialization or interest.

The Board relies upon approved organizations to operate in a manner consistent with applicable laws and with public expectations for the schools. The Board reserves the right to review programs and initiatives of parent organizations and, further, to withdraw approval of any such organization that violates applicable laws and/or the bounds of community taste.

WV Code § 18-5-13

7.7 RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS

It is the policy of the Board that the school system maintain strong lines of communication with other districts and with institutions and organizations that provide county students with programs, training, or services not available in the county.

The Superintendent may enter into such cooperative ventures with institutions or organizations for the purpose of providing programs that correlate to the county curriculum and help students better accomplish the educational goals and objectives established by the Board.

To maintain cordial and constructive relationships with private and parochial schools, the Superintendent shall maintain a liaison relationship with the administration of all such schools that enroll significant numbers of students who are residents in this county in order to be aware of any program changes that may be planned that could affect Putnam County Schools. Further, the Superintendent shall cooperate in the implementation of state and federal programs administered by the county that benefit eligible students attending private or parochial schools.

W.Va. Code § 18-5-13

7.8 RELATIONS WITH OUTSIDE GROUPS

Any requests from civic institutions, charitable organizations, special interest groups or others which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, promotional or informational materials for students, graduation prizes, fund-raising, and free teaching materials must be carefully reviewed by the Superintendent or his/her designee.

It is the policy of the Board of Education that students, staff members, and County facilities shall not be used for commercial advertising or for promoting the interests of any non-school agency or organization, public or private.

Commercial Interests

Outside speakers representing commercial organizations will be permitted only with the approval of the building administrator and 1) when the commercial aspect is limited to naming the organization represented and 2) the subject matter advances the educational goals of the school system.

Political Materials

No political advertisements or other partisan materials shall be permitted for use in curricular or co-curricular programs. However, professional personnel may use political materials if the use 1) is not for partisan purposes and 2) the use relates to approved curriculum and has been approved in advance by the principal.

Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the county, as a whole, but participation in such special activities may not

A. have the primary effect of advancing a special product, group, or company;

MMMM. make unreasonable demands on the time and energy of staff or students or the resources of the county;

NNNN. involve any direct cost to the school system;

OOOO. interrupt the regular school program; and/or

PPPP. cause the participants to leave the county unless the Board's policy for district sponsored trips has been complied with in all aspects.

Distribution/Posting of Literature

No outside organization, staff member, or student representing an outside organization may distribute or post literature on that organization's behalf on county property during or after school hours except at the times and in the locations established for any such activity at each school or other county facility and without the prior review and permission of the principal.

Solicitation of Funds

The Board shall not permit any organization unrelated to the school system to solicit funds on the school system's property.

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in section 3.30 – School Support Organizations. Solicitation must take place at times and places specified.

Surveys and Questionnaires

No organization shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan are submitted in advance to the Superintendent or his/her designee. If approved, a copy of the results and the proposed manner of communicating them shall be provided to the Superintendent or his/her designee for review and approval before they are released.

20 U.S.C. 4071 et seq., 1232
WV Code § 18-5-13
WVBOE Policy 4350

SECTION 8: FACILITIES/PROPERTY

8.1 FACILITIES PLANNING

The Board recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In order to assure that future county construction supports the educational program and responds to community needs, the Board will prepare a ten (10) year Comprehensive Educational Facilities Plan (CEFP) and update it annually. The CEFP shall address the facilities and major improvement needs of the county and include up-to-date projections of student enrollment. The plan shall include a thorough description and analysis of local and regional demographic factors that influence general population growth and public school enrollment. The guidelines pertaining to quality educational facilities must require that a facilities plan address how the current facilities do not meet and how the proposed plan and any proposed project meet the following goals:

A. student health and safety;
B. economies of scale, including compatibility with similar schools that have achieved the most economical organization, facility utilization, and pupil-teacher ratios;
C. reasonable travel time and practical means of addressing other demographic considerations;
D. multicounty and regional planning to achieve the most effective and efficient instructional delivery system;
E. curriculum improvement and diversification, including computerization, technology, and advanced courses in science, mathematics, language arts, and social studies;
F. innovations in education;
G. adequate space for projected student enrollments; and
H. each facilities plan must address the history of efforts taken by the Board to propose or adopt local school bond issues or special levies.

If the project is to benefit more than one county in the region, the facilities plan must state the manner in which the cost and funding of the project will be apportioned among the counties.

The Board, WVBOE, when applicable, or administrative council of an area vocational center shall develop a ten (10) year school Major Improvement Program (MIP). An approved school MIP is required prior to the distribution of state funds for a project pursuant to the requirements of state law. An MIP is defined as a construction/maintenance project with a cost greater than $50,000 but not exceeding $100,000. Projects selected for funding by the School Building Authority (SBA) must be included in an approved MIP and must meet the following goals:

A. student health and safety including, but not limited to, critical health and safety needs; and
B. economies of scale including scheduled preventive maintenance, provided that the Board's school maintenance plan shall address scheduled maintenance for all facilities within the county.

The MIP shall coexist with the CEFP and together address the renovation, repair, and safety upgrading of existing facilities and equipment, building systems, utilities, and other similar items in connection with renovations, repair, and upgrading of facilities.

In order to apprise the Board of the continuing relevance of the Board's CEFP, the Superintendent shall

A. annually report the CEFP update;
B. annually report the enrollment by grades; and
C. conduct a kindergarten enrollment each spring for the students who will be enrolled in the schools of the county in the following year and report the results to the Board.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met but also the physical requirements of the program it deems best suited to meet those needs. The County shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to laws and regulation.

From time to time, school and community groups propose additional facilities or modifications to buildings that exceed the basic resources provided by the Board. Typically, such projects include athletic conditioning areas, concession sales areas used by booster organizations, site storage buildings, and elementary media centers. Cooperative efforts with community groups provide opportunities that might not otherwise be available. The Board wishes to encourage these projects and also assure building standards consistent with safety, efficient operation, and easy maintenance. For these reasons, the following regulations have been adopted.

A. All permanent changes to site and facilities must be approved in advance.
B. Funding sufficient for completion of a project must be identified by source and must be reasonably anticipated before a project begins.
C. The Board will support approved cooperative projects with reasonable maintenance services.
D. The Board will support cooperative projects by seeking clearance with appropriate regulatory agencies. This clearance of plans shall be completed prior to Board full approval of a project.
E. The Board will support approved projects through its property damage and liability insurance protections. Prior approval and supervision by the Board serves to assure this protection.
F. The Board will match the costs of cooperative projects as funding is available. To qualify for matching funds, project should be approved in advance. Matching funds shall be designated, as available, in the course of the annual budgetary process. When funds are not immediately available, a project may be placed on a priority list for periodic review and continuing consideration.

WV Code § 18-9D-15, 18-9D-16
WVBOE Policy 6200

8.2 COMMEMORATION OF SCHOOL FACILITIES

From time-to-time, the Board may wish to commemorate a school or county facility by means of a plaque or naming the facility after a person. Such commemoration shall be reserved only for those individuals who have made a significant contribution to the enhancement of education generally, the county in particular, or to the well-being of the county, community, state, or nation, as determined by the Board.

Any employee of the county thus honored must be deceased or no longer employed by the county prior to the Board's selection of his/her name for a plaque or the naming of a facility.

8.3 MAINTENANCE

The Board recognizes that the fixed assets of this county represent a significant investment of this community and their maintenance is of prime concern to the Board. The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all school buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop a maintenance program for implementation by the custodial and maintenance staff that shall include

A. a regular summer program of facilities repair and conditioning;
B. the maintenance of a critical spare parts inventory;
C. an equipment replacement program;
D. a long-range program of building modernization; and
E. repair or replacement of equipment or facilities for energy conservation, safety, or other environmental factors.

