

Wayne County Board of Education
Policies Update: (Program) (18)

- ***Policy 2120 (Program: County and School Improvement)***
- ***Program 2120.01 (Program: Local School Improvement Council)***
- ***Policy 2215 (Program: Required Courses of Instruction)***
- ***Policy 2220 (Program: Adoption of Programs of Study)***
- ***Policy 2230 (Program: Program of Study Early and Elementary Learning Programs Grades Pre-K-5)***
- ***Policy 2230.01 (Program: Program of Study Middle School)***
- ***Policy 2230.02 (Program: Program of Study High School program (Grades 9-12))***
- ***Policy 2230.06 (Program: Cardiopulmonary Resuscitation Instruction)***
- ***Policy 2230.07 (Program: Required Courses of Instruction)***
- ***Policy 2240 (Program: Controversial Issues)***
- ***Policy 2261.01 (Program: Parent and Family Member Participation in Title I Programs)***
- ***Policy 2266 (Program: Non-Discrimination on the Basis of Sex in Education Programs or Activities)***
- ***Policy 2371 (Program: Hope Scholarship Program)***
- ***Policy 2414 (Program: Drug Prevention and Violence Reduction Education Program)***
- ***Policy 2430.02 (Program: Participation in Extra-curricular Activities)***
- ***Policy 2452 (Program: Extended Learning Opportunities (ELO's)***
- ***Policy 2460 (Program: Special Education)***
- ***Policy 2600 (Program: Educational Program)***

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

***Mr. Todd Alexander
Superintendent
Wayne County Board of Education
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Email: talexand@k12.wv.us***

**These policies are out for public comment for 10 working days beginning
Friday, March 27, 2026 through Thursday, April 9, 2026.**

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised/Renamed Policy - Volume 16, No. 2 - December 2024 - COUNTY AND SCHOOL IMPROVEMENT
Code	po2120
Status	
Adopted	May 26, 2015
Last Revised	October 11, 2022

Revised/Renamed Policy - Volume 16, No. 2 - December 2024

2120 - ~~DISTRICT~~COUNTY AND SCHOOL IMPROVEMENT

The Board of Education supports the concept of ~~District~~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 WV Code and West Virginia Board policies.

The Board shall create, as needed, policies that support the School Improvement Process.

~~DISTRICT~~COUNTY IMPROVEMENT

- A. The Board shall develop ~~a District Strategic Plan and revise, pursuant to WV Code 18-2E-5 and applicable West Virginia Board of Education policy, the plan on an annual basis~~ an Electronic County Strategic Improvement Plan, referred to as the County Strategic Plan, which contains improvement procedures and activities to strengthen the County education program in order to increase student achievement and positively impact other student outcomes. The ~~District~~County Strategic Plan shall be for a period of no more than five (5) years and shall include the mission and goals of the School or the ~~District~~County to improve student, school, or ~~District~~County performance and progress.

The ~~District~~County Strategic Plan must contain procedures and activities to strengthen the ~~District~~County education program in order to increase student achievement and positively impact student outcomes. The plan addresses the following areas ~~in the West Virginia Grants and Planning System (WVGPS) online platform:~~

1. core beliefs and mission;
2. data analysis of student performance indicators, etc.;
3. improvement goals;
4. a work plan that includes performance measures, strategies, action steps and professional learning;
5. a system for monitoring and supporting the implementation and effectiveness of activities, which includes generating educator professional evaluation goals that are directly aligned to the strategic plan goals and the school's West Virginia Balanced Scorecard⁺;
6. ~~an evaluation process; and~~
7. ~~West Virginia Support for Improving Professional Practice (WVSIPP).~~

- B. The ~~District~~County Strategic Plan shall:

1. be prepared through a collaborative process by the ~~District~~County Leadership Team;
2. be facilitated by the Superintendent or appointed designees; and

3. be based on a comprehensive needs assessment, which includes relevant ~~District~~County-wide data. The plan shall incorporate information from School Strategic Plans and various stakeholders.

The leadership team includes members who have the expertise to examine ~~District~~County-wide practices, analyze student performance data, and determine effective improvement strategies. The team shall incorporate information from School Strategic Plans and various stakeholders.

- C. The ~~District~~County Strategic Plan shall be completed by July 1 of each year, for the upcoming academic year, shall be monitored and adjusted throughout the academic year as needed, and shall be revised annually as indicated by changes in student performance data and other information such as monitoring reports, accreditation results, or changes in school conditions.
- D. The ~~District~~County shall have a ~~District~~County Leadership Team that is responsible for supporting the continuous improvement of all schools and for identifying targeted support and assistance to the schools falling below acceptable performance. The ~~District~~County Leadership Team members are appointed by the Superintendent, comprised of school and ~~District~~County staff who have the expertise to examine ~~District~~County-wide practices, analyze student performance data, and determine effective improvement strategies. The team may include such individuals as distinguished teachers, distinguished principals, special education professionals, Title I professionals, West Virginia Department of Education professionals, curriculum and instruction professionals, technology integration specialist and/or data analysis professionals.

The ~~District~~County School System Leadership Team shall have the following responsibilities:

1. ~~District~~County-wide student performance data is utilized to determine trends and priorities for improvement. This data may include local, State, and national summative and formative achievement data including attendance data, early warning indicators, graduation rates, discipline trends, and College- and Career-Readiness Progress measures;

To gauge student involvement in their school community, the ~~District~~County and all schools within the ~~District~~County are encouraged to collect data related to student participation in extra- and co-curricular activities, community service, capstone experiences, internships, and other opportunities.
2. Make recommendations for ~~District~~County-wide improvement priorities and school-specific support, including assistance for schools falling below acceptable standards of performance as identified in needs assessment and strategic planning at the school level; and assurance that all school leaders' annual evaluation goals are directly aligned to the strategic plan goals and weaknesses of schools' West Virginia Balanced Scorecards and the WVAS. The Superintendent or designee shall meet with the principal at least every sixty (60) days to review data and monitor progress toward the established goals;
3. Collaborate with parents, community stakeholders, school staff, ~~District~~County staff and School Leadership Teams in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address ~~District~~County-wide identified improvement needs, and student learning needs;

~~The school leadership team may include the same membership as the team preparing the strategic plan as appointed by the principal and may include representatives from other instructional teams, the faculty senate, and/or the LSIC.~~
4. Utilize the West Virginia Standards for Effective Schools, as stated in West Virginia Board of Education policy 2322, West Virginia System of Support and Accountability as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment;
5. Review agency monitoring reports relevant to improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, technology integration issues, and any other reports the ~~District~~County Leadership Team finds helpful to inform deliberation and decision-making; and
6. Make additional recommendations concerning assistance needed by the ~~District~~County or individual schools.

SCHOOL IMPROVEMENT

- A. Every school shall develop and implement an Electronic School Strategic Improvement Plan, called the School Strategic Plan.

The Plan outlines strategies and processes the school will implement to improve student performance and address student needs. The Plan adheres to the following criteria:

1. Is developed through a collaborative process by a school leadership team facilitated by the principal. The leadership team includes members who have the expertise to examine school-wide and classroom practices, analyze student performance data, and determine effective improvement strategies. The team incorporates information from various stakeholders and other school committees including the LISC, and teams.
2. Includes a comprehensive needs assessment identifying: 1) core beliefs and mission, 2) data analysis of student performance indicators, etc., 3) improvement goals, ~~3-4~~ 4) a work plan that includes performance measures, strategies, action steps and professional learning, and ~~4-5~~ 5) a system for monitoring and supporting the implementation and effectiveness of activities, which includes generating educator professional evaluation goals that are directly aligned to the strategic plan goals and with strengths and weaknesses on the school's West Virginia Balanced Scorecard. The principal shall meet with existing teams on an ongoing basis to review school-wide data and monitor progress toward the established goals. A school evaluation process completed prior to the closing of the preceding academic year should be monitored and adjusted throughout the school year as needed and be revised annually as indicated by changes in student performance school quality data.

B. School Improvement Processes. The school leadership team ~~utilizes~~ shall utilize the following processes to develop the school's strategic plan:

1. Analyze student performance and school quality data to determine trends and priorities. This data may include local, state and national summative and formative achievement data including attendance data, student grades, early warning indicators, graduation rates, discipline trends, and College and Career Ready Progress measures;
2. Utilize the West Virginia Standards for Effective Schools West Virginia Board of Education policy 2322 as a guide for self-assessment, decision-making, professional development, and strategic planning;
3. Review agency monitoring reports relevant to school improvement priorities such as diagnostic review, audits Title I monitoring results, special education monitoring results, and any other reports the School Leadership Team finds helpful to inform deliberation and decision-making;
4. Collaborate with parents, LSIC, community stakeholders, school staff, ~~District-County~~ staff and the ~~District County~~ Leadership Team;
5. Make additional recommendations to the ~~District-County~~ Leadership Team concerning additional assistance that is needed for the school; and
6. Request and receive technical assistance from the ~~District-County~~ based on the measures set forth in WV policy 2322.

West Virginia ~~State~~ Board of Education policy 2322

West Virginia ~~State~~ Board of Education policy 2510

WV Code 18-5A-5

WV Code 18-2E-5

WV Code 18-2E-6

Goals 2000 - Educate America Act

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West Virginia Board of Education policy 2322

West Virginia Board of Education policy 2510

WV Code 18-2E-5

WV Code 18-2E-6

WV Code 18-5A-5

Goals 2000 - Educate America Act

Book	Public Comment Period 3/27/26-4/9/26
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Revised Policy - Volume 16, No. 2 - December 2024

2120.01 - LOCAL SCHOOL IMPROVEMENT COUNCIL

x] The Board of Education believes that parent, family, business, and community engagement in all levels of education is fundamental to a healthy system of public education. The intent of this policy is to facilitate and encourage the involvement of the school community in the operation of the local schools to improve educational quality. The Local School Improvement Council (LSIC) should serve as the vehicle to promote school community and local efforts to support school effectiveness. A LSIC shall help develop and promote the school and system vision for excellence. The LSIC shall utilize data such as student achievement, discipline, parent, student, staff, and community surveys, the school's strategic plan, and other pertinent data to set their agenda and fulfill the required activities that are prescribed in State law.

