

***Wayne County Board of Education
Policies Update: (Professional Staff) (3)***

- ***Policy 3120 (Professional Staff: Employment of Professional Staff)***
- ***Policy 3120.12 (Professional Staff: Substitutes in Areas of Critical Need and Shortage)***
- ***Policy 3217 (Professional Staff: Weapons)***

***Your comments concerning these policy should be sent
in writing (mail or email) to:***

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***These policies are out for public comment for 10 working days beginning
Wednesday, April 15, 2026 through Tuesday, April 28, 2026***

Book	Public Comment Period 4/15/26 thru 4/28/26
Section	First Reading - Agenda 4/14/26
Title	Revised Policy - Volume 17, No. 2 - August 2025 - EMPLOYMENT OF PROFESSIONAL PERSONNEL
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Status	
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Revised Policy - Volume 17, No. 2 - August 2025

3120 - EMPLOYMENT OF PROFESSIONAL PERSONNEL

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel.

The Board utilizes in their hiring process the various licensures approved by the West Virginia Board of Education to provide that the educators licensed to work in the District will meet the established levels of competence to deliver an appropriate and effective educational program to the students enrolled in the District. The Licensure requirements defined pursuant to West Virginia Board policy 5202 create standards so that educators will have the necessary knowledge and skills to meet the responsibilities of their assignments in instruction, student support, administration and any other area of responsibility for which licensure is required.

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. The West Virginia Ethics Act prohibits public school employees from participating in any hiring decisions involving relatives or cohabitating sexual partners. "Relatives" are defined as individuals who are related to the employee as father, mother, son, daughter, brother, sister, spouse, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law. If a faculty senate representative must recuse himself/herself for this reason, an alternate member may be appointed by the committee chair or the single designee. The Principal may not recommend for employment an individual who is related to him or 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.

The Principal shall submit recommendations to the Superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said Principal's control. Such recommendation shall be submitted in writing as prescribed by the Superintendent. Additionally, the Principal shall receive hiring recommendations from the faculty senate at his/her school as provided in this policy and shall submit those recommendations in writing as prescribed by the superintendent. In the event that a Principal is unable to submit hiring recommendations or receive hiring recommendations from the faculty senate as set forth in this policy due to illness or absence, the assistant Principal shall submit hiring recommendations.

If there is no ~~assistant~~ Assistant Principal, the Superintendent shall assign a designee to carry out the role of the Principal. In the event that a Principal is unable to submit hiring recommendations or receive hiring recommendations from the faculty senate due to a relationship conflict stated above and as set forth in State law, the Superintendent shall assign a designee from the central office to carry out the role of the Principal. If a Principal or his/her designated replacement does not participate in the hiring process as set forth in this policy for a particular vacancy, the right of the Principal to submit recommendations regarding employment is forfeited for that vacancy.

However, if a Principal or his/her designated replacement does not participate in the hiring process as set forth in this policy, the Principal or his/her designee must still receive any hiring recommendation made by the faculty senate and transmit that recommendation to the Superintendent. A forfeiture of the Principal's right to submit a hiring recommendation shall not be the basis for objection by any prospective employee or any other person. Nothing shall prohibit the timely employment of persons to perform necessary duties.

The faculty senate at each school may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the Principal. A faculty senate wishing to submit hiring recommendations to the Principal shall utilize one of the processes established by West Virginia State Board of Education policy 5000 and found in AG 3120A. At the conclusion of each school semester, a faculty senate may vote to change its adopted process for the next ensuing semester. Additionally, if a faculty senate desires to make hiring recommendations over the summer break, it may use the process then in place, if any, or it may vote to adopt a different process to be used only during the summer break. Nothing herein shall be construed to require a faculty senate to participate in this recommendation process. Failure by a faculty senate to choose to one of the processes for participating in the recommendation process shall forfeit the right of the faculty senate to make employment recommendations.

Prior to participating in an interview or otherwise making any hiring recommendations pursuant to West Virginia Board of Education policy 5000 and this policy, faculty senate hiring committees, single designees, any other faculty senate participants, and Principals must complete interview training as designated or approved by the WVDE. Once a faculty senate member or Principal has completed the designated interview training, additional training shall not be required unless the WVDE or Superintendent determines that additional training shall occur. Compensation for participation in training shall be based on the daily rate of pay for the participating classroom teacher who directly participated in the training for periods beyond his/her individual contract. Compensation for training shall not exceed one (1) hour.

In case the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct.

All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classifications as may be required by law and by State Board regulations.

Although applicable West Virginia school personnel hiring law and policy must be followed in every instance, the Board may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services if the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and that granting the preference does not violate any State equal employment opportunity law. For purposes of this policy, the term "veteran" means any person who has received an honorable discharge and has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or has a service-connected disability rating fixed by the United States Department of Veterans Affairs. However, all applicable hiring laws and policies must be strictly followed, and such a preference may only be considered and/or granted after full compliance with the applicable hiring process and a determination that the applicant is otherwise fully qualified for the position at issue.