The Superintendent's designee shall develop guidelines as may be necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of conditions that threaten the safety of the occupants and/or the integrity of the plant. Such rules shall include the establishment of sound priorities among the requests for repairs received from each principal.
WV Code § 18-5-9, 18-5-9a

8.4 RISK REDUCTION PROGRAM

The Board believes that the employees, students, and visitors are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable protection to the lives, safety, and health of its employees and students, in compliance with applicable federal and state laws and regulations.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. The Superintendent shall designate an employee to conduct periodic audits of health and safety conditions within the facilities of the county and to take appropriate action related thereto.

The Superintendent shall ascertain that the employees and students of the county are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law.

WV Code § 18-5-13

8.5 USE OF TOBACCO ON SCHOOL PREMISES

The Board believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco.

In order to protect students and staff from an environment noxious to them, and because the Board cannot condone the use of tobacco, the Board prohibits the use of tobacco products in school buildings, on school grounds, and at any school-sponsored function.

This policy shall apply at all times to any building, property, or vehicle leased, owned or operated by the Board. In addition, it shall apply to any private building or other property, including vehicles, used for school activities when students or employees are present.

No person shall distribute or use any tobacco product in any area described above at any time. In no case shall any student possess any tobacco product while on school grounds, in any county-owned vehicle, or at any school-sponsored function.

Individuals supervising students off school grounds are prohibited from distributing or using any tobacco product while in the presence of students or at any time while engaged in any activities directly involving students.

No school or Board property or publication may be used for advertising of any tobacco product.

8.6 CONSERVATION OF NATURAL AND MATERIAL RESOURCES

The increasing costs of natural energy resources coupled with the growing need to inhibit pollution, mandate the County implement strategies which will conserve all forms of energy used.

The Board of Education directs the Superintendent to develop and implement both immediate and long range plans to meet these concerns. Such plans shall be properly observed by all members of the staff and strongly supported both in the educational programming and in staff interactions with students.

8.7 USE OF COUNTY FACILITIES

The Board believes that the grounds and facilities of this county should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools and is harmonious with the purposes of this county.

The Board will permit the use of county grounds and facilities when such permission has been requested, in writing, by a responsible non-profit organization or a group of citizens and has been approved by the Superintendent and the Board.

Board grounds and facilities shall be available for the below-listed uses. When there are competing interests, approval will be given according to the following priorities:

A. uses directly related to the schools and the operations of the schools;
B. uses and groups indirectly related to the schools;
C. meetings of employee associations;
D. uses for voter registration and elections; and
E. community organizations or groups of individuals formed for charitable, civic, legally permitted religious and educational purposes.

Facilities shall not be made available to commercial or profit making organizations or individuals offering services for profit. Any photographer properly engaged to take school-related photographs shall not be prohibited from using school facilities under this policy or otherwise.

The use of the school system's grounds and facilities shall not be granted for private social functions, any purpose prohibited by law, or any outside group for fundraising.

If all or any part of the county's community is struck by a disaster, the Board shall make its grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, state, or federal authorities. The Superintendent should meet with the county emergency services to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

The Superintendent shall develop guidelines for the granting of permission to use county facilities including a schedule of fees which, together with the costs used to determine such fees, must be approved by the Board. Such guidelines are to include the following.

A. Each user may be required to present evidence of the purchase of organizational liability insurance to the limit prescribed by the county administrative guideline.
B. Use of school equipment in conjunction with the use of school facilities must be requested specifically, in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.
C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

No liability shall attach to this County, or any of its employees and officers, specifically as a consequence of permitting access to these facilities. Those persons or groups granted permission to use school facilities pursuant to this policy shall agree to indemnify the County and hold it harmless for any liability arising out of their use of school facilities.

WV Code § 18-5-19, 18-5A-2(j)(5)

Evans v. Hutchinson, 158 WV 359, 364 (1975)

8.8 ACCEPTABLE USE OF COMPUTER TECHNOLOGY AND NETWORKS

The Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Board operations. However, use of the Board's network and technology resources is a privilege, not a right.

The Putnam County Schools Technology Team shall develop written technology procedures which provide guidance to staff and students concerning the safe, appropriate, and ethical use of the Board's network(s) based on WVBOE policy regarding the use of electronic resources, technologies, and the Internet.

The technology procedures shall also inform both staff and students about disciplinary actions that will be taken if Board technology and/or network(s) are abused in any way or used in an inappropriate, illegal, or unethical manner. Unacceptable use of technology includes, but is not limited to:

A. transmission or use of any material in violation of any federal or state law or regulation;
B. use for commercial activities, product advertising, or political lobbying;
C. transmission or use of any obscene, pornographic, or sexually explicit material;
D. transmission or use of any type of virus or malicious file or computer code to disable or disrupt service;
E. illegally accessing or attempting to access any school, district, or state e-mail, electronic ID/password, data, system files, online resources, or equipment of the school that does not belong to the user;
F. hacking, cracking, vandalizing, and other unlawful online activities;
G. disclosing, using, or disseminating personal information regarding students;
H. cyberbullying, hate mail, defamation, harassment, discriminatory jokes and remarks, and other unauthorized behaviors as defined in other Board policies; and/or
I. "sexting," the electronic transmission of sexual messages or pictures.

Further, safeguards, methods, and instructional models established by WVBOE policy to address Internet safety will be implemented and documented by the Board. All network access to the Board-provided Internet shall be filtered through WVDE and/or county system filters to decrease the risk of students accessing inappropriate or harmful material. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, 1) interacting with other individuals through electronic mail, on social networking websites, and in chat rooms and 2) recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they are victims of cyberbullying.

Student use of Internet-related or web-based applications must be authorized by an educator and the parent/guardian through a signed Acceptable Use Authorization form. Appropriate adult supervision of Internet use must be provided. While WVDE does filter Internet traffic, filtering software is not 100% effective. Deliberate and consistent monitoring of student use of the Internet and technologies is vital to

prevent access to inappropriate and harmful materials. While classroom educators have primary contact with students, acceptable and appropriate use of online resources, technologies, and the Internet is the responsibility of all county staff and employees.

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/guardian while a student is in school. Therefore, it is the educator's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives when using Internet-related technologies. It is the educator's responsibility to avoid using technology in such a manner that places him/her in a position to abuse that trust.

Collaboration, resource sharing, and dialogue between the educational stakeholders (teachers, students, and/or parents) may be facilitated by the use of social media and other electronic communication. Such interactivity outside of the school walls can enhance classroom instruction. However, a clear line must be drawn between personal and professional/educational social networking to protect the safety of the students and the integrity of educational professionals and service staff. Use of social media and electronic communication must support the educational process and follow county technology procedures. Educators are discouraged from using personal accounts to contact students.

Professional development regarding the responsible use of the Internet and other technologies will be provided to employees and students. Employees and students who complete the training and sign Acceptable Use Authorization forms may be provided with appropriate usernames and passwords to access the Board's network(s) and technologies.

Employees and students who are trained on WVBOE Policy 2460 receive a state e-mail account and password. A state e-mail address may be required to participate in state online courses, to receive information distributed through state and county distribution lists and listservs, and to access county servers and websites. Use of personal e-mail accounts to contact staff, students, and parents is discouraged. Students must use a state or county educational e-mail account for school work and communication.