Membership

The LSIC represents the voice of the ~~District's County's~~ education stakeholders. A local school improvement council shall be established at every school consisting of the following:

- A. the principal, who serves as an ex officio member of the council and is entitled to vote;
- B. three (3) teachers elected by the faculty senate of the school; ~~one (1) must of whom represent the social emotional needs of students~~
- C. two (2) service persons elected by the service personnel employed at the school, one of whom ~~shall~~ may be a bus operator who transports students enrolled at the school;
- D. three (3) parents, guardian(s), or custodian(s) of students enrolled at the school elected by the parent(s), guardian(s), or custodian(s) members of the school's parents teacher organization. If there is no parent teacher organization, the parent(s), guardian(s), or custodian(s) members shall be elected by the parent(s), guardian(s), or custodian(s) of students enrolled at school in such manner as may be determined by the principal, ~~one of which may be a representative of the parent teacher organization~~. Under no circumstances may a parent member of ~~the a~~ school's council be ~~then~~ employed at ~~the~~ that school in any capacity;
- E. three (3) at-large members appointed by the principal, at least one of whom resides in the school's attendance area and at least one of whom represents business or industry, neither of whom are eligible for any local school improvement council membership under any of the other elected classes of members
- F. in the case of ~~vocational technical schools~~ Career Technical Education (CTE), comprehensive middle schools, and comprehensive high schools, ~~(-) the vocational director~~ CTE Director or ~~(-) the principal~~ **[end of option]** as applicable shall appoint up to four (4) additional members from any of the following categories: employer, employer-sponsored training program, apprenticeship program, ~~and and/or~~ post-secondary ~~education~~ education; and
- G. in the case of a school with students in grade seven or higher, the student body president or other student in grade seven or higher elected by the student body in those grades

In accordance with statute and policies of the WV Board of Education (WVBE), use of the term "parent" includes a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent or a guardian. Additionally, the term "family" includes family members such as guardians, parents, aunts, brothers, grandparents, and significant others whose involvement may be important to the child. Finally, the term "community" refers to all of the individuals who reside in a common locality including: residents, businesses, social organizations and networks, faith-based organizations, and civic leaders.

Nothing prohibits expanding the membership of LSICs to include non-voting members or to request other stakeholders to participate in meetings of the LSIC. Although assistant principals may attend LSIC meetings, they may not serve as a voting member or chair of the LSIC.

Election of Members

The principal shall arrange for the election of members to the local school improvement council to be held prior to September 15th of each school year to elect a council and shall give notice of the elections at least one (1) week prior to the elections being held. To the extent practicable, all elections to select council members shall be held within the same week.

Training

The WVBE shall ensure the at training in the role and governance of the LSIC is provided to principals, the County Board and others the WVBE deems appropriate and then every three (3) years thereafter. It is the responsibility of the principal to provide for appropriate training regarding the roles and responsibilities of LSIC members. The WVDE provides resources and technical assistance for conducting effective LSIC meetings.

Term of Office

Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to the council shall serve a two (2) year term and elections shall be arranged in such a manner that no more than two (2) teachers, no more than two (2) parents, guardian(s) or custodian(s) and no more than one (1) service person are elected in a given year each school year. All other non-ex-officio members shall serve one (1) year terms.

Vacancies

Council members may only be replaced upon death, resignation, failure to appear at three (3) consecutive meetings of the council for which notice was given, or a change in personal circumstances so that the person is no longer a representative of the class of members from which appointed. In the case of a vacancy in an elected membership position, the chair of the council shall appoint another qualified person to serve the unexpired term of the person being replaced or, in the case of an appointed member of the council, the principal shall appoint a replacement as soon as practicable.

Organization Meeting

As soon as practicable after the election of council members, and no later than the first day of October of each school year, the principal shall convene an organizational meeting of the school improvement council. The principal shall notify each member by written or electronic means at least five (5) employment business days in advance of the organizational meeting. At this meeting, the principal shall provide each member with the following:

- A. a copy of the current applicable sections of WV Code 18-5A-2 et seq.
- B. any WV Board of Education rule or regulation promulgated pursuant to the operation of these councils
- C. any information as may be developed by the Department of Education on the operation and powers of local school improvement councils and their important role in improving student and school performance and progress

Election of Chair; Term of Office; Vacancy

The council shall elect from its membership a chair and two (2) members to assist the chair in setting the agenda for each LSIC meeting. The chair shall serve a term of one (1) year. If the chair's position becomes vacant for any reason, the principal shall call a meeting of the council to elect another qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying each member of the school improvement council in writing five (5) employment business days in advance of any council meeting. The principal of the school shall not serve as the LSIC chair.

Meetings

The LSIC shall ensure that minutes are taken at every meeting and made available to the public on the school's website and upon written request made to the school's principal or council chair.

All meetings of the LSIC must be open to the public in compliance with the provisions of the Open Governmental Proceedings Act.

School improvement councils shall meet at least once every nine (9) weeks or equivalent grading period at the call of the chair or by three-fourths of its members. The principal shall notify each member by written or electronic means at least five (5) employment days in advance of the organizational meeting. ~~All meetings of the LSIC must be open to the public in compliance with the provisions of the Open Governmental Proceedings Act.~~

The school improvement council annually shall conduct at least once (1) meeting to engage parents, students, school employees, business partners, ~~trade partners~~, and other interested parties in a positive and interactive dialogue regarding the school's academic performance and standing as determined by measures adopted by the WV Board of Education. The dialogue shall include an opportunity for the parents, students, school employees, business partners, and other interested parties to make specific suggestions on how to address issues which are seen to affect the schools' performance which may include, but not limited to, parent and community involvement, the learning environment, student engagement, attendance, behaviors, support for at-risk students, curricular offerings, resources and the capacity for school improvement. The council shall announce any such meeting ten (10) ~~employment~~ business days in advance. The school improvement council shall ensure that a report of concerns, suggestions, and points raised is produced and made available on the school's website and forwarded to both the County Board and the Office of Accountability within the Department of Education or a successor office. The County Board shall also post the report on its website.

The local school improvement council of each school deemed to be low performing under the accountability system established by the WV Board of Education shall meet at least annually with the ~~District~~ County Board. At any such meeting, the principal and local school improvement council chair, or another member designated by the chair, shall be prepared to address the dialogue at a meeting or meetings to give parents, students, school employees, business partners and other interested parties an opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance and any other matters as may be requested by the ~~District~~ County Board as specified in the meeting agenda provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the ~~District~~ County Board's attention. Anything presented by the LSIC shall be submitted to the ~~District~~ County Board in writing. ~~The District Board shall report details of its meeting with the LSIC to the WVBE at the conclusion of the school year, but no later than September 1.~~

Each LSIC ~~shall~~ may adopt a set of bylaws or meeting procedures that are consistent with State and local policy and WV Code.

The ~~District~~ County Superintendent shall monitor principals to ensure all LSIC meetings occur as outlined in WV policy 2322.

Awards and Grants

School improvement councils shall be considered for the receipt of school of excellence awards and competitive grant awards and may receive and expend such grants for the purposes provided in this policy. Local school improvement councils may propose alternatives to the operation of the school in accordance with WV Code 18-5A-3 and may include in the proposal a request for a waiver of rules and policies of local board and State Board, the State superintendent's interpretations, and State statutes if necessary to implement the proposal. ~~In any and all matters that may fall within the scope of both the school improvement councils and the school curriculum teams authorized in WV Code 18-5A-5, the school curriculum teams shall have jurisdiction.~~

Jurisdiction

In any and all matters that may fall within the scope of both the school improvement councils and the school curriculum teams authorized in WV Code 18-5A-5, the school curriculum teams shall have jurisdiction.

Promotion of Innovations and Improvements

In order to promote innovations and improvements in the environment for teaching and learning at the school, a school improvement council shall receive cooperation from the school in implementing policies and programs it may adopt to:

- A. encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's educational process and in the school;

- B. encourage businesses to provide time for their employees who are parent(s), guardian(s) or custodian(s) to meet with teachers concerning their child's education;
- C. encourage advice and suggestions from the business community;
- D. encourage school volunteer programs and mentorship programs;
- E. foster utilization of the school facilities and grounds for public community activities;
- F. encourage students to adopt safe and healthy lifestyles; and
- G. communicate to students the common skills and attributes sought by employers in prospective employees.

Adoption of Guidelines

Councils may adopt their own guidelines established under this policy. In addition, the councils may adopt all or any part of the guidelines proposed by other local school improvement councils, as developed under this policy, which are not inconsistent with the laws of this State, the policies of West Virginia Board of Education or the policies of the ~~District~~ County Board of Education.

Communication

It is the responsibility of the LSIC to utilize various modes of communication and technological tools to interact with parents and the broader community. By developing effective forms of communication both from school-to-home and home-to-school, the foundation for strengthening school programs, family practices, and student learning and development.

WV Board of Education Assistance and Training

The WV Board of Education shall provide assistance to a local school improvement council upon receipt of a reasonable request for that assistance. The WV Board also may solicit proposals from other parties or entities to provide orientation training for local school improvement council members and may enter into contracts or agreements for that purpose. Any training for members shall meet the guidelines established by the State Board.

The WV Board of Education shall ensure that training in the role and governance of local school improvement councils is provided to principals, county boards, and others the State Board determines appropriate, upon employment and every three (3) years thereafter. The State Board shall also ensure that a document is produced explaining to parents and community leaders their role in local school improvement councils. This document shall be made available on the West Virginia Department of Education's website and may be distributed to all parents.

Alternatives to Operation of Public Schools; Waivers

Local schools are encouraged to facilitate the design and implementation of innovative initiatives by working through the local school improvement councils that meet the school's needs and circumstances. A local school initiative may propose alternatives to the operation of the public school that enable the school to better meet or exceed the high-quality standards established by the WV Board of Education WV Standards for Effective Schools, increase administrative efficiency, enhance the delivery of instructional programs, promote student engagement in the learning process, promote business partnerships, promote parent and community involvement at the school or improve the educational performance of the school generally. In accordance with this intent, the local school improvement council may submit to the local Board alternatives to the operation of the school. ~~If the local Board approves the proposal, it may designate the school as an innovative school and may provide funding to implement the proposal.~~ For an alternative to be proposed, at least two-thirds of the members of the LSIC must vote in favor of the proposal. If the alternative to be proposed includes the request for a waiver of policies or rules promulgated by the WVBE or the local Board, State Superintendent interpretations, or State statutes affecting employees, then prior to the proposal of the alternative, a majority of the affected employee group must agree. If the local Board approves the proposal, it may provide funding to implement the proposal, if necessary.