Applicants seeking to acquire teaching positions through the Troops-to-Teachers Program must be honorably discharged members of the Armed Forces who hold at least a bachelor's degree from an accredited institution of higher education that is related to the available positions which the veteran has applied to and has passed the basic skills and subject matter test or tests required by the State Board for teachers to become certified in the area for which the licensure is sought. The individual is exempt from any additional teacher certification requirements other than the criminal history check required by WV Code.

Members of the organized militia in the active service of the State or another state shall be entitled to the same reemployment rights granted to members of the reserve components of the Armed Forces of the United States by applicable Federal law, including rights protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, 38 U.S.C. 4301- 4334.

Professional personnel employed as deputy, associate, or assistant superintendents by the Board in offices, departments or divisions at locations other than a school 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 or areas in which they hold valid certification or licensure.

"Professional personnel" means persons who meet the certification requirements of the State, licensing requirements of the State or both and includes the professional educator and other professional employees.

A. "Professional educator" has the same meaning as "teacher" as defined in section one (18-1-1), article one, chapter eighteen of the WV Code. Professional educators shall be classified as:

1. "Classroom teacher" means a professional educator who has a direct instructional or counseling relationship with students, spending the majority of his/her time in this capacity;
 2. "Principal" means a professional educator who, as agent of the Board, has responsibility for the supervision, management, and control of a school or schools within the guidelines established by the Board. The major area of the responsibility shall be the general supervision of all the schools and all school activities involving students, teachers, and other school personnel;
 3. "Supervisor" means a professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and other personnel in instructional and other school improvement; and
 4. "Central Office Administrator" means a superintendent, associate superintendent, assistant superintendent and other professional educators, whether by these or other appropriate titles, who are charged with the administering and supervising of the whole or some assigned part of the total program of the District-wide school system.
- B. "Other professional employee" means a person from another profession who is properly licensed and is employed to serve the public schools and includes a registered professional nurse, licensed by the West Virginia Board of Examiners for registered professional nurses.

[x] All applications for employment shall be referred to the Director of Human Resources.

The spouse of the Superintendent or a Board member may not be employed by the Board in any professional position of employment except Principal or classroom teacher. If a Board member's spouse is being considered for such employment, the Board member must not participate in any way in the discussion or vote and must leave the Board meeting during such 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 or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or 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 any way in the discussion or vote on the employment, and the Board member shall 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 any way 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.

[x] No individual shall be appointed to a professional position in which s/he would be responsible for supervising his/her spouse, or in which s/he would be supervised by his/her spouse. Supervision of a spouse will be assigned to the highest ranking administrator onsite. If no higher ranking administrator exists at the work location, the prohibition in this policy will apply. This policy does not apply to short-term substitute assignments (30 days or less).

[] No individual shall be appointed to a professional position in which s/he 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 spouse. A professional employee's immediate family members are his/her spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild.

[x] Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

[] Applications for employment will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and circumstances must be such as to avoid the Board member's apparent use of his/her authority or influence as a Board member to secure the employment position. Employment, as used herein, shall not include volunteer positions for which no compensation is paid.

[] The employment of prospective employable professional staff members on a reserve list prior to approval by the Board is authorized in an area of critical need and shortage when the Board adopts a policy authorizing the same, subject to the requirements of WV Code 18A-2-3 and West Virginia State Board of Education policy 5103. In such cases, regular employee status may only be granted in accordance with WV Code 18A-4-7a. "Prospective employable professional personnel" means certified professional educators who:

- A. have been recruited on a reserve list of a school board;
- B. have been recruited at a job fair or as a result of contact made at a job fair;
- C. have not obtained regular employee status through the job posting process provided for in WV Code 18A-4-7a and have obtained a baccalaureate degree from an accredited institution of higher education within the past year.

[x] No candidate for employment as a professional staff member shall receive recommendation for such employment without having provided documentation of proper licensing and certification, or clear evidence that s/he has already completed all licensing and certification requirements satisfactorily and is merely awaiting receipt of the proper documents from the licensing agency. Said licensing shall meet the minimum requirements of State law for the position for which s/he is being recommended. The Superintendent shall request an appropriate criminal background check regarding the prospective employee prior to making any recommendation to the Board. Additionally, if a teacher is employed in good faith on the anticipation that s/he 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 of Education to the teacher for a time not exceeding three (3) school months or the date of notification of his/her ineligibility, whichever shall occur first.

The Board shall make decisions affecting the filling of vacancies in professional positions of employment on the basis of the applicant with the highest qualifications.