All information stored within the state's and Board's computers, servers, and other technology devices is the property of the state, Board, or school. Users of the Board's equipment and networks have no expectations of privacy with respect to its content.

The West Virginia Education Information System (WVEIS) is to be used exclusively for the business of the Board and its schools. All staff must maintain the confidentiality of student data in accordance with The Family Educational Rights and Privacy Act (FERPA).

The Board recognizes the educational benefits of school personnel and students publishing information on the Internet. The Board also recognizes the importance of guidelines that address content, overall responsibility, quality, copyright laws, and student protection. Standards for web publishing are found in section 8.9 - Web Publishing. Written permission from the student's parent/ guardian must be obtained prior to publishing any student information or work to the Internet.

The Board shall follow the guidelines of federal and state law, the Children's Internet Protection Act (CIPA), and the Children's Online Privacy Protection Act federal statues (COPPA). Unauthorized or unacceptable use of the Internet or educational technologies as part of an educational program by students, educators, or staff may result in suspension or revocation of such use and/or disciplinary actions involving local, county, state, or federal agencies.

Students and staff are prohibited from using county or personally owned devices to capture, record or transmit the sounds (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording, or transmission of such words or images. Taking or transmitting audio and/or pictures/video of an individual, without his/her consent, may be an invasion of privacy and is not permitted, unless authorized by the building principal.

Public Events Exception

Photography and video recordings shall be permitted at scheduled public events where the same have been traditionally allowed. This public events exception shall apply, for example, to sporting events.

Official School Photography and Videography Exception

Photography and video records shall be permitted where students are acting in an official school-related capacity. This exception would include, for example, school yearbook photographs, school newspapers, sports team game filming, etc. The faculty sponsor for each official school-related activity that qualifies for this exception will be notified, in writing, by the building principal.

Technology may not be used in any way that might reasonably be interpreted by others as an attempt to threaten, humiliate, bully, harass, embarrass, or intimidate another person. The use of any camera device (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms and bathrooms.

Students are also prohibited from using technology to capture, receive, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty.

The Putnam County Schools Technology Team shall annually review all technology procedures and forms and report any recommended and/or mandatory changes, amendments, or revisions to the Superintendent and Board.

Children's Internet Protection Act
Children's Online Privacy Protection Act
The Family Educational Rights and Privacy Act
WVBOE Policy 2460
Revised August 21, 2023

8.9 WEB PUBLISHING

The Board recognizes the educational benefits of school personnel and students publishing information on the Internet. The Board also recognizes the importance of guidelines that address content,

overall responsibility, quality, technical standards, and student responsibilities. This policy complies with standards more fully addressed in WVBOE policy.

Webpages/sites must reflect the professional image of the Board, its employees, and students. The content of all pages must be consistent with the Board's Mission Statement, and staff-created webpages/sites are subject to prior review and approval of the Superintendent.

The purpose of webpages/sites hosted by the Board is to educate, inform, and communicate with the educational community. The Board provides website hosting for all school websites/pages. All pages should remain current and be accurate, and navigation through the site should be easy and user friendly. Content editors must consult the World Wide Web Consortium (W3C) for additional web publishing standards at http://www.w3.org/standards/webdesign. The W3C Web Accessibility Initiative (WAI) develops Web accessibility guidelines. More information is available at http://www.w3.org/WAI/intro/components.php.

All school websites must be hosted on the Board's official website. All other official Board and school sites, such as social media must be linked to the Board's website. The Board retains all proprietary rights related to the design of websites that are hosted on the Board's servers, absent written agreement to the contrary.

Development of webpages/sites is a worthwhile learning experience for students. The creation of webpages by students must be done under the supervision of a professional staff member and is subject to section 8.8 – Acceptable use of Computer Technology and Networks. While students, parents/guardians, and community members may participate in the development of the school website/page, a school employee is ultimately responsible for posting content to the webpage/site and for webpage/site security, quality, and technical standards.

Posting student names or images must follow FERPA, state, Board and school regulations. Parental permission should be obtained, when possible, last names of students should not be used. No personal information, including home address and/or telephone, will be published. Students who want their class work to be displayed on any Board website must have written parental permission and expressly license its display without cost to the Board.

Under no circumstances is a staff created webpage/site, including a personal webpage/site, to be used to post student progress reports or grades. The Board maintains its own websites that employees are required to use for the purpose of conveying grade and progress information to students and/or parents/guardians.

A staff member is prohibited from requiring students to go to the staff member's personal webpage/site (including, but not limited to, their Facebook page) to check grades, obtain class assignments and/or class-related materials, and/or turn in assignments.

Business/commercial links should be limited to business partners or websites that contain educational or technical support. Advertising of commercial products is forbidden. Under no circumstances is a Board

webpage/site to be used for commercial purposes, advertising, or political lobbying or to provide financial gains for any individual. All links and content included on Board webpages/sites must meet the above criteria and must comply with copyright, intellectual property, and state, federal (specifically COPPA and CIPA), and international law.

WV Code § St. R. 126-41-1, 126-94-1
WVBOE Policies 2460, 4350
Revised August 21, 2023

8.10 NETWORK ACCESS FROM PERSONALLY OWNED COMPUTERS AND/OR OTHER WEB-ENABLED DEVICES

In order to support the educational process, the Board permits staff members to access its Internet with personally owned computers and tablets in accordance with Board standards.

Board members, and Board employees, as well as contractors, vendors, and agents of the county, may use their personally owned computers and tablets to access the Board-provided Internet while they are on-site at any county facility, provided that 1) the use supports the educational process, 2) the user registers the device with the building administrator, and 3) the use complies with E-rate and Board policies and procedures.

All access to the Board network by personally owned computers or tablets must be via the Board's guest wireless network in accordance with Board standards and procedures.

Personally, owned computers and tablets using the Board provided internet should have current operating system updates, appropriate anti-virus software and other security features enabled. County personnel will provide security assistance connecting to the Board-provide internet. County personnel will not load software onto or repair or maintain any personal device.

The Board provides students with a computer and/or tablet to support the Board's educational goals. In doing such, students are not permitted to use personally owned computers and tablets at school.

Personal Communication Devices

The use of personal communication devices, such as cell phones and smartphones, has become pervasive. As such, the Board of Education permits employees, students, Board members, and guests to use their Personal Communication Devices (PCD's) to wirelessly access the Board's Technology and information resources while they are on-site at any Board facility. Access to the guest network shall require authentication.

Connecting to the Board-provided Internet via PCDs shall be in accordance with standards established by the Board. When permitted by the teacher, students must use Board-provided Internet for instructional activities. The personal data plan on the PCD should be turned off during classroom instruction.

Using any personal communication device to establish a wireless network, including tethering or mobile hotspots, is prohibited. A PCD may not be used at any time on school property or at a school-sponsored activity for the purpose of accessing and/or viewing Internet websites that are otherwise blocked at school. Access to county servers is not permitted via personally owned devices.

By bringing a PCD onto the property of the Board or to a school-sponsored event or activity, the owner assumes sole responsibility for safety and care of such POD. The Board assumes no responsibility for theft, loss, damage, or vandalism to any personally owned device brought onto its property or the unauthorized use of such device. The Board is not liable for any charges incurred by the user of the POD.

Personally owned devices using the Board-provided Internet should have current operating system updates, appropriate anti-virus software, and other security features enabled. County personnel will provide security assistance connecting to the Board-provided Internet. County personnel will not load software onto or repair or maintain any PCD.

Students may use approved PCDs in the classroom as a tool to support the learning process according to rules defined by the teacher, school, and/or Board.