A local school improvement council shall submit its proposed alternative to the county board. The County Board shall acknowledge receipt of the proposal and promptly review the proposed alternative. The County Board may request additional information and clarifications from the local school improvement council regarding the proposed alternative. The County Board shall approve or disapprove the proposal and return it to the council with a statement of the reasons for the action taken. If an alternative proposed by the local school improvement council requires the waiver of any policies or rules promulgated by the County Board, approval of the proposal by the County Board constitutes a grant of the waiver.

If an alternative proposed by the LSIC requires the waiver of any policies or rules promulgated by the WVBE and the local Board approves the proposal except that a waiver by the WVBE is required, the Board shall forward the approved proposal to the WVBE for final determination. The WVBE shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the Board or its agents and, in its discretion, approve implementation of the alternative or reply to the Board and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the WVBE constitutes a grant of the waiver.

- ~~If an alternative proposed by the LSIC requires the waiver of a State Superintendent's interpretation and the local Board approves the proposal except that a waiver by the State Superintendent is required, the Board shall forward the approved proposal to the State Superintendent for final determination. The State Superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the Board or its agents and, in their discretion, approve implementation of the alternative or reply to the Board and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the State Superintendent constitutes a grant of the waiver;~~
- ~~If an alternative proposed by the LSIC requires the waiver of a state statute and the local Board approves the proposal except that a waiver of the statute is required, the local Board shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability (LOCEA). LOCEA shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the local Board or its agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative;~~
- ~~If an alternative that requires a waiver is proposed by more than one (1) LSIC in the District County and the local Board approves, the Board may forward a consolidated proposal requesting the waiver to the appropriate bodies; and~~
- ~~When an alternative to the operation of a school is approved, the local Board shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time by the Board based on the results and findings of the evaluation.~~

If an alternative proposed by the LSIC requires the waiver of a State Superintendent's interpretation and the local Board approves the proposal except that a waiver by the State Superintendent is required, the Board shall forward the approved proposal to the State Superintendent for final determination. The State Superintendent shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the Board or its agents and, in their discretion, approve implementation of the alternative or reply to the Board and LSIC within a reasonable time as to its reasons for not approving the proposed alternative. Approval of the proposal by the State Superintendent constitutes a grant of the waiver.

If an alternative proposed by the LSIC requires the waiver of a State statute and the local Board approves the proposal except that a waiver of the statute is required, the local Board shall forward the approved proposal to the Legislative Oversight Commission on Education Accountability (LOCEA). LOCEA shall acknowledge receipt of the proposal and promptly review the proposed alternative in consultation with the local Board or its agents and determine whether a recommendation should be made for an Act of the Legislature to waive the statute to permit implementation of the proposed alternative.

If an alternative that requires a waiver is proposed by more than one (1) LSIC in the County and the local Board approves, the Board may forward a consolidated proposal requesting the waiver to the appropriate bodies.

When an alternative to the operation of a school is approved, the local Board shall establish a process for evaluation of the operation of the alternative. Approval for the operation of the alternative may be continued or revoked at any time by the Board based on the results and findings of the evaluation.

Notwithstanding any other provisions of the law to the contrary, a local school improvement council is not prohibited from permitting off-site classrooms to be developed in conjunction with local businesses if those sites meet the requirements established by the ~~district board~~ County Board for sites that are located off-campus.

Any public charter school established pursuant to WV Code may, at its discretion, abide by all or some of the local school improvement council requirements and may modify any of the requirements it elects to follow to adopt them to be consistent with the operations of the school.

Evaluation

The LSIC is responsible to monitor and evaluate the implementation and impact of the agenda that they have established.

WV Code 18-5A-1 ~~through~~ through 3
WV Code 18-5A-2 et seq.

WV Code 18-5A-5

WV Code 18-5-14

WV Board of Education policy 2322

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Legal

WV Code 18-5A-1 though 3

WV Code 18-5A-2 et seq.

WV Code 18-5A-5

WV Code 18-5-14

WV Board of Education policy 2322

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Rescind Policy - Vol. 16, No. 1 - February 2024

~~2215 REQUIRED COURSES OF INSTRUCTION~~

~~In all public, private, parochial, and denominational schools located within West Virginia, there shall be given prior to the completion of the eighth grade at least one (1) year of instruction in the history of the State of West Virginia.~~

~~The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism.~~

~~The WV Board of Education shall cause to be taught in all public schools of WV the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the District, on:~~

- ~~A. The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases;~~
- ~~B. substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general;~~
- ~~C. the importance of healthy eating and physical activity in maintaining healthy weight; and~~
- ~~D. education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose.~~

~~A full week of classes during the week selected by the Board shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. Celebrate Freedom Week shall include appropriate instruction in each social studies class which:~~

- ~~A. Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;~~
- ~~B. Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and~~
- ~~C. includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our~~

~~constitutional republic.~~

~~D. These requirements are applicable to all public, private, parochial, and denominational schools located within WV.~~

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Legal

WV Code 18-2-9

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Revised Policy - Volume 16, No. 2 - December 2024

2220 - ADOPTION OF PROGRAMS OF STUDY

The Board of Education 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 that~~ 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 State Board of Education content standards ~~and objectives~~ must have written content standards and ~~objectives~~ approved by the County Board of Education. 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 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 board of education, will determine their individual approaches to assist students in mastering the adopted ~~CSOs~~ content standards;
- D. ☐ its scope and sequence;
- 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;
- F. ☐ its instructional methods and learning strategies including the manner in which the learning of democratic principles and ethics is provided for, if appropriate to the content of the course;
- G. ☐ the integration of technology skills into the course curriculum;
- H. ☒ the resources that its implementation will require, including instructional materials, equipment, specially-trained personnel, etc.;
- I. ☐ the plan for its continuous assessment which includes criteria and standards;
- J. ☐ its developmental and operational history as well as data on results, where available.

Each program of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the program of study in a manner best designed to meet the needs of the students for whom s/he is responsible. Deviation from its content must be approved in accordance with the Superintendent's administrative guidelines.

Since one of the County's goals is to prepare students to enter the world of work, the Board directs that each program of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed. The Superintendent's guidelines should include recommendations to staff on how to instruct students in these important work ethics and how to include these learnings in the grades that students receive.

The Superintendent shall maintain a current list of all programs of study offered by this County. () and shall provide each member of the Board with a current list of all programs of study.

The list shall include the data on each furnished with the recommendation for its adoption.

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West Virginia State Board of Education policy 2510

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - PROGRAM OF STUDY EARLY AND ELEMENTARY LEARNING PROGRAMS GRADES PRE-K-5
Code	po2230
Status	
Adopted	May 26, 2015
Last Revised	April 23, 2024

Revised Policy - Volume 16, No. 2 - December 2024

2230 - PROGRAM OF STUDY EARLY AND ELEMENTARY LEARNING PROGRAMS GRADES PRE-K-5

Early and Elementary Learning Programs address the holistic needs of all students in grades Pre-K-5. A comprehensive approach to early and elementary learning is inclusive of a balanced focus on knowledge and skill building as well as the development of positive dispositions to learning. This approach also provides the potential to improve child outcomes and close achievement gaps. Based on knowledge of child development and developmentally appropriate practices for learners, the following Early and Elementary Learning Programmatic levels are established: Early and Elementary Learning Readiness (Pre-K-Kindergarten); Early Learning Primary (Grades 1-2); and Early Learning Intermediate (Grades 3-5).

Early and Elementary Learning Programs promote a comprehensive approach to strengthening students' literacy and numeracy proficiency. To close the literacy and numeracy achievement gaps for all students by the end of third grade, Early and Elementary Learning Readiness and Primary Programs support students' development of approaches to learning that provide eagerness for, and interest in, the processes of learning that lead to literacy and numeracy proficiency. Opportunities to demonstrate literacy and numeracy growth over time as part of a holistic approach to learning include, but are not limited to, measuring students' proficiency with reading and numeracy development during the third grade year and beyond. County Schools are afforded flexibility in determining and implementing methods to facilitate high quality early learning programming.

Comprehensive, systemic, data-driven processes, such as materials and methods based on the science of reading, sustained professional learning, evidence-based coaching models, and other continuous quality improvement efforts are utilized to promote high quality classroom instruction in the early learning grades. The County is afforded flexibility in determining and implementing methods to facilitate high quality early learning programming.

Early Learning Elementary Readiness (Grades Pre-K-Kindergarten) Programs serving students enrolled in Early and Elementary Learning Readiness grades help students establish positive dispositions to learning and provide foundations for development across all domains and content areas to be successful in first grade and with lifelong learning. Emphases on social/emotional, cognitive, and motor development provide the foundations of the Early and Elementary Learning Readiness grades. To support school readiness efforts and to assure the use of developmentally effective methods for students prior to entering first grade, Early and Elementary Learning Readiness grades utilize West Virginia Board of Education policy 2525 approved school readiness framework per West Virginia's Universal Access to Quality Early Education System.

A primary component of the school readiness framework is the West Virginia Early Learning Reporting System (WV-ELRS), a formative assessment process that provides ongoing individual and population outcome data to inform instruction, personalize learning, and share students' progress with families. The formative assessment process also ensures that developmentally appropriate interactions, competencies, experiences, and skills are measured effectively. Data reporting for West Virginia Pre-K occurs three (3) times per year per West Virginia Board of Education policy 2525, and for Kindergarten at least one (1) time during the last reporting window using the WV-ELRS.

Early and Elementary Learning Primary Elementary (Grades 1-2)

The Early and Elementary Learning Primary grades build on the comprehensive approach to personalizing learning inherent in the Early and Elementary Learning Readiness grades, and provide a context for the development of knowledge and skill building across all applicable content areas. Development continues to span across a broad spectrum for all students and is significant in the offering of daily instruction. Using a formative assessment process that provides data to inform instruction, personalize learning, and share students' progress with families, Grades 1 and 2 programs employ formative assessment methods to assure developmentally appropriate interactions, competencies, experiences, and skills are measured effectively. To gauge the extent to which students are progressing toward proficiency in English language arts and mathematics standards, it is recommended that the WV ELRS be utilized up to four (4) times per year for students in grades one and two.