Current employees who apply for a specific job through the County's job portal may withdraw the application for the specific position by the close of the posting period. If the posting period has expired, the employee cannot rescind their application without approval from the Superintendent. All withdrawal requests must be provided in writing.

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~~ coursework and/or degree level in the relevant field and degree level generally
- D. academic achievement
- E. in the case of a principal or classroom teaching position, certification by the National Board for Professional Teaching Standards
- F. specialized training relevant to performing the duties of the job
- G. past performance evaluations conducted pursuant to WV Code 18A-2-12 and 18A-3C-2 or, in the case of a classroom teacher, past evaluations of the applicant's performance in the teaching profession as a certified educator
- H. seniority
- I. other measures or indicators upon which the relative qualifications of the applicant 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, resulting from the process established pursuant to WV Code 18-5A-5 by the faculty senate of the school at which the employee will be performing a majority of his/her duties

The Board is free, within its discretion, to assign whatever weight it wishes to each of the above criterion when assessing an applicant's qualifications; however, 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 above shall be given equal weight except that the criterion J. and K. shall each be double weighted. This shall apply when the faculty senate and the Principal do not agree on a recommendation, when either the faculty senate or Principal forfeit or cannot make a recommendation, or when the Superintendent does not concur with the recommendation of the Principal and the faculty senate.

For a classroom teaching position, if the Principal and faculty senate recommend the same applicant, and the Superintendent concurs with those recommendations, then the Board shall appoint that applicant notwithstanding any other provision of WV Code to the contrary.

Classroom teachers who directly participate in making recommendations for filling classroom teaching positions pursuant to the options set forth in this policy for periods beyond his/her individual contract shall be compensated based on his/her daily rate of pay, prorated to an hourly rate. The Principal shall require that the participating teachers keep time sheets documenting the actual time spent on the recommendation process and shall verify that the timesheets are accurate before submitting them for payment. In no event shall a teacher be entitled to payment for more than two (2) hours per position. However, if there are more than four (4) qualified applicants for a single classroom teacher position who are selected for an interview by the hiring committee chair or single designee, the faculty senate members participating in the interviews may be compensated for an additional hour for actual time spent on the interview process for that position.

When making recommendations, the Faculty Senate and Principal shall consider each criterion listed in A-I above to determine which applicant is the most highly qualified for the position. The Principal or faculty senate is not required to assign any amount of weight to any factor.

Principals and faculty senate chairs or single designees shall complete the applicable hiring recommendation forms (See Form 3120 F3 and Form 3120 F4) and shall submit a completed form as documentation of the recommendation. Other than the recommendation form, no other matrix or documentation of the selection shall be required.

Any professional educator who is employed within the public school system of this State shall hold a valid teaching certificate licensing him/her to teach in the specializations and grade levels shown on the certificate for the period of his/her employment.

As provided in WV Code Section 18-5A-5(b)(2), the processes and procedures set forth in this policy are designed to be effective and consistent among schools and counties and are designed to avoid litigation or grievance. To that end, this policy is designed to allow teachers to be meaningfully involved in the hiring recommendation process in an open and honest manner without fear of reprisal, retaliation or coercion and to minimize lost instructional time and classroom disruption.

Notwithstanding any other provision of State law to the contrary, 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 teacher position at the school without the position being posted.

Notwithstanding any provision of WV Code to the contrary, all employees subject to release shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before March 1st is known to exist for the next ensuing school year, and for which they are qualified, and, upon recommendation of the Superintendent, the Board shall appoint the successful applicant from among all qualified applicants. All employees subject to release shall be considered applicants for the positions for which they are qualified and shall be considered before posting such vacancies for application by nonemployees. This provision shall not preclude the Board from posting and filling vacancies that exist in the current school year nor shall it supersede or alter the operation of WV Code 18A-4-8f or WV Code 18A-4-8i.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

Teachers in Federally-Funded Programs

Effective with the 2017-18 school year, all teachers in ~~federally-funded~~ **Federally-funded** programs must meet applicable West Virginia State certification and licensure requirements.

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West Virginia Board of Education policy 5000

West Virginia Board of Education policy 5202

West Virginia Board of Education policy 5310

WV Code 18-1-1, 18-4-10(2), 18A-1-1, 18A-2-1, 18A-2-3, 18A-2-12, 18A-4-7a and b

WV Code 5-11-9a, 15-1F-8

20 U.S.C. 6319

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Revised Policy - Volume 17, No. 2 - August 2025

3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE

Purpose

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-2-3 as follows: "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. Teacher or substitute teacher includes speech pathologists, school nurses, and guidance counselors.

The Board additionally finds and determines that:

A. there presently exists within the County a critical need for substitute teachers in the areas of:

1. Administration
2. Art
3. Mathematics
4. Science
5. Special Education (All Areas)
6. Elementary (K-6)

B. there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the ~~2024-2025~~ **2025-2026** school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the ~~2024-2025~~ **2025-2026** school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher, as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of

Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board. Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the county, the county shall notify the Retirement Board and the retirant, in writing, if and when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed teacher who is fully certified or permitted for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a teaching position of a regular teacher on leave of absence, nor does it 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 s/he accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, ~~2025~~ 2030, unless extended by the legislature.