When permitted by school rules and if they do not create a distraction, disruption, or otherwise interfere with the educational environment, students may use PCDs before and after school, during their lunch break, during after-school activities (e.g., extracurricular activities), and at school-related functions. Students may use PCDs while riding to and from school on a school bus or other vehicle provided by the Board or on a school bus or Board-provided vehicle during school sponsored activities, at the discretion of the bus driver, classroom teacher, or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

When directed to do so by a school employee, personal communication devices shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight. The requirement that a PCD must be powered completely off will not apply in a circumstance when a student obtains prior, written approval from the building administrator (e.g., an ill family member or a personal health condition).

Student possession of a PCD on school property or during a school-sponsored event is a privilege that may be forfeited by any student who fails to abide by the terms of this policy or otherwise engages in misuse of this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the device. The building administrator may also refer the matter to law enforcement if the violation involves an illegal activity (e.g., child pornography or cyberbullying). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion, based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the device is confiscated, it will be released/returned only to the student's parent/guardian. Any device confiscated by school staff will be marked with the student's name and held in a secure location in the building's office until it is retrieved by the parent/guardian. Personally owned devices in county custody will not be searched or otherwise

tampered with unless reasonable suspicion exists that warrants the same. If a student violates the terms of this policy, he/she may lose his/her privilege to bring a POD to school for a designated length of time or on a permanent basis, as the circumstances warrant.

8.11 INFORMATION SECURITY

As education is the largest target, the Board recognizes its moral and legal responsibility to protect student privacy and ensure data security of both students and staff from any internal and/or external data breach or misuse. This policy supplements Board policies 5.56 Parent's Rights and 5.61 Student Records.

All information/data are classified in one of three categories:

Restricted data are the most sensitive due to integrity and confidentiality risks. Access is tightly restricted with the most stringent security controls for both systems and users. Access to restricted data is protected by Federal, State and local regulations and are removed from responses to information requests for security reasons. Examples of sensitive data including but not limited to, social security numbers, credit card numbers, child nutrition program participants, exceptional education students, special services, test scores, discipline, HIPPA security data, state and federal tax information, children protective services client and foster care data.

Sensitive data are those types of data most typically requested and shared through formal or legal processes, including open record requests, with other education institutions, third party vendors, and others open records requests. Direct access is limited to authenticated and authorized individuals who have a legal need to access the information in the course of performing their job duties. Examples of sensitive data include personnel records, student records, contract data, and employment and training data.

Public data are characterized as being open to distribution with no limitations and to which anonymous access is granted. Examples of public data include district websites, policies, publications and email addresses.

Security threats exist for all three categories of data. The greatest threat to all three levels is from unauthorized or unintentional alteration, distortion or destruction. Security threats to sensitive or restricted data also include violations of privacy statutes and regulations that could result in financial loss or allow identity theft.

Access to Information and Information Storage Systems

All access to information resources will be granted on a need-to-use basis. The appropriate departments will add, modify, and delete user access to information systems for employees and contract personnel. Individual users will be assigned unique login identities for electronic resources.

Employees will be required to complete mandatory online information security awareness or refresher training annually. New employees will be required to complete mandatory online training as part of job orientation. Employees are required to sign a policy Statement of Acknowledgement, which

will recognize that the employee has received training and will periodically review the policy and procedure for updates.

Employees must demonstrate honesty, integrity and professionalism when handling data systems and data at all times. all employees must adhere to technology policies that address privacy, data, and security: 8.8 Acceptable Use of Computer Technology and Networks, 8.10 Web Publishing, and 8.10 Network Access from Personally Owned Computers and/or Other Web-Enabled Devices. Employees must secure their Office 365 password and set up Multifactor Authentication to ensure all systems which use Single Signon (SSO) are protected. Employees must reset their password periodically and use an industry standard secure password, using upper- and lower-case letters, numbers and special characters.

Information resources are designated for authorized purposes. The district has a right and a duty to review questionable employee activity. Users will utilize, maintain, disclose, and dispose of all information resources, regardless of medium, according to law, regulation, and/or policy. Employees must not send or share confidential information for unauthorized purposes. Employees must not redirect confidential or privileged Board data to a non-district owned computing device without proper authorization.

If at any time equipment or media changes ownership or is ready for disposal, the user must alert the responsible technical staff to the potential presence of any confidential and/or sensitive data on said equipment or media.

The district, working with designated individuals, will develop procedures to protect information resources from accidental, unauthorized, or malicious access, disclosure, modification, or destruction.

Security or Privacy Violations

Users must immediately report any observation of attempted security or privacy violations to their administrator. A Security Incident is any event that involves misuse of computing resources or is disruptive to normal system or data processing operations. Examples include, but are not limited to the following:

A. Lost or stolen computers or other portable devices;
B. Lost or stolen media that contains sensitive data;
C. A compromised (hacked) computer or server;
D. A defaced Web page; and
E. An information security policy violation.
F. If email is compromised or email stops working which often indicates a breach.

Confidential, private, personally identifiable information (PII), Federal Tax Information (FTI), or other sensitive data (i.e. credit card numbers, calling card numbers, logon passwords, health information, or other protected information), must be encrypted or disassociated from any individual prior to transmission through any public data communications infrastructure, such as a network or the Internet.

Employees must immediately contact mailto:incident.putnam@k12.wv.us upon receiving or obtaining confidential information to which the employee is not entitled. The owner or sender of such information must also be notified or become aware of any inappropriate use of board-provided IT resource.

Physical and Environmental Security

Information resource facilities will be physically secured by measures appropriate to their critical importance. Security vulnerabilities will be determined, and controls will be established, to detect and respond to threats to facilities and physical resources. Equipment will be secured and protected from physical and environmental damage.

Employees must guard against access to files and take precautions to protect information when away from the workstation. This includes but may not be limited to the following:

A. Logging off computer;
B. Locking computer; and/or
C. Locking file cabinets and drawers, and offices.
D. Proper sensitive document disposal as in shredding of sensitive documents and locked storage.

Critical or sensitive data handled outside of secure areas will receive the level of protection necessary to ensure integrity and confidentiality. Equipment used outside Board premises will be given an equal or greater degree of security protection as that of on-site information resource equipment. Employee must not access sensitive information using public Wi-Fi, including hotel, conferences, etc.

8.12 WEBSITE ACCESSIBILITY

The district is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic information technology, except where doing so would impose an undue burden or create a fundamental alteration.

The district adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1972 and Title II of the Americans with Disabilities act of 1990 in all respects.

The district will adhere to the technical standards of compliance and identifies this agreement on all district websites. The district measures the accessibility of online content and functionality according to the World Wide Web consortium's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative – Accessible Rich internet Application Suite (WAI-ARIA 1.0) for web content.

The Board designates its Director of Technology as the district's accessibility coordinator. That individual is responsible for coordinating and implementing this policy. Any person who believes that the district has violated the technical standards in its online content may contact the district's web accessibility coordinator at 304-586-0507 or webmaster.putnam@k12.wv.us.

The district, under the direction of the web accessibility coordinator or his/her designees, will, at regular intervals, audit the district's online content and measure this content against the technical standards adopted above. The audit will occur no less than one time per year and can be accomplished

using a variety of electronic and information technology designed to check content and functionality according to the above standards.

Hyperlinks included on the Board's websites, services, and apps must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504,ADA, and COPPA). The district acknowledges that such links direct users to content provided or developed by third parties, which is not always in an accessible format. The district's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The district's web accessibility coordinator or his/her designees will vet online content available on its website for compliance with these criteria for all new content placed on the district's website after adoption of this policy.