Early and Elementary Learning Intermediate (Grades 3-5)

Students in the Early and Elementary Learning Intermediate grades are beginning the transition into middle childhood. An emphasis on the developmental levels of these students must be continued to support personalized learning, maintaining a balance between content specific focus and integration of content areas of study. While development continues to span across a broad spectrum for all students, the formative, interim, and summative assessment processes are utilized in the Early and Elementary Learning Intermediate grades as part of the instructional and continuous quality improvement processes to assure developmentally appropriate interactions, competencies, experiences, and skills are measured effectively.

The Program of Study for children enrolled in an early and elementary childhood education program shall be in accordance with West Virginia Board of Education policy 2510, as may be amended from time to time, and West Virginia Board of Education policy 2510, including any substantive amendments, is incorporated herein by reference.

Early and Elementary Learning Programs support students' development of approaches to learning through support students' development of approaches to learning through the Science of Reading and integration of the Mathematical Habits of Mind to bolster literacy and numeracy proficiency. The County is afforded the flexibility in implementing methods to facilitate high quality programming that incorporate all content areas identified in WV policy 2510, Charts I-III. Systemic data-driven processes, such as sustained professional learning, evidence-based coaching models, and other continuous quality improvement efforts are utilized to promote high quality classroom instruction in the early and elementary grades. A comprehensive approach to early and elementary learning (Pre-K-Grade 5) focuses on knowledge and skill-building as well as the development of positive dispositions to learning. This approach provides the structure to improve child outcomes, close achievement gaps in literacy and numeracy, and support children's abilities to meet their individual potential. Based on developmentally appropriate practice, the following Early and Elementary Learning Programmatic levels are established: Early and Elementary Learning Readiness (Pre-K-Kindergarten); Primary (Grades 1-2); and Intermediate Elementary Learning(Grades 3-5).

Early Learning Readiness (Grades Pre-K-Kindergarten) helps students establish positive dispositions to learning and provides foundations for development across all domains and content areas to be successful in first grade and beyond and shall:

- A. emphasize social-emotional, cognitive, and motor development;
- B. personalize instruction based on the formative assessment process;
- C. document student progress through the collection of authentic evidence;
- D. utilize the WVBE-approved school readiness framework per Policy 2525;
- E. require the administration of the West Virginia Early Learning Reporting System (WVELRS) three times per year for students in Pre-K. The WVELRS is **[OPTION - SELECT ONE (x) encouraged to () shall be [end of option]** used with Kindergarten students;
- F. measure Kindergarten student proficiency in English language arts and mathematics through the administration of a State-approved and County-adopted benchmark/screener. The screener shall be given to Kindergarten students at the beginning, middle, and end of the school year; and
- G. personalize learning plans shall be utilized to help students who are demonstrating a deficiency in literacy and/or mathematics based upon benchmark/screener assessment results.

Primary Elementary Learning (Grades 1-2)

The Primary Elementary Learning grades build on the comprehensive approach to personalizing learning inherent in the Early and Learning Readiness grades, and provide a context for the development of knowledge and skill building across all applicable content areas. Development continues to span across a broad spectrum for all students and is significant in the offering of daily instruction. Personalized Learning plans shall be utilized to help students who are demonstrating a deficiency in literacy and/or mathematics based upon benchmark/screener assessment results.

Instruction in Grades 1 and 2 programs employ formative assessment methods to assure that developmentally appropriate interactions, competencies, experiences, and skills are measured effectively. To gauge the extent to which students are progressing toward proficiency in English language arts and mathematics standards, students shall be administered a State-approved and County-adopted benchmark/screener three times per year. [] WVELRS is available as an optional tool that may be used in addition to the required benchmark/screener in Grades 1 and 2.[end of option]

Intermediate Elementary Learning (Grades 3-5).

Students in Intermediate Elementary grades are beginning the transition into middle childhood. Instructional practices shall include content-specific focus while continuing to support literacy and numeracy skills in all subject areas. Personalized Learning plans shall be utilized to help Grade 3 students who are demonstrating a deficiency in literacy and mathematics based upon benchmark/screener assessment results. To ensure instruction meets the needs of all students, the formative, benchmark, and summative assessment data are used to make curricular decisions as part of the continuous improvement process.

Instruction in Grades 3-5 employs formative assessment methods to assure that developmentally appropriate interactions, competencies, experiences, and skills are measured effectively. To gauge the extent to which students are progressing toward proficiency in English language arts and mathematics standards, students shall be administered a State-approved and County-adopted benchmark/screener three times per year in Grades 3-5.

The Program of Study for children enrolled in an early and elementary childhood education program shall be in accordance with WVBE policy 2510, as may be amended from time to time and WVBE policy 2510, including any substantive amendments, is incorporated herein by reference.

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Legal

West Virginia Board of Education policy 2510

West Virginia Board of Education policy 2460

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised/Renamed - Volume 16, No. 2 - December 2024 - PROGRAM OF STUDY MIDDLE SCHOOL
Code	po2230.01
Status	
Adopted	May 26, 2015
Last Revised	July 25, 2023

Revised/Renamed - Volume 16, No. 2 - December 2024

2230.01 - PROGRAM OF STUDY MIDDLE SCHOOL-LEVEL EDUCATION

Middle School Programming (Grades 6-8) builds on the results of Pre-K through Grade 5 programming ~~early and elementary learning education~~ and transition students into the high school program. Successful middle school programs are characterized by a culture that is inviting, inclusive, and supportive of all. Significant academic learning experiences, characterized by rigorous content, vigorous instruction, and high expectations for all learners within a developmentally appropriate, safe, and supportive school ~~are the norm~~. The middle school experience is challenging, exploratory, integrative, and relevant. Middle school educators use multiple learning and teaching approaches resulting in authentic engagement in active, purposeful learning. Students learn to understand important concepts, develop essential skills, and apply what they learn to real-world problems.

The environment and culture of middle school should lead to every student having meaningful supportive relationships with at least one trusted adult advocate who is familiar with the student's academic development and personal goals. The creation of this learning community of both adults and students produces a stable and mutually respectful relationship that supports the students' personal, intellectual, ethical and social growth.

~~The programs~~ Middle school programs of study ~~will shall~~ be taught by a team of qualified teachers. A diverse set of developmentally appropriate instructional strategies will scaffold students to mastery of the grade level content standards. The principal and a team of teachers will determine an adequate amount of time the academic needs of all students in the numeracy and literacy skills of reading, writing, speaking and listening, and language in all content areas.

~~The program of study will implement a comprehensive Career Exploration middle school experience. This experience may include, but not be limited to: Career Technical Education foundational courses; stand-alone Career Exploration courses and mini courses; field trips; guest speakers; and career mentors.~~

The Program of Study for ~~children~~ students enrolled in middle school education shall be in accordance with West Virginia Board of Education policy 2510, as may be amended from time to time, and West Virginia Board of Education policy 2510, including any substantive amendments, incorporated herein by reference.

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Legal	WV Code 18-2-7a
	WV Code 18-9D-19a
	West Virginia Board of Education policy 2510
	West Virginia Board of Education policy 2460

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - PROGRAM OF STUDY HIGH SCHOOL PROGRAM (GRADES 9-12)
Code	po2230.02
Status	
Adopted	May 26, 2015
Last Revised	November 14, 2023

Revised Policy - Volume 16, No. 2 - December 2024

2230.02 - PROGRAM OF STUDY HIGH SCHOOL PROGRAM (GRADES 9-12)

Courses needed for graduation require mastery of approved content standards. The completion of high school coursework will prepare all students for post-secondary education, employment, ~~and/or~~ enlistment, entrepreneurship, and everyday living. Students should consult with their chosen post-secondary educational/training institution and scholarship program requirements when choosing course options and electives. The required courses build strong content knowledge and extend disciplines by engaging students in work of quality and substance. In grades 9 and 10, students build foundational knowledge and skills. In grades 11 and 12, students enter into the personalized aspect of their PEP, focusing carefully on selected coursework that leads to successful completion of their personal and academic goals. Each student's coursework will be designed to lead directly to placement in entry-level, credit-bearing academic college courses, completion of an industry recognized certificate or license, a workforce training program, or job placement. Students who do not demonstrate mastery of the approved content standards shall be provided extra assistance and time through personalized learning and support.

When developing schedules, the principal and a team of teachers will determine the adequate amount of time necessary to achieve mastery of the approved content standards for each program of study and effectively address the academic needs of all students. If the staff develops a schedule with courses less than 8100 minutes and academic achievement is not at or above state proficiency for a minimum of two (2) years, the school will review and adjust its schedule based on student need and be approved by the Board.

~~Students shall have access to at least four AP® courses annually (at least one from the content areas of English language arts, mathematics, science, and social studies). All AP® courses must have a syllabus approved through the College Board. All AP® courses and shall be taught by a teacher who has completed the required professional learning. Access to AP® courses may also be attained via West Virginia Virtual Schools (WVVS) AP® courses. Grades earned in an AP® course must be weighted on student's transcripts.~~

Students who do not meet the college- and career-readiness benchmarks on the West Virginia General Summative Assessment for English language arts and/or mathematics prior to their senior year may be enrolled in a designated transition English Language Arts course and/or a designated transition mathematics course even if they already have the required number of credits in that area. Students may enroll in a higher level course with agreement between the student, the student's parent and/or guardian, and the school to ensure the best interests and needs of each student are met.

The high school must offer students in grades 9-12 engaging and empowering career development learning opportunities that include: Structured, ongoing CTE experiences for career awareness, exploration, decision-making, and career preparation exposing students to all sixteen (16) career clusters. These offerings may be delivered within a Simulated Workplace/project-based hands-on environment.

A CTE program of study is aligned with the approved sixteen (16) career clusters and consists of four (4) courses identified for WVDE-approved CTE programs of study. Each career CTE program of study shall provide students a Simulated Workplace environment and the opportunity to obtain an industry recognized credential as part of the instructional program when applicable.

Any public, private, or home school student in the eleventh or twelfth grade, or is sixteen (16) years or older, has the opportunity to enroll in apprenticeship programs as described in State law. Apprenticeships must align with the standards and guidelines of the Youth Apprenticeship Program as created by the West Department of Education. The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

Multi-county Centers, District CTE centers, and comprehensive high schools must provide students with access to programs of study based on the student population. Centers/schools with a population of:

- A. 0-400 students must offer a minimum of three (3) of the sixteen (16) nationally approved career clusters;
- B. 401-800 students must offer a minimum of four (4) of the sixteen (16) nationally approved career clusters; or
- C. 801+ students must offer a minimum of five (5) of the sixteen (16) nationally approved career clusters.