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WV Code 18A-2-3

WV Code 18-7A-38

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Revised Policy - Volume 17, No. 2 - August 2025

3217 - WEAPONS

The Board of Education 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 professional personnel members from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle, including a school bus, unless such person is a law enforcement officer acting in his/her official capacity or s/he has the express written permission of the Board or Principal to conduct programs with valid educational purposes. Any professional employee who violates this policy shall be subject to disciplinary action, up to and including termination.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school's parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle.)

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 the following:

A. **Antique firearm** means:

1. Any firearm, including, but not limited to, a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system which was manufactured on or before 1898;
2. Any replica of any firearm described in (A) above if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and
3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. The term "antique firearm" shall not include any weapon ~~which that~~ includes a firearm frame or receiver, any firearm ~~which that~~ is converted into a muzzle-loading weapon, or any muzzle-loading weapon ~~which that~~ can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

B. Blackjack means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term blackjack shall include, but not be limited to, a billy club, sand club, sandbag or slapjack.

- C. **Gravity knife** means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- D. **Knife** means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term knife shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, 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 herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- E. **Switchblade knife** means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- F. **Nunchaku** means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.
- G. **Metallic or false knuckles** means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- H. **Pistol** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- I. **Revolver** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- J. **Pepper Spray** means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat and skin that is intended for self-defense use.
- K. Other deadly weapons of like kind or character above which may be easily concealed on or about the person.
- L. Explosive, chemical, biological and radiological materials.

The term deadly weapon does not include any item or material 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. The term "deadly weapon" does not include pepper spray as defined above when used by any person over the age of sixteen (16) solely for self-defense purposes.

Concealed means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

Firearm means any weapon ~~which that~~ will expel a projectile by action of an explosion.

The Principal or, if the violation does not occur within his/her jurisdiction, the administrator with authority, shall report any violation of this policy to the appropriate local office of the State Police, county sheriff, or municipal police agency and the State Superintendent of Schools as soon as possible after the violation occurs, and to the Superintendent immediately. Any professional employee who violates this policy shall be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy include:

- A. a law enforcement officer employed by a Federal, State, county, or municipal law enforcement agency;
- B. any probation officer in the performance of his/her duties;

- C. any home confinement supervisor employed by a county submission pursuant to State law in the performance of his/her duties;
- D. a State parole officer appointed pursuant to State law while in performance of his/her official duties;
- E. a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that Act;
- F. a person, other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes;
~~(working firearms and ammunition shall never be approved)~~
- G. ☐ working firearms and ammunition shall never be approved; **[END OF OPTION]**
- H. a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- I. programs or raffles conducted with the approval of the Board of Education 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 to ensure that it is safe;
- J. air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted in WV Code;
- K. the official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- L. the official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- M. any person, twenty-one (21) years old or older, who has a valid concealed handgun permit;

That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when s/he is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when s/he is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.
- N. ☒ starter pistols, incapable of expelling a projectile by the action of an explosion, when used in appropriate sporting events.

Air Rifles and Rimfire Rifles for School Teams

Air rifles and rimfire rifles are permitted for school-sponsored shooting team practices and events under the following conditions:

- A. An "air rifle" or "compressed air rifle" means a rifle, gun, or other firearm that uses compressed air or gas to propel projectiles, such as pellets, rather than relying on the explosive force of gunpowder like traditional firearms.
- B. A "rimfire rifle" means a firearm that uses rimfire ammunition, which is a type of metallic cartridge with a primer in the rim of the casing, wherein the firing pin strikes the rim, igniting the primer and propelling the bullet down the barrel.
- C. Air rifles and rimfire rifles are permitted on school buses solely during transportation to or from a school-sponsored shooting team event; on the grounds of any primary or secondary educational facility of any type for shooting team purposes; and at a school-sponsored shooting team function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary School Activities Commission, a county school board, or local public school.
 - 1. During the school day or at any time other than school-sponsored team events or practices, the air rifles and rimfire rifles and ammunition shall be locked in a location where students do not have

access.

2. Air rifles, rimfire rifles, and ammunition stored on school buses shall be placed in a locked case and located in a specific location determined by the State Transportation Director or the County Transportation Director.

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

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Legal

18 U.S.C. 922

WV Code 61-7-2

WV Code 61-7-11

WV Code 61-7-11a

WV Code 61-7-14

Cross References

po5500 - STUDENT CODE OF CONDUCT

po5600 - STUDENT DISCIPLINE

po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS

po5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND
EXPULSION OF STUDENTS