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SECTION 9: OPERATIONS

9.1 SCHOOL CALENDAR

The Board shall observe the school calendar requirements of state law that include an instructional term for students of not less than 180 separate instructional days. The Board must develop an inclement weather and emergencies plan to guarantee that students receive instruction for this number of days. If there are insufficient non-instructional days to make up all canceled instructional days in any particular year, out of calendar days will be used to provide the 180 separate days of instruction.

If the start time for school is delayed or school is dismissed early because of inclement weather, contagious disease, or any other calamitous cause over which the Board has no control, the Board will use accrued time to recover lost instructional time. If all accrued time is exhausted before the lost instructional time is recovered, the Board shall use out of calendar days to recover the lost instructional time.

The school calendar for the following year shall be developed and approved by the Board prior to May 1st of each year. As per state law, two public hearings must be held to provide an opportunity for input on the formation of the calendar.

WV Code § 18-5-45

9.2 SCHOOL DAY

The Board authorizes the school day to be arranged and scheduled by the school administration. The schedule is to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the state.

The minimum instructional day for grades K–4 is 315 minutes, grades 5–8 is 330 minutes, and grades 9–12 is 345 minutes. It does not include time for homeroom, class changes, breaks/recess, lunch, and other non-instructional activities from the first designated assembling of the student body in groups (homeroom or first period) to the dismissal of the student body.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff member. He/she shall prepare procedures for the proper and timely notification of concerned persons in the event of any emergency closing of the schools.

The principal shall have the authority to determine which school-related activities may be conducted if the schools are closed for a period of time. He/She shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and the conduct of such activities.

WVBOE Policy 2510

9.3 PUBLIC RECORDS

The Board recognizes its responsibility to maintain the public records of this county and to make such records available for inspection and reproduction.

The Board will utilize the following procedures regarding the availability of public records. *Public record* includes any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body. *Writing* includes any books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics. *Public records* do not include internal memoranda or letters received or prepared by the Board or its employees, medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, student records, personnel records, and any other expectations set forth in state law.

Any person may inspect and copy by hand the public records of this school system during the regular business hours of the office in which such records are maintained, provided that an advance written request to review and/or copy such records is made to the custodian of the records and the custodian has set a date and time for such review. The Superintendent is authorized to grant or refuse access to the records of this county system in accordance with the law and the intent of this policy.

A person may purchase copies of the county system's public records upon payment of a reasonable fee. A person who chooses to purchase a copy of a public record may request to have said record duplicated on paper, on which the same medium on which the county system keeps the record, or on any other medium on which the custodian or records determines that said record reasonable can be duplicated as an integral part of normal operation. A person who chooses to purchase a copy of a public record may also choose to have that record sent to him/her by United States mail within a reasonable period of time following the request, provided the person making the request pays in advance for said record as well as costs for postage and supplies used in the mailing. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this county, except student records and certain positions or personnel records.

Nothing herein should be construed as requiring the use of the Freedom of Information Act to gain access to public records of the Board. However, if a request is made pursuant to the Act, the procedures set forth therein for response on the part of the Board shall apply.

20 U.S.C. 1232g
42 U.S.C. 2000ff et seq., GINA
29 C.F.R. Part 1635
WV Code § 29B-1-1 through 7

9.4 SCHOOL SAFETY

The Board is committed to maintaining a safe environment in all of the county's schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of district personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s), and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence. To that end, the Superintendent's designee shall develop a *School Safety Plan* with input from the county Council on Productive and Safe Schools hereinafter referred to as *Council*.

The Council shall compile the local school improvement councils' guidelines, developed pursuant to state law, and shall report and deliver such guidelines to the Board, along with the Council's assessment and recommendations regarding the guidelines. In addition, the Council shall provide a report of the estimated cost for any proposed alternative setting(s) or program(s).

No meetings of the Council shall be held during instructional time.

The Superintendent shall convene an annual meeting of the Council for the purpose of reviewing the *School Safety Plan* and making modifications as deemed necessary and proper; identifying additional training that might be needed; and discussing any other such related matters as may be deemed necessary by the participants.

The Superintendent shall make a report to the Board about this review and recommend the approval and adoption of any proposed revisions or additions to the *School Safety Plan.*

Persistently Dangerous Schools

The Board recognizes that state and federal law requires that the county system report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school sponsored activity. It is further understood that the West Virginia Department of Education will then use this data to determine whether or not a school is considered *persistently dangerous* as defined by WVBOE policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in WVBOE policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as *persistently dangerous*, students attending the school shall have the right to transfer to another school in the county.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with federal and state law, the parents of the eligible student shall have the right to transfer the student to another school in the county.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at that school.

Title IX, NCLB Act, Section 9532
WV Code § 18-5A-2(1)(m)(n)(o); 18-5-42, 18-5-43
WVBOE Policy 4373

9.5 EMERGENCY EVACUATION OF SCHOOLS

The Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and that such emergencies are best met by preparedness and planning.

The Board authorizes a system of emergency preparedness that ensures that the health and safety of students and staff are safeguarded and minimal disruption to the educational program occurs.

All threats to the safety of county system facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

The Superintendent's designee shall develop procedures for the handling of all emergency evacuations.

9.6 CONTROL OF CASUAL CONTACT COMMUNICABLE DISEASES

The Board recognizes that control of communicable diseases spread through casual contact is essential to the well-being of the school community and to the county system's efficient operation.

For purposes of this policy, *casual-contact communicable diseases* includes diphtheria, scarlet fever or other strep infections, whooping cough, mumps, measles, rubella, influenza, and other diseases designated by the West Virginia Department of Public Health.

In order to protect the health and safety of the students, personnel, and the community at large, the Board shall follow all state statutes and health department regulations that pertain to immunization and other means for controlling casual contact communicable diseases spread through normal interaction in the school setting.

If a student exhibits symptoms of a communicable disease, the principal will isolate the student in the building and contact the parent/guardian. Additionally, the principal or school nurse shall exclude from the school any student known to have or suspected of having any infectious diseases known to be spread by casual contact and 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 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 the American Academy of Pediatrics and West Virginia Department of Health and Human Resources 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.

Nothing in this policy should be construed to deprive students of their constitutional right to a public education or impair the employment rights of staff members.

64CSR7
WV Code § 16-3-4, 16-3-4a, 16-3-5, 16-3C-1 et seq., 18A-5-1, 18-2-5, 18-5-9, 18-5-22, 18-5-34
WVBOE Policy 2423

9.7 CONTROL OF NON-CASUAL CONTACT COMMUNICABLE DISEASES

The Board seeks to provide a safe environment for both students and staff. This goal can best be accomplished by assuring that all persons within the school community understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

For purposes of this policy, *non-casual contact communicable diseases* shall include Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC), human immunodeficiency (HIV), Hepatitis A, B, and C (HAV, HBV, and HCV), and other like diseases that may be specified by the state department of health.

The Board recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and, in fact, may not be aware that they have contracted the disease. However, they are able to transmit the disease to other individuals. With this in mind, the principal modes by which communicable diseases are prevented, spread, and transmitted shall be taught to students as outlined in WVBOE policy and section 6.18 AIDS Education Program. The parent/guardian

of a child subject to instruction in the prevention, transmission, and spread of sexually transmitted diseases shall have an opportunity to examine the course curriculum requirements and materials to be used in such instruction. The parent/guardian may exempt the child from participation in such instruction by giving notice to that effect, in writing, to the school principal as set forth in state law.

As specified in state law, an educational in-service on the prevention, transmission, and treatment of current communicable diseases shall be provided to all school personnel every two (2) years.