Students in grades 9 and 10 must have access to at least one CTE ~~foundational~~ course.

Students in grades 11 and 12 must have access to four (4) units in a CTE program of study and two (2) CTE electives.

The County and/or schools must allow for mastery of the State-approved CTE ~~courses that lead to~~ content standards while ensuring industry certifications or licenses requiring specific competencies or ~~time-based instruction shall be scheduled no less than ninety (90) consecutive minutes per day equaling 135 hours per course~~ licensing minute requirements are met. The Board must ~~consider~~ be mindful of transportation times to and from District and multi-district CTE centers when developing those schedules.

Students with IEPs

~~Two (2) options exist for students with IEPs to complete a CTE program of study:~~

- ~~A. All students in a CTE program of study must pass the respective program of safety exam with a score of 100 percent.~~
- ~~B. Individual Work-Ready Competencies (IWRC).~~

The Program of Study for ~~children~~ students enrolled in grades nine (9) through twelve (12) shall be in accordance with West Virginia Board of Education policy 2510, as may be amended from time to time, and West Virginia Board of Education policy 2510, including any substantive amendments, is incorporated herein by reference.

WV Code 18-2-7d

WV Code 18-2-7g

WV Code 18-2E-11

WV Code 18C-9-2

WV Code 21-1E-2

WV Code 21-1E-3

WV Code 21-6-2

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WV Code 18-2-7d

WV Code 18-2-7g

WV Code 18-2E-11

WV Code 18C-9-2

WV Code 21-1E-2

WV Code 21-1E-3

WV Code 21-6-2

West Virginia Board of Education policy 2510

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-1 Agenda 3/24/26-Second Reading
Title	New Policy - Vol. 16, No. 1 - February 2024 - CARDIOPULMONARY RESUSCITATION INSTRUCTION
Code	po2230.06
Status	

New Policy - Vol. 16, No. 1 - February 2024

2230.06 - CARDIOPULMONARY RESUSCITATION INSTRUCTION

The State Board shall cause to be taught in all of the public schools of this state the subject of health education, including instruction in any of the grades 6 through 12 as considered appropriate by the Board of Education, on education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose.

The required instruction in cardiopulmonary resuscitation shall include at least **(x)** thirty (30) **()** _____ **()** **[end of option]** minutes of instruction for each student prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as "psychomotor skills". The CPR instruction must be based on an instructional program established by the American Heart Association or the American Red Cross or another program that is nationally recognized and uses the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools.

[] The Board shall provide for CPR instruction for a longer period of time to incorporate into the instruction the use of an automated external defibrillator (AED). The instruction that results in a certification being earned must be taught by an authorized CPR/AED instructor.

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Legal	WV Code 18-2-9(b) and (d)
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Cross References	po2230.07 - REQUIRED COURSES OF INSTRUCTION po8452 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED)
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Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-1 Agenda 3/24/26-Second Reading
Title	New Policy - Vol. 16, No. 1 - February 2024 - REQUIRED COURSES OF INSTRUCTION
Code	po2230.07
Status	

New Policy - Vol. 16, No. 1 - February 2024

2230.07 - REQUIRED COURSES OF INSTRUCTION

In all public, private, parochial, and denominational schools located within West Virginia, there shall be given prior to the completion of the eighth grade at least one (1) year of instruction in the history of the State of West Virginia.

The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism.

The WV Board of Education shall cause to be taught in all public schools of WV the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the County, on:

- A. The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases;
- B. substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general;
- C. the importance of healthy eating and physical activity in maintaining healthy weight; and
- D. education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose.

A full week of classes during the week selected by the Board shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

- A. Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;
- B. Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and
- C. includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.

These requirements are applicable to all public, private, parochial, and denominational schools located within WV.

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WV Code 18-2-9

Cross References

po2230.06 - CARDIOPULMONARY RESUSCITATION INSTRUCTION

po2413 - AIDS EDUCATION PROGRAM

po2414 - DRUG PREVENTION AND VIOLENCE REDUCTION EDUCATION PROGRAM

po8510 - WELLNESS

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - CONTROVERSIAL ISSUES
Code	po2240
Status	
Adopted	October 26, 2021

Revised Policy - Volume 16, No. 2 - December 2024

2240 - CONTROVERSIAL ISSUES

The Board of Education 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. (☒) likely to arouse both support and opposition in the community. **[End of Option]**

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;
- 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 it 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 ~~which that~~ (☒) have been approved by the Superintendent. (☒) who shall report periodically such approval to the Board for their review. **[OR]** () have been approved by the () principal. () department head. **[end of options]**

[] In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to his/her point of view. **[end of option]**

The Board, Superintendent, or principal may not prohibit a public school classroom teacher from responding to student inquiries or answering questions from students about scientific theories of how the universe and/or life came to exist.

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 parents or guardians.

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.

The Board also 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.

The Superintendent shall develop administrative guidelines for dealing with controversial issues and with parental concerns about program content or the use of particular materials.

WV Code 18-5-41a

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WV Code 18-5-41a

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Technical Corrections - Volume 16, No. 2 - December 2024 - PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS
Code	po2261.01
Status	
Adopted	May 26, 2015
Last Revised	December 10, 2019

Technical Correction - Volume 16, No. 2 - December 2024

2261.01 - PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year the Superintendent shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed ~~and approved~~ annually by the Board and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the District's expectations and objectives for meaningful parent and family involvement, and describe how the School District will:

- A. involve parents and family members in the development of the School District's Title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;
- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:
 1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
 2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
 3. strategies to support successful school and family interactions;
- E. use the findings of the above-referenced evaluation to:
 1. design evidence-based strategies for more effective parental involvement; and,
 2. revise the parent and family engagement policy, if necessary;

- F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;
- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning school performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;
- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at school.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent must also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent and family engagement policy.
- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.

- C. Parents must be involved in an organized, ~~on-going~~ ongoing and timely way in the development, review, and improvement of parent involvement activities, including the planning, review, and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate.
- D. Parents of participating students must be provided with:
1. timely information about the Title I program and the school's parent and family engagement policy;
 2. description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;
 3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.
- E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the Superintendent.
- F. As a component of the school-level parent and family engagement policy, the principal for each school shall coordinate the development of a school-parent compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the student will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
1. describe the school's responsibility to provide a high-quality curriculum and instruction in a supportive, effective learning environment;
 2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities, and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;
 3. address the importance of parent/teacher communication on an on-going basis through at least annual parent-teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
- H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the School District and school-level parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State's academic standards, State and local academic assessments Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;
- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities

that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);

- E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School District's capacity for parent involvement, the Superintendent and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, ~~including transportation and child care costs;~~
- D. train parents to enhance the involvement of other parents;
- E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement in Title I programs;
- G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement programs;
- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

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Legal 20 U.S.C. 6318
 34 C.F.R. Part 200 et seq.

Book	Public Comment Period 3/27/26-4/9/26
Section	Spec Update/Vol 17-1-Agenda-Second Reading
Title	NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	
Adopted	October 26, 2021

2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES ~~(The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024)~~

~~Effective August 1, 2024, this policy shall only pertain to Reports or Formal Complaints of Sexual Harassment that are based on conduct alleged to have occurred on or before July 31, 2024.~~

Introduction

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. **[DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students in the education programs or activities that they operate, it seems appropriate to include the term "admission."]** The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits sexual harassment that occurs within its education programs and activities. When the ~~District~~ **County** has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the ~~School District County~~ **Schools** community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the ~~District's County's~~ **County's** education programs and activities.

Coverage

This policy applies to sexual harassment that occurs within the ~~District's County's~~ **County's** education programs and activities and that is committed by a Board employee, student, third-party vendor or contractor, guest, or other members of the school community.

This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the Board's education programs and activities; such sexual misconduct/sexual activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws () and/or Employee/Administrator Handbook(s) **[End of Option]** if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the District's County's education programs or activities. Sexual harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by other applicable Board policies and administrative guidelines, applicable State and/or Federal laws () and/or Employee/Administrator Handbook(s) [End of Option] if committed by a Board employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex are also covered by and subject to the investigation procedures in Board Policy 5517 - Student Anti-Harassment. Complaints not covered by this policy may still be governed by and subject to the procedures in Policy 5517 - Student Anti-Harassment.

Definitions

Terms used in this policy shall have those meanings defined herein; terms not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District's County on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- 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 County's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
 1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
 - a. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 - d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - e. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
 - f. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by WV Code §§ 2-2-10 and 61-8B-2, or whose status as a student prohibits such sexual contact per WV Code § 61-8D-1 et seq.
 - g. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. Pursuant to WV Code 61-8B-2 lack of consent results from forcible compulsion, incapacity to consent, or if an offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or ~~impliedly~~ **implicitly** acquiesce in the actor's conduct. A person is deemed incapable of consent when such person is: (1) less than sixteen years old; (2) mentally defective; (3) mentally incapacitated; (4)

physically helpless; or (5) subject to confinement or supervision by a state or local government entity, when the actor is a person prohibited from having sexual intercourse, or causing sexual intrusion or sexual contact pursuant to WV Code 61-8B-10(a)(b). **DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. The definition suggested above is pursuant to WV Code, the Board should consult its local legal counsel if they intend to modify or alter the definition of consent; the investigator(s) and decision-maker(s) will then uniformly apply the adopted definition.]**

- h. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. **[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]**

2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a. A current or former spouse or intimate partner of the victim;
- b. A person with whom the victim shares a child in common;
- c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
- e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal Complaint: "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the ~~District County~~ investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint with the ~~District County~~, a Complainant must be participating in or attempting to participate in the ~~District's County's~~ education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party to the formal complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the ~~District's County's~~ Title IX Coordinator, or any ~~District County~~ official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the ~~District County~~. "Notice" includes, but is not limited to, a

report of sexual harassment to the Title IX Coordinator. This standard is not met when the only ~~District-County~~ official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant 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-County'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-County'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, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), **(x)** referral to Employee Assistance Program **[End of Option]**, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the ~~District-County~~ over which the Board exercises substantial control, including in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off-school property/grounds if the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

County School ~~District~~-community: "County School ~~District~~-community" refers to students and Board employees (i.e., administrators, and professional and service personnel), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: "Third parties" include, but are not limited to, guests and/or visitors on County School ~~District~~-property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the County School ~~District~~-community at school-related events/activities (whether on or off ~~District-County~~ property).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations: **[DRAFTING NOTE: Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name or Title of the Title IX Coordinator; while the Board may list both the Name and Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) () and in the Administrative Guideline.]**

Director of K-8 Schools

304-272-5116

212 North Court Street

Wayne, WV 25570

Director of Special Education

304-272-5116
 212 North Court Street
 Wayne, WV 25570

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to the ☐ Board Attorney ☒ Board President ☐ _____ . Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the Wayne County School ~~District~~ does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The ~~District's~~ County's Title IX Coordinator(s) is/are:

Director of K-8 Schools

304-272-5116
 212 North Court Street
 Wayne, WV 25570

Director of Special Education

304-272-5116
 212 North Court Street
 Wayne, WV 25570

Any inquiries about the application of Title IX and its implementing regulations to the ~~District~~ County may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

*The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: www.wayneschoolswv.org **[insert the web address at which Policy 2266 can be found, or insert a hyperlink tied to the title of the policy]** The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the ~~District~~ County will respond. **[DRAFTING NOTE: The above information could be utilized as the notice on the ~~District's~~ County's website, in each handbook, included on applications for admission, job applications, or any other place in which the Superintendent is required to prominently display a Title IX notification.]***

The Superintendent shall also prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this policy on the ~~District's~~ County's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The ~~District's~~ County's response to allegations of sexual harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this grievance process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for sexual harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the ~~District's County's~~ education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The ~~District-County~~ will continue to handle complaints subject to the ~~District's County's~~ other nondiscrimination and anti-harassment policies, including: Policy 5517 - Anti-Harassment and Violence; Policy 5517.01 - Bullying; 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability; 1422/3122/4122 - Nondiscrimination and Equal Employment Opportunity; and 1662/3362/4362 - Anti-Harassment and Violence.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). () Anonymous reports may be submitted using [] the online reporting form posted at **[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"]** [or] [] the hotline reporting number ([insert phone number]). **[DRAFTING NOTE: Inclusion of this optional language is not recommended, however, it is recommended that the Title IX Coordinator(s) be trained on the evaluation of anonymous reports to determine if sufficient information is provided so as to proceed under either this Policy or another related policy.]**

Board employees are required, and other members of the ~~County School District~~ community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. **[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or sexual harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or sexual harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the County School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify the/a Title IX Coordinator."]** Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the [] Superintendent [x] other Title IX Coordinator **[End of Option]**, or another Board employee who, in turn, will notify the [x] Superintendent [] other Title IX Coordinator **[End of Option]** of the report. The [x] Superintendent [] other Title IX Coordinator **[End of Option]** will then serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment. **[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute [] Board Attorney, [] Board President, [] _____ in place of Superintendent.]**

The Board does business with Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given Third-Party Respondent may have under this policy, the Board retains the right to limit any Third-Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any Third-Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a formal complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies () and/or administrative guidelines, **[END of OPTION]** the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. **DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of sexual harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., "* * * must immediately/promptly notify the/a Title IX Coordinator of such information or report."**] The Board employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment or neglect of a child pursuant to WV Code 49-2-803 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of sexual harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days) **DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days".**] of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the ~~District-County~~ to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the ~~District-County~~ may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the ~~District-County~~ determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related ~~District-County~~ policies, including Policy 5120 - Assignment within ~~District-County~~; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, and Policy 5611 – Due Process Rights. **[DRAFTING NOTE: The Board may substitute "Superintendent" or "Title IX Coordinator" in place of "District-County" in the first sentence. Alternatively, the Superintendent could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In West Virginia, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Act, as amended and/or Section 504 of the Rehabilitation Act of 1973.]**

If the Respondent is a non-student employee, the ~~District-County~~ may place the Respondent on administrative leave during the pendency of the grievance process. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements.

For all other Respondents, including other members of the ~~County School District~~ community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of sexual harassment or otherwise.

Formal Complaint of Sexual Harassment

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above () and by _____. **DRAFTING NOTE: The Board may set forth additional method(s) by which a formal complaint may be filed (e.g., online portal submission).**] If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the **[x]** Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the

limited purpose of implementing the grievance process with respect to that formal complaint [] **the other Title IX Coordinator who will then proceed with the grievance process with respect to that formal complaint [End of Options]. [DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute [] Board Attorney [] Board President [] _____ in place of Superintendent.]**

The Complainant's wishes with respect to whether a formal complaint is filed will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the ~~District~~ County will follow its grievance process, as set forth herein. Specifically, the ~~District~~ County will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and will not make credibility determinations based solely on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct () and the Employee/Administrator Handbook. **[DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false formal complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]**

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The ~~District~~ County will seek to conclude the grievance process, including resolving any appeals, within ninety (90) days of receipt of the Formal Complaint. **[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests 90 days (i.e., 12 weeks) based on the following considerations: (1) within two days of receipt of the Formal Complaint, the Title IX Coordinator sends requisite notice to parties; (2) two weeks (14 calendar days) to investigate (remember the need for advance written notice to a party and adequate time for the party to prepare before any interviews/hearings/meetings; time for parties to present witnesses (including expert witnesses) and other inculpatory or exculpatory evidence); (3) at the conclusion of the investigation and before finalizing the investigative report, two weeks (a minimum of 10 calendar days) for the parties to review the evidence and submit their feedback; (4) up to a week (i.e., 7 calendar days) for the investigator to consider such feedback and prepare the investigative report; (4) two week (a minimum of 10 calendar days) for the parties to review the investigative report and submit questions and receive answers to questions submitted to parties and witnesses (if the Board permits hearings, the hearing cannot occur until the Complainant and Respondent have had a minimum of 10 calendar days to review the investigative report); (5) a week (i.e., 7 calendar days) for the decision-maker(s) to prepare the decision; (6) up to a week (Neola suggests 3 calendar days) for the parties to review the decision and submit a notice of appeal; (7) a week (7 calendar days) for the parties to submit their written statements in support of or in opposition to the appeal; and (8) a week (7 calendar days) for the appeal decision-maker(s) to prepare a final decision. Any informal resolution process could impact this schedule. Given this fairly aggressive timeline, the Board may want to remove the appeal process from this timeline – i.e., delete the phrase “, including resolving any appeals,” from the sentence, which would allow more time for the potential use of the informal resolution process. Further, the preceding schedule does not provide time for a hearing that could further extend the timeline needed to complete the grievance process.]**

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. **[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time – e.g., the complexity and severity of the matter, or school breaks.]** () The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitute sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
 - 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 - 3. inform the parties of any provision in the Student Code of Conduct (x), this policy, () and/or Employee/Administrator Handbook(s) **[DRAFTING NOTE: While the Title IX regulations only reference "code of conduct" Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]** that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

[DRAFTING NOTE: The Title IX regulations do not define "upon receipt" or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within "two (2) days" of receipt of the formal complaint; this suggestion is memorialized in the corresponding administrative guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be completed quickly with the requisite information after receipt of the formal complaint.]

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The ~~District~~ County shall investigate the allegations in a formal complaint *unless* the conduct alleged in the formal complaint:

- A. would not constitute sexual harassment (as defined in this policy) even if proved;
- B. did not occur in the ~~District's~~ County's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the ~~District~~ County may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a formal complaint, or any allegations therein, if at any time during the investigation () or hearing **[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility under this policy. Neola suggests that the Board does not provide for a hearing, but if the Board will permit hearings, they should select this option. See sub-heading *Determination of Responsibility* for more detail regarding hearings.]:**

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the ~~District~~ County or employed by the Board; or

- C. specific circumstances prevent the ~~District-County~~ from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling formal complaints of sexual harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a formal complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that otherwise would occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee () or another adult member of the County School District-community or Third Party **[END of OPTION]** sexually harassed a student. **[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Board employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]**

(x) The informal resolution process is not available to resolve allegations regarding a sexual assault involving a student Complainant and a student Respondent. **[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board selects this option because of the severity of this type of sexual harassment.]**

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the ~~District County~~, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the **(x)** preponderance of the evidence standard **()** clear and convincing evidence standard **[END OF OPTIONS]**. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

[DRAFTING NOTE: Neola suggests the Board adopts the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged sexual harassment.

The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the ~~District County~~ would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant.

The same standard of evidence must be applied for formal complaints against students as is applied to formal complaints against employees, and the same standard of evidence must be used for all formal complaints of sexual harassment. The Board should discuss this option with its local legal counsel.]

The ~~District County~~ is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the ~~District County~~ with voluntary, written consent to do so; if a student party is not an eligible student, the ~~District County~~ must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The ~~District County~~ may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. **()** The ~~District County~~ establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings: **[DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules of decorum. This topic is also addressed in Administrative Guideline 2266.]**
- D. **()** Whether a person is allowed to audio record or video record any meeting or grievance proceeding will be consistent with the procedures established in Board Policy 2461 – Recording of Board Meetings Involving Students and/or Parents.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The ~~District County~~ will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all ☐ hearings, **[DRAFTING NOTE: Select this option if the Board permits hearings.]** investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. ☒ The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings ☒ and five (5) days' notice with respect to hearings **[End of Option]. [DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice – i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advance notice for hearings and one (1) day's advanced notice for investigative interviews and other meetings.]**

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the ~~District County~~ does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the ☐ investigator ☒ Title IX Coordinator **[End of Option]** will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. **[DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decision-maker]** ☐ The ~~District County~~ will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. **[END OF OPTION]**

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to **[DRAFTING NOTE: Select one of the following two options. The Board should select the second option if it is providing a hearing or permitting the decision-maker(s) to decide whether to conduct a hearing on a case-by-case basis.]**

☒ the decision-maker(s) issuing a determination regarding responsibility.

☐ a hearing or the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decision-maker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program (see the Drafting Note contained in the first paragraph for the definition of "vocational program"), Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to formal complaints involving parties associated with the vocational program. If the Board determines with its legal counsel that it must provide for a live hearing it should select Option E of Option 2, at least with respect to formal complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)]

☒[OPTION 1]

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the question of any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

[END OF OPTION 1 - NOTE: If Option 1 is selected proceed to [END OF OPTION 2] and commence with Determination Regarding Responsibility

() [OPTION 2 - NOTE: Option 2 is inclusive of all Letter Options (A) - (E)]

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) () may () will **[END OF OPTIONS]** conduct a hearing.