Each reported case of disease known not to be spread by casual contact will be validated by the school nurse or his/her designee.

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.

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. All screenings performed in the public school setting should be age-appropriate and deemed effective and necessary through evidence-based and scientifically research-based practice utilizing standard procedures. State law allows the Board to provide proper medical and dental inspections for all students attending school and gives authority for the Board to take any other necessary actions to protect students from infectious diseases.

Regardless of the disease presence, standard universal precautions shall be used. In addition, adequate sanitation facilities will be available for handling blood or body fluids within the school setting or on 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 (OSHA).

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/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 eighteen (18) years of age, or employee or their representative as outlined in federal and state laws.

Information from health records is part of the educational record and should be shared with the child's parent/guardian and passed freely among the school and medical home/health care provider to enhance student health and prevent duplication of services.

Nothing in this policy should be construed to deprive students of their constitutional right to a public education or impair the employment rights of staff members.

20 U.S.C. 1232h
WV Code § 16-3C-1, 18-2-9, 18-5-22, 18-5-15d, 18A-5-1

Legislative Rule 64CSR7
WVBOE Policy 2520.5

9.8 WELLNESS

As required by the Healthy, Hunger-Free Kids Act of 2010, the Board, in addition to parents, students, teachers of physical education, school health professionals, and representatives of the school food authority, school administrators and the public will take part in the development, implementation, review, and update of the local wellness policy for the county.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the county's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutritional habits by providing nutritious meals and snacks, supporting the development of good eating habits, and promoting increased physical activity both in and out of school. However, the Board believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large, to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board's wellness policy will include goals for nutrition education, nutrition promotion, physical activity, and other school-based activities to promote student wellness, as well as nutrition guidelines for all foods available on school campus. -.

With regard to nutrition education, the Board shall integrate nutrition education into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education and provide information to parents that is designed to encourage them to reinforce the standards and benchmarks being taught in the classroom. The school meal programs will work with schools to develop school gardens on site and/or increase the amount of locally grown produce used and utilize the school cafeteria as a learning lab for students. Schools will teach specific skills or include activities that emphasize caloric balance between food intake and energy expenditure.

With regard to nutrition promotion, school staff will be encouraged to model healthy eating and physical activity as a valuable part of daily life. The school environment, including cafeteria and classroom, shall provide clear and consistent messages that reinforce healthy eating.

With regard to physical activity, the Board shall provide physical education that fosters lifelong physical fitness and include moderate to vigorous activity in most lessons. The county shall provide a sequential, comprehensive physical education program for students in grades K-12 in accordance with the content and objectives established by the WVBOE.

A. All students in grades K-5, including those with disabilities, special health care needs, and in alternative educational settings (to the extent consistent with the student's IEP), shall receive

instruction in physical education for at least 30 minutes, three (3) days per week, including physical exercise and age appropriate physical activities.

B. All students in grades 6-8, including those with disabilities, special health care needs, and in alternative educational settings (to the extent consistent with the student's IEP), shall receive at least one (1) full period of instruction in physical education each school day of one (1) semester of the school year, including physical exercise and age appropriate physical activities, and shall have the opportunity to enroll in an elective lifetime physical education course.

C. All students in grades 9-12, including those with disabilities, special health care needs, and in alternative educational settings (to the extent consistent with the student's IEP), shall receive at least one (1) full course of instruction in physical education, including physical exercise and age appropriate physical activities, and shall have the opportunity to enroll in an elective lifetime physical education course.

Physical activity shall not be used as a form of discipline or punishment.

Body mass index shall be used as an indicator of progress toward promoting healthy lifestyles among students. Body mass index measures shall be included in kindergarten screening procedures. Students in grades four through eight (4-8) and students enrolled in high school physical education courses shall have their body mass index measured through required fitness testing procedures. Body mass index measures shall be reported to the WVDE via WVEIS.

With regard to other school based activities, the Board shall

A. provide opportunities for physical activity to be integrated across the curricula for all grades and all classroom subjects and throughout the school day;

QQQQ. provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas;

RRRR. promote the use of school facilities outside of school hours for physical activity programs offered by community based organizations;

SSSS. demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their children in Medicaid or other children's health insurance programs for which they may qualify; and

TTTT. allow schools to use environmentally friendly practices, such as the use of locally grown foods on site, recycling, and non-disposable tableware/dishes.

With regard to nutrition guidelines, and the objectives of enhancing student health and well-being and reducing childhood obesity, the foods served in Child Nutrition programs and all other foods sold or served within the school day shall comply with federal and state regulations pertaining to the selection, preparation, serving methods, and storage of all foods and beverages with the program.

Foods and beverages served at school celebrations will meet the nutrition standards in WVBOE Policy 4321.1 and shall be regulated and monitored by school personnel to meet the requirements of the policy.

Foods in Child Nutrition Programs will limit the use of processed food items and use more scratch cooking methods.

Foods and beverages shall not be offered as a reward or used as a means of punishment or disciplinary action for any student during the school day;

School fundraising activities involving foods and beverages shall comply with the nutrition standards in WVBOE Policy 4321.1.

Healthy, Hunger-Free Kids Act of 2010
42 U.S.C. 1751, Sec 204; 42 U.S.C. 1771
WV Code § 18-2-7a
WVBOE Policies 2520.6, 4321.1, 5202

9.9 STUDENT ELIGIBILITY FOR MEAL BENEFITS

The Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children the opportunity for a breakfast and lunch at no charge or at a reduced rate. Children eligible for meal benefits shall be determined by the criteria established by the National School Lunch Act and the Healthy, Hunger-Free Kids Act of 2010. United States Department of Agriculture sets new income guidelines effective July 1st of each year.

The Board designates the Director of Child Nutrition the responsibility for determining students' eligibility for meal benefits. The Board shall notify annually all families of the availability, eligibility requirements, and application procedures. Paper applications or information about completing an on-line electronic application will be distributed to the family of each student enrolled in the school each year. The Director of Child Nutrition shall seek out and apply for such federal, state, and local funds as may be applied to the district's program of free and reduced price meals.

Application for meal benefits must be made each school year. Once benefits are awarded, they are valid for the current school year only.

Schools will utilize an electronic identification and payment systems to eliminate any stigma or identification of students eligible to receive free or reduced meals.

The Director of Child Nutrition shall prepare and implement the necessary arrangements and guidelines to ensure proper operation of this program. He/she shall ensure that the appropriate policy statements are completed and submitted for approval to the WVDE Office of Child Nutrition. Additionally, the Director of Child Nutrition shall ensure that all claims and reports are timely filed by the established monthly deadlines.

Healthy, Hunger-Free Kids Act of 2010
42 U.S.C. 1751 et seq.; 42 U.S.C. 1771 et seq.
WV Code § 18-5-37
WVBOE Policies 4320, 4321.1

9.10 VENDING MACHINES

The Board recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. Therefore, it authorizes such use in county facilities. No product may be vended which would conflict with or contradict federal, state, or local policies and regulations. All products sold during the school day must comply with the nutrition standards in WVBOE Policy 4321.1

The installation, servicing, stocking, and maintenance of each machine, as well as the removal of all sales proceeds, must be contracted for with a reputable supplier of vending machines and their products. In this manner, the school will not be responsible for purchasing, storing, and safeguarding the inventory, removing and accounting for the sales proceeds, or remitting the corresponding consumer sales tax.