[DRAFTING NOTE: Select Option A or Option B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]

() [Option A]

If the decision-maker(s) decides not to conduct a hearing, the decision-maker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

If the decision-maker(s) elects to conduct a hearing, the hearing will proceed as follows:

[End of Option A]

(x) [Option B]

The hearing will proceed as follows:

[End of Option B]

[DRAFTING NOTE: Select Option C or Option D or Option E; Neola suggests Option C. The Board should discuss this option with its local legal counsel.]

(x) [Option C]

At the hearing, the decision-maker(s) will allow each party or each party's advisor to submit relevant questions to the decision-maker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real-time.

() If a party does not have an advisor present at the live hearing, the ~~District County~~ will provide, without fee or charge to that party, an advisor of the ~~District's County's~~ choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

[End of Option C]

() [Option D]

Prior to commencing the hearing, the decision-maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision-maker(s) who will ask the other party and any witnesses the questions.

If the decision-maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the live hearing will be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally. If the decision-maker(s) permit each party's advisor to ask questions directly to the other party and any witnesses, the decision-maker(s) shall not restrict the extent to which advisors may participate in the hearing.

If, on the other hand, the decision-maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision-maker(s), the decision-maker will ask the questions to the other party and any witnesses. Such cross-examination at the hearing will be conducted orally and in real-time by the decision-maker(s) based upon questions submitted by a party's advisor or the party.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If the decision-maker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the live hearing, the ~~District County~~ will provide, without fee or charge to that party, an advisor of the ~~District's County's~~ choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

() If the decision-maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the ~~District County~~ will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

[End of Option D]

() [Option E]

At the live hearing, the decision-maker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision-maker shall not restrict the extent to which advisors may participate in the hearing.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

() If a party does not have an advisor present at the live hearing, the ~~District County~~ will provide, without fee or charge to that party, an advisor of the ~~District's County's~~ choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

[End of Option E]

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the () decision-maker(s) (x) Title IX Coordinator(s) **[END OF OPTIONS]**, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. The ~~District County~~ will create audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

[END OF OPTION 2]

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the (x) preponderance of the evidence standard () clear and convincing evidence standard **[End of Option]**. **[DRAFTING NOTE: Be sure to select the same evidence standard previously selected above.]**

The written determination will include the following content:

- A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;

- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence, () and hearings held; **[DRAFTING NOTE: The Board should only select this option if it permits hearings.]**
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the ~~District County~~ impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the ~~District's~~ ~~County's~~ education program or activity should be provided by the ~~District County~~ to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

() **[OPTION 1]**

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment).

[END OF OPTION]

(x) **[OPTION 2]**

Disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment) including but not limited to:

A. Informal Discipline

1. (x) writing assignments;
2. (x) changing of seating or location;
3. (x) before-school, () lunchtime, () after-school detention;
4. (x) in-school discipline (in accordance with Policy 5610.02 and West Virginia State Board policies 2419 and 4373);
5. (x) Saturday school

B. Formal Discipline

1. (x) suspension or exclusion from bus riding/transportation privileges;
2. (x) removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. (x) emergency removal;
4. (x) suspension pursuant to State Board Policy 4373
5. (x) exclusion by a teacher or bus operator;
6. (x) disciplinary removal or out-of-school suspension for each incident if the student is eligible for special education services under West Virginia State Board policy 2419;
7. (x) expulsion pursuant to State Board Policy 4373;
8. (x) exclusion from co-curricular and/or extra-curricular activity(ies), including athletics or current class enrollment; and
9. (x) any other sanction authorized by the Student Code of Conduct.

[END OF OPTION]

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Discipline for Special Education Students, Policy 5610 – Exclusion from Classroom or School Bus, Suspension and Expulsion of Students, Policy 5610.02 – In-School Suspension, Policy 5610.04 – Suspension of School Transportation Privileges and Exclusion from School Bus, and Policy 5611 – Discipline – Student Due Process Rights. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act, as amended (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

- A. ☒ oral or written warning;
- B. ☒ written reprimands;
- C. ☒ performance improvement plan, if applicable ~~pursuant~~, pursuant to relevant West Virginia law and State Board policy;
- D. ☒ required counseling;
- E. ☒ required training or education;
- F. ☒ suspension with pay;
- G. ☒ suspension without pay;
- H. ☒ termination;
- I. ☒ any other sanction authorized by West Virginia law or State Board policy.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator, or the Board if required by law, can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, pursuant to applicable West Virginia law. If the Superintendent is the Respondent, the Title IX Coordinator will notify the ☐ Board Attorney ☐ Board President **[End of Options]** of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual. **[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to the imposition of discipline as a result of possible delays caused by the Board's obligation to follow this grievance process.]**

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the ~~County School District~~ community or Third Party determined responsible for violating this policy (i.e., engaging in sexual harassment):

- A. ☒ oral or written warning;
- B. ☒ suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;
- C. ☒ mandatory monitoring of the third-party while on school property and/or while working/interacting with students;
- D. ☒ restriction/prohibition on the third-party's ability to be on school property; and
- E. ☒ any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a member of the Board, s/he shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining Board members.

The ~~District's County's~~ resolution of a formal complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent **(or the Title IX Coordinator if the Superintendent is the Respondent)** may involve local law enforcement and/or file criminal charges related to allegations of sexual harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility or from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

- D. () The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the sexual harassment);

- E. () _____

If formal discipline has been imposed upon any employee or student as a result of an investigation pursuant to this policy, the employee/student may pursue any available legal remedies to challenge the disciplinary decision, including any applicable board of education hearing or proceeding, grievance, citizen's appeal, or another available legal remedy.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within _____ (____) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein. **DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for submitting a written appeal be set at "within five (5) days" of the appealing party's receipt of the decision-maker's(s') determination of responsibility.**

Nothing herein shall prevent the Superintendent or Board of Education **(or the Board when the Superintendent is the Respondent)** from implementing appropriate remedies while the appeal is pending; this, however, excludes the imposition of disciplinary sanction.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. **[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, or OPTION 4.]**

(x) [OPTION 1] The decision-maker(s) for the appeal shall determine when each party's written statement is due. **[END OF OPTION 1]**

() [OPTION 2] The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within ____ days after the Title IX Coordinator provides notice to the non-appealing party of the appeal. **[END OF OPTION 2]**

() [OPTION 3] The appealing party's written statement must be submitted within ____ days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within ____ days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. **()** The appealing party will have ____ days to submit a rebuttal to the other party's written statement. **[DRAFTING NOTE: Neola does not suggest that the Board select this extra option.] [END OF OPTION 3]**

() [OPTION 4] Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to ____ days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility. **[END OF OPTION 4]**

DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal.

If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party have only two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit his/her written statement challenging the determination of responsibility at the same time s/he submits his/her notice of appeal. The nonappealing party would be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g. three or five days, depending on the appeal deadline selected above).]

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted. **DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for the decision-maker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements or the date a last written statement is submitted pursuant to Option 3 or Option 4.]**

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. **(x)** No further review beyond the appeal is permitted. **[END OF OPTION]**

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitute(s) retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation **(x)** and/or hearing **[DRAFTING NOTE: Select this option if the Board permits hearings.], [End of Option]** is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The ~~District~~ County will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and West Virginia State Board policy 4350, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the ~~District's~~ County's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The ~~District's~~ County's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of sexual harassment (as that term is used in this policy);
- B. the scope of the ~~District's~~ County's education program or activity;
- C. how to conduct an investigation and implement the grievance process () that includes hearings, **[DRAFTING NOTE: Select this option if the Board permits hearings.]** appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

(x) All Board employees will be trained concerning their legal obligation to report sexual harassment to the Title IX Coordinator. This training will include practical information about how to identify and report sexual harassment.

[DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]

Recordkeeping

As part of its response to alleged violations of this policy, the ~~District~~ County shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the ~~District~~ County shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the ~~District's~~ County's education program or activity. If the ~~District~~ County does not provide a Complainant with supportive measures, then the ~~District~~ County will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the ~~District~~ County in the future from providing additional explanations or detailing additional measures taken.

The ~~District~~ County shall maintain for a period of five (5) years the following records **[DRAFTING NOTE: There is no specific state law or policy which would require any specific retention of records obtained under this policy; however, it is likely recommended that each board establish some minimum time period for retaining the**

records, such as five years]:

- A. Each sexual harassment investigation including any determination regarding responsibility **(x)** and any audio or audio-visual recording or transcript that is made of any hearing **[DRAFTING NOTE: Select this option if the Board permits live hearings.]**, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the ~~District's~~ **County's** education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The ~~District-County~~ will make its training materials publicly available on its website. **(x)** If a person is unable to access the ~~District's-County's~~ website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

Outside Appointments, Dual Appointments, and Delegations

The Board retains the discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards that may want to affirmatively communicate to / address these issues for readers of this policy.]

(x) Discretion in Application

The Board retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains the discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Legal	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Act of 2004 (IDEA), as amended
	42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	42 U.S.C. 1983

34 C.F.R. Part 106

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

WV Code 29B-1-3

WV Code 49-2-801

WV Code 2-2-10

WV Code 61-8B-2

WV Code 61-8B-10(a), (b)

WVBE policy 2419

WVBE policy 4373

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - HOPE SCHOLARSHIP PROGRAM
Code	po2371
Status	
Adopted	June 28, 2022

Revised Policy - Volume 16, No. 2 - December 2024

2371 - HOPE SCHOLARSHIP PROGRAM

The Hope Scholarship Program (Program) is established to provide the option for a parent or eligible student to better meet individual educational needs.

It shall be the responsibility of the ~~District~~ County to provide accurate records to any education service provider that has enrolled an eligible student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 (FERPA). (See Also: Policy 8330 - Student Records)

Annually, by July 1 of each year, the Hope Scholarship Board is required to verify with the West Virginia Department of Education (WVDE) the criteria established in WV Code 18-31-7.

General Requirements

The Program funds will be allocated by the Hope Scholarship Board to an eligible student or the parents of an eligible student. The funds will be awarded to an eligible recipient to pay qualifying elementary and secondary education expenses.

Application

For a student to be eligible for the program, they must meet the requirements established in ~~18-31-5 W.V. Code~~ WV Code 18-31-2(5) and complete the standard, confidential application form.

The application shall be approved and the eligible student granted the scholarship by the Hope Scholarship Board, if the parent meets the requirements established in W.V. Code and signs an agreement promising to meet the standards set forth in statute.