It is the responsibility of the Director of Child Nutrition to control where the machines are placed within the school buildings and the products that are placed in them. He/she should obtain nutritional fact sheets or product analysis information from vendors upon which the decisions are made. Timers will be activated on the machines in order to be turned off during established meal times to follow the regulations on competitive foods with Child Nutrition Programs. Foods and beverages may not be sold, served, or distributed in competition with the federal Child Nutrition Programs in the food service areas during the meal service periods.

Except for foods served in the school nutrition programs, no food shall be sold, served, or distributed in elementary schools from the time the first child arrives until twenty (20) minutes after all students are served lunch.

Wherever and whenever foods are sold or otherwise offered on school premises, both during and outside the school day, such foods should include nutritious choices.

Foods sold during the school day must limit total calories to no more than 200 per product/package; total fat to no more than 35% of calories per product/package excluding nuts, seeds or cheese; saturated fat no less than 10% of the total calories; trans-fat to less than or equal to 0.5 grams per product/package; sugar content to no more than 35% of calories per product excluding fruits; and sodium to no more than 200 milligrams per product/package.

At all grade levels, it is recommended that only water, 100% fruit and/or vegetable juice and non-fat and/or 1% low-fat milk, flavored or unflavored, be sold, served, or distributed during the school day. However, state law permits the sale of other juice beverages with a minimum of 20% real juice.

The Board does not allow candy, soft drinks, chewing gum, or flavored ice bars to be sold, served, or distributed during the school day.

Fruit/vegetable juice portion sizes shall be limited to no more than four (4) ounces for elementary students and no more than eight (8) ounces for secondary students per product/package during the school day.

The sale, service, or distribution of coffee and coffee-based products during the school day is prohibited. In addition, the sale, service, or distribution of caffeine containing beverages, with the exception of those containing trace amounts of naturally occurring caffeine substances, and of any foods containing non-nutritive/artificial sweeteners are prohibited.

Acceptable, vended food items may be sold if nutritional validation is on file at the school. Validation may be in the form of a laboratory analysis of a specific item and shall be written on vending company letterhead and signed by an authorized company official. If nutritional labels are used as documentation, the school must provide access to that information at the time of review.

All proceeds from vending machine sales are to be receipted and deposited into the appropriate school fund and account. Merchandise purchased for resale is to be purchased by check issued for the purpose. The purchase invoices are to be retained as documentation for the disbursements.

Periodically, a profit and loss statement is to be prepared to compare actual sales proceeds to the expected sales totals that should have been recognized from the amount of merchandise sold.

WV Code § 18-2-6a
WVBOE Policies 1224.1, 4320, 4321.1

9.11 CHILD NUTRITION PROGRAMS

Child Nutrition Programs shall be administered by a director who is properly qualified and licensed according to WVBOE Policy 4321.1. The program will provide all students affordable access to the varied and nutritious food they need to be healthy and to learn well. The program may involve students, parents, staff, and school officials in the selection of food items to be served in the schools.

Child Nutrition Programs in schools consist of School Breakfast Program, School Lunch Program, Child and Adult Care Program (At-Risk Supper Program), Fresh Fruit/Vegetable Program, Farm to School Program, and the Summer Feeding Program.

The guidelines for reimbursable school meals must meet or exceed the regulations issued by the United States Department of Agriculture (USDA).

The county should strive for the Child Nutrition Programs to be self-supporting and fiscally responsible, but if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritional value.

Schools will provide students with at least ten (10) minutes daily for students to eat breakfast, and at least twenty (20) minutes daily for students to eat lunch.

The county Child Nutrition Program shall establish and operate programs under which a nutritious breakfast and lunch are made effectively available to all students enrolled in the schools in accordance with the WVBOE standards and policies. The standards shall include guidelines for determining the eligibility of students for paid, free, and reduced meals. The standards shall also establish procedures and guidelines for the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all

elementary school students, without cost to students, where the Board may find it practical to do so. The Feed to Achieve initiative will be phased in for all elementary schools as sufficient funds become available, through donations, contributions, and payments made by individuals, communities, businesses, organizations, and parents/guardians on behalf of students.

Every school is required to adopt a delivery system approved by the WVDE Office of Child Nutrition, no later than the 2015 school year, which ensures all students are given an adequate opportunity to eat breakfast. These approved systems shall include, but are not limited to, Grab-And-Go Breakfasts, Breakfast in the Classroom, or Breakfast after First Period.

Schools will develop strategies and methods to increase the percentage of children participating in the school breakfast and lunch nutrition programs.

The Board designates the building principals as the individuals charged with operational responsibility for measuring and evaluating the county system's implementation and progress under this policy.

WV Code § 18-5D-3
WVBOE Policy 4321.1

9.12 ALLERGIES IN THE SCHOOL SETTING

The Board recognizes that allergies can be life-threatening. The risk of accidental exposure to foods can be reduced in the school setting when schools work with students, parents, and health care providers to minimize risks and provide a safe educational environment for students with allergies.

The Board will follow the WVDE *Guidelines for Allergies in the School Setting* and the CDC's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs* to improve the management of food allergies in schools. These guidelines will be implemented as the Board deems appropriate, after reviewing individualized allergy cases presented by the student's parents and ordered by a licensed prescriber under the guidance and case management of the certified school nurse's individualized health care plan and/or intervention guide.

Child Nutrition Programs are required under relevant statutes to make accommodations to program meals for children that are determined to have a food allergy disability. A food related disability can be a food allergy if the allergy is acknowledged to be a disability by a licensed doctor.

The Child Nutrition Director shall assist school based personnel in providing safe meals and a safe environment for this population of children.

Due to special dietary needs and food safety concerns, foods and beverages brought or delivered from outside sources may be consumed only by individual students for which they were brought or delivered, and not by the general student population. Organized food events and celebrations held during the school day shall be regulated and monitored by school personnel to meet the requirements of Policy 4321.1.

WVBOE 4321.1
WVDE Guidelines for Allergies in the School Setting
CDC's Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs

9.13 TRANSPORTATION

It is the responsibility of the Board to provide transportation for students as required by state law and WVBOE policy. The Board is authorized to provide, at public expense, adequate means of transportation for all children of school age who live more than two (2) miles distance from the nearest available road.

School Bus Routing

The duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions are as follows for

A. elementary school students, 30 minutes;
UUUU. middle, intermediate, or junior high school, 45 minutes; and
VVVV. high school students, 60 minutes.

The Board may not create a new bus route for the transportation of students in any of the grades pre-kindergarten through five (Pre-K-5) to and from any school included in a school closure, consolidation or new construction project, approved after July 1, 2008, which exceeds by more than fifteen (15) minutes the recommended duration of the one-way school bus transportation time for elementary students unless the Board

A. adopts a separate motion to approve creation of the route;
B. requests written permission of the West Virginia Board of Education to create the route; and
C. receives the written permission of the WVBOE to create the route.

The Board may not create, and the WVBOE may not permit, such a run that exceeds by more than 30 minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the WVBOE.

School buses shall be purchased and maintained by the Board for the transportation of resident students between their home areas and the schools of the county to which they are assigned or, on a space-available basis, to their nonpublic school. The Superintendent may substitute smaller buses for reasons of economy or efficiency of operation.

Children living beyond the two (2) mile walking limit shall be entitled to bus transportation.

In the event students eligible for special education services require special transportation arrangements, the term of such arrangements shall be contained in the student's Individualized Education Program (IEP).

The Superintendent is authorized to make necessary changes in bus routes.

School Bus Stop Locations

A. Ideally, bus stops should be located out of the traffic stream at least two-tenths (.20) miles apart.

B. 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 taken into consideration.

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

D. 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.

E. Sight distance needed on a level grade for essential speeds is as follows.

Speed (mph)	**Recommended Sight Distance**	**Minimum Sight Distances**
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

WWWW. 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 that warn motorists of the presence of students. The county shall request assistance from the DOT if needed.

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

YYYY. A school bus operator shall contact the Director of Transportation when a bus stop is determined to be unsafe. The Director of Transportation shall evaluated and take action to relocate the stop to a safer place, if necessary.

ZZZZ. School bus operators are to pick up and discharge students only at the designated locations.

AAAAA. When possible, a bus stop shall be 200 feet from the crest of a hill or a curve, if the view of approaching traffic is obstructed.

BBBBB. All preschool, kindergarten and special needs students must have a parent or designee present for pickup and drop off. Failure to comply may result in termination of bus services.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus, and the Student Code of Conduct shall be applicable to all students while being transported by bus. In the event video recording devices have audio recording capabilities, the bus shall contain an appropriate posted notice of such capabilities.

The Board is also authorized to mount a camera on any school bus for the purpose of enforcing the law forbidding the overtaking and passing a school bus that is stopped for the purpose of receiving and discharging students and for any other lawful purpose.

Students meeting the federal definition of *homeless* will be transported from their temporary place of residence to their school of assignment, at the request of the parent/guardian or unaccompanied minor, to the same extent as all other students of the county system and consistent with this policy. If the homeless child or youth continues his/her education in the school of origin but begins living in an area served by another county, the county of origin and the county 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 counties cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. In no event will a homeless student be denied enrollment based on issues related to student transportation.

42 U.S.C. 11431 et seq.
WV Code § 17C-12-7(g), 18-5-13, 18-5-16, 18A-5-1
WVBOE Policies 4336, 4373

9.14 TRANSPORTATION FOR CURRICULAR/CO-CURRICULAR AND EXTRACURRICULAR TRIPS

It shall be the policy of the Board to use regular or special-purpose school vehicles for transportation on curricular/co-curricular and extra-curricular county-sponsored trips.

The transportation for all curricular/co-curricular and extra-curricular county sponsored trips is to be by vehicles owned or approved by the county and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Board shall require participating school officials to submit a planned schedule of curricular/co-curricular and extra-curricular trips to the Superintendent or his/her designee for approval. Thereafter, the procedure shall be as follows.

A. The Director of Transportation shall receive a copy of the approved schedule far enough in advance to arrange safe and adequate transportation.
B. Only school bus operators employed by the Board shall operate type A1, A2, B, C, and D buses on such trips.
C. All school buses used for such trips shall be covered by insurance as provided in WV Code 18-5-13.

The Board shall assume transportation costs for a certain number of approved curricular/co-curricular trips as specified by the Superintendent or designee. - Refer to section 6.27 - County Sponsored Field Trips and Co-Curricular and Extracurricular Trips.

The Board will provide the vehicles for all extra-curricular trips, but a mileage charge will be assessed to cover the cost of the driver and fuel. This charge is to be paid by the school.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and shall not interfere with the regular transportation schedule.

Students not affiliated with the trip activity, non-county students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.

No student is allowed to drive on any trip.

A report on all curricular/co-curricular and extracurricular trips provided shall be filed through the WVEIS at the end of each month.

State law provides in part, "that an alternative procedure for making extra-duty assignments…may be utilized if the alternative procedure is approved both by the Board and by an affirmative vote of two-thirds (2/3) of the employees." In 2007, the bus operators affirmed, and the Board approved an alternative procedure. The procedure is outlined in section 4B.17.

Distracted Driving

Using other applications in addition to texting and talking on one's mobile phone while driving is illegal in all county owned vehicles and bus transportation.

Transportation by Van

Students may be transported in a board owned and insured vehicle other than a bus, driven by a professional or service employee certified to drive subject to the following:

No more than 10 passengers including the driver may be transported at one time;

Not more than two of these vehicles may be used for any school sponsored activity;

Certified employees may use the vehicles to transport students for school sponsored activities but may not use the vehicles to transport students between school and home.

Students may be transported to a school sponsored activity in a county owned or leased vehicle that does not meet school bus or public transit ratings.

WV Code § 18A-4-8b
Revised August 21, 2023

9.15 TRANSPORTATION SAFETY PROGRAM

The Board directs the Superintendent and staff to follow all safety provisions identified in the *West Virginia School Bus Transportation Policy and Procedures Manual.*

WVBOE Policy 4336

9.16 PAYMENT IN LIEU OF TRANSPORTATION

A resident student is eligible for reimbursement in lieu of transportation if the student lives over two (2) miles from the nearest school bus stop or attends a non-public school when the student lives over two (2) miles from the school.

Application and Reporting

The parent or guardian of an eligible student may apply for reimbursement by completing and submitting the appropriate form. The form is available from principals or the Director of Transportation at the Central Office. The Director of Transportation shall mail forms for both semesters to parents or guardians requesting them during the first semester. The form should be completed and submitted within one (1) week of the end of the first month for which a student is requesting payment. Reimbursement shall be forfeited if the form is not completed and submitted on time or if eligibility or attendance reports are misrepresented.

Reimbursement

Application eligibility and school attendance shall be verified and approved by the Director of Transportation prior to payment of 75 cents ($.75) per child per day of attendance. Payment in lieu of transportation shall be made just twice annually. The payment for students eligible during the first semester shall be made following verification of first semester attendance. Every effort shall be made to distribute first semester checks for verified, eligible students within 30 day following the end of the first semester. The second and final annual payment shall be made following attendance verification for eligible students enrolled during the second semester. Every effort shall be made to distribute second semester checks prior to the end of the fiscal year on June 30th.

Any parent or guardian requesting payment in lieu of transportation for twenty (20) or more days following the end of a semester shall not receive payment until the subsequent check distribution following the end of that semester.

WV Code § 18-5-13

9.17 INSURANCE

The Board shall purchase with county funds the type and amount of insurance necessary to protect the county from major financial losses.

The Board shall purchase, and the West Virginia Board of Risk and Insurance Management shall provide, appropriate professional or other liability insurance for the Board, Superintendent, teachers, supervisory and administrative staff members, service personnel, and volunteers.

This insurance may cover any

A. claim, demand, action, suit, or judgment by reason of alleged negligence;
B. other acts resulting in bodily injury; and
C. property damage

to any person within or without any school if, at the time of the alleged injury, the teacher, supervisor, administrator, service personnel employee, Superintendent, Board member, or employee was

A. within the scope of his/her office, position, or employment;
B. under the direction of the board of education; or
C. in an official capacity as Superintendent or as a Board member.

Such insurance coverage shall be in an amount to be determined by the State Board of Risk and Insurance Management, but in no event less than $1,000,000 for each occurrence.

In addition, the Board shall purchase, through the Board of Risk and Insurance Management, excess coverage as described in section 4.25 – Benefits.

WV Code § 29-12-5a

9.18 BONDING

The Board of Education recognizes that prudent trusteeship of the resources of this county dictate that employees responsible for the safekeeping of county monies be bonded.

The county shall be indemnified against loss of money by requiring the Treasurer to execute a bond as described in section 2.8 – Employment of the Treasurer.

The Superintendent and Board President shall execute a bond for the faithful performance of their duties in the amount fixed and approved by the Board. The bond that is fixed and approved for the Superintendent shall be not less than $10,000 nor more than $50,000.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

The Board may purchase a blanket bond to cover all Board members and all Board employees.

A certified copy of every such bond shall be maintained by the Superintendent and recorded in the office of the county clerk.

WV Code § 6-2-10, 6-2-12, 10-2A-18, 18-9-6
WVBOE Policy 8200