The State Superintendent shall develop a guideline to establish an appeal process if a parent or eligible student is denied a scholarship. This process will be consistent with 18-31-10 W.V. Code.

If granted a scholarship, the parents and eligible students must agree to use the funds deposited into the scholarship account only for the qualifying expenses as established in 18-31-7 W.V. Code.

Educational Privileges and Programs Available to Hope Scholarship Students

A Hope Scholarship student who pursues an individualized instructional program shall have the same privileges and access to programs that this code makes available to students exempt from compulsory school attendance pursuant to WV Code including, but not limited to:

- A. the ability to receive a diploma from the student's secondary educational program administrator according to the requirements of WV Code;
- B. the ability to receive the PROMISE scholarship according to the requirements of WV Code;
- C. the ability to receive a work permit without prior review by a school administrator pursuant to WV Code; and
- D. the ability to participate in an ACE program according to the requirements in WV Code.

A Hope Scholarship student that attends a participating school shall have the same privileges and access to programs available to students exempt from compulsory school attendance pursuant to WV Code by virtue of attendance of a nonpublic school including, but not limited to:

- A. the ability to receive a diploma from the student's school administrator according to the requirements of WV Code;
- B. the ability to receive the PROMISE scholarship according to the requirements of WV Code; and
- C. the ability to participate in an ACE program according to the requirements in WV Code.

Exemption

A student is exempt from the compulsory school attendance requirements set forth in State law if the student is an eligible recipient participating in the Hope Scholarship Program and notice has been provided about the student's intent to participate in the Hope Scholarship Program to the Superintendent. The Superintendent shall enter the following information into the West Virginia Education Information System (WVEIS):

- A. The filing of the notice of intent pursuant to State law;
- B. In the case of a Hope Scholarship recipient who chooses an individualized instructional program, annually, the student's test results or determination that a student is making academic progress commensurate with his or her age and ability, as applicable, pursuant to State law requirements; and
- C. In the case of an eligible recipient enrolling in a participating school, annually, the filing of a notice of enrollment pursuant State law.

Statewide Assessments

The District-County will notify any student who resides in the District-County and receives a Hope Scholarship, and the student's parent, about the locations and times to take all Statewide assessments. Parents shall be responsible for transporting the student to the assessment site.

A Hope Scholarship student who chooses an individualized instructional program must have annually taken a nationally normed standardized achievement test of academic achievement in the subject areas of reading, language, and mathematics, and when available for the student's grade-level, science, and social studies.

~~Term of Hope Scholarship~~Continued Participation in Hope Scholarship Program

~~Annually, by July 1 of each year, the Hope Scholarship Board is required to verify with the West Virginia Department of Education (WVDE) the criteria established in 18-31-7 W.V. Code.~~

~~The parent or eligible student shall annually renew the recipient's scholarship.~~ Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope Scholarship student may continue participation in the program from school year to school year without reapplying for the program.

As a condition of continued participation in the Hope Scholarship Program from one school year to the next, a parent must annually meet the following requirements:

- A. Submit proof of the student's continued West Virginia residency.
- B. Execute the parent agreement with the Hope Scholarship Board ahead of each school year.
- C. Report to the County Superintendent of the student's county of residence that the student has complied with all attendance and academic requirements for the most recent school year.

Parents are required to notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's enrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program.

Terms of Hope Scholarship

Unless there has been a change in eligibility the scholarship shall remain in force until one of the following conditions occur:

- A. A parent of an eligible recipient fails to ~~renew a Hope Scholarship account~~ meet annual requirements or withdraws from the Program;
- B. The Hope Scholarship Board determines that a student is no longer eligible for a scholarship;
- C. The Hope Scholarship Board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of State statute;
- D. The eligible student successfully completes a secondary education program; or
- E. The eligible scholarship student reaches twenty-one (21) years of age.

If the scholarship will be terminated due to the above-stated, statutory criteria, the Hope Scholarship Board shall notify the parent of the eligible student that their account will be closed in forty-five (45) calendar days. If the parent of an eligible student ~~fails to respond to the notification by the Hope Scholarship Board regarding the condition or conditions upon which the termination is based within thirty (30) days, the account will be officially closed and the remaining money will be returned to the State~~ declines continued participation in the program or does not respond within thirty (30) calendar days of receipt of notice, the account will be officially closed and remaining money will be returned to the State.

Limited Liability

The School Board shall not be liable based on the award or use of a Hope Scholarship awarded to an eligible student pursuant to this policy and the provisions of ~~18-31-1 et seq. W.V. Code~~ WV Code 18-31-1 et seq.

WV Code 18-2E-11
 WV Code 18-8-1
 WV Code 18-8-1(m)
 WV Code 18-8-12
 WV Code 18-31-1
 WV Code 18-31-2(5)
 WV Code 18-31-3(a)
 WV Code 18-31-3(e)
 WV Code 18-31-5
 WV Code 18-31-7
 WV Code 18-31-8(a), (f)
 WV Code 18-31-9(c)
 WV Code 18-31-10
 WV Code 18-31-10(d)
 WV Code 18-31-11
 WV Code 18-31-13
 WV Code 18C-7-1 et seq.
 WV Code 21-6-3
 20 U.S.C. 1232g

Cross Reference:
 po8330 - STUDENT RECORDS

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Legal	WV Code 18-2E-11
	WV Code 18-8-1
	WV Code 18-8-1(m)
	WV Code 18-8-12
	WV Code 18-31-1
	WV Code 18-31-2(5)
	WV Code 18-31-3(a)
	WV Code 18-31-3(e)
	WV Code 18-31-7

WV Code 18-31-8(a), (f)

WV Code 18-31-5

WV Code 18-31-9(c)

WV Code 18-31-10

WV Code 18-31-10(d)

WV Code 18-31-11

WV Code 18-31-13

WV Code 18C-7-1 et seq.

20 U.S.C. 1232g

WV Code 21-6-3

Cross References

po8330 - STUDENT RECORDS

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-1 Agenda 3/24/26-Second Reading
Title	Technical Correction - Vol. 16, No. 1 - February 2024 - DRUG PREVENTION AND VIOLENCE REDUCTION EDUCATION PROGRAM
Code	po2414
Status	
Adopted	May 26, 2015
Last Revised	February 8, 2022

Technical Correction - Vol. 16, No. 1 - February 2024

2414 - DRUG PREVENTION AND VIOLENCE REDUCTION EDUCATION PROGRAM

In order for the schools to become healthy learning environments and to provide a strong defense against drug use and violence, the Board, within the existing health and physical education program will require instruction in resistance and life skills to counteract societal and peer pressure to use of drugs, alcohol and tobacco, and include counselors, teachers and staff in full implementation of the program. The Board shall also prescribe programs to coordinate violence reduction efforts in schools and between schools and their communities and to train students, teachers, counselors and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary and shall begin in elementary school.

The Board shall implement comprehensive drug awareness and prevention programs for students in grades K through 12 to receive instruction regarding the dangers of substance abuse. Beginning with the 2020-2021 school year, comprehensive drug awareness and prevention programs may include faith-based electives, along with nonfaith-based electives, for drug awareness in classrooms. The purpose of the drug awareness and prevention program is to:

- A. Keep students from illegally using alcohol, tobacco or other drugs;
- B. Reduce or eliminate the incidence and prevalence of student's alcohol, tobacco and other drug abuse;
- C. Reduce the factors that place students at risk of abusing alcohol, tobacco or other drugs through school and a community based planning processes;
- D. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and drug-free;
- E. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and drug use, and of blood borne pathogens;
- F. Actively involve staff, students, parents and community members in the development and implementation of the drug awareness and prevention program plans;
- G. Facilitate an understanding and appreciation of the risks to, duties of, and likely actions by law-enforcement officers when conducting investigations; and
- H. Instruct how to respond to an officer during a vehicular or other stop or police interaction, including problematic or dangerous action and behaviors that could result in a person being detained or arrested.

The Board shall coordinate the delivery of instruction to meet the purposes above with educators, drug rehabilitation specialists and law enforcement agencies to periodically provide age appropriate student education on their experiences with the impacts of illegal alcohol and drug use.

Instruction is required in the subject of health education in any of the grades six through twelve as considered appropriate by the Board shall include at least sixty (60) minutes of instruction for each student on the dangers of opioid use, the ~~additive~~ ~~addictive~~ characteristics of opioids, and safer alternatives to treat pain.

School Partnership Development

Each school will establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools.

School Policy Dissemination and Training

To ensure understanding of substance abuse and tobacco/nicotine expected behaviors, each school shall develop and implement an ongoing awareness campaign for all students, staff, and parents/guardians.

Policy 5500 and Policy 5600 shall appear in the student and staff handbooks and if no handbook is available, a copy will be distributed to all students, (✖) parents, faculty, and staff. (✖) Policy 5500 and Policy 5600 or a summary shall be conspicuously posted throughout the Board's facilities in areas accessible to students and staff members.

The District and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

School Implementation Plan

Plans for the implementation of substance abuse and tobacco/nicotine programs and policies () shall (x) should **[end of option]** be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations, and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the District's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

- A. establish leadership team (may be an existing team) to manage the design, monitoring, and improvement of school climate/culture;
- B. establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents, and community;
- C. develop school-wide priorities for West Virginia Board of Education policy 4373;
- D. analyze school climate/culture data annually;
- E. make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- F. implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- G. implement programs/practices that promote youth asset development to support expected student behaviors, positive education, and health outcomes;
- H. implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- I. develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- J. evaluate school climate/culture improvement processes and revise as needed.

School Evaluation of Effectiveness

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

- A. progress toward implementation plan goals and objectives;
- B. evidence of school climate/culture improvement efforts;

- C. required LSIC reports (WV Code 18-5A-2);
- D. trend analysis from school climate/culture survey tools (as available);
- E. summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- F. evaluation data from training and staff development provided by the District, ESC, and/or WVDE.

The Board of Education 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.

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West Virginia Board of Education policy 4373

West Virginia Board of Education policy 2520.5

West Virginia Board of Education policy 2315

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES
Code	po2430.02
Status	
Adopted	May 26, 2015
Last Revised	April 23, 2024

Revised Policy - Volume 16, No. 2 - December 2024

2430.02 - PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES

Purpose

The purpose of this policy is to establish academic eligibility criteria for students to participate in extra-curricular activities both during and after normal school hours.

Applicability

This policy applies only to interscholastic athletics (including cheerleading), student government, and class officers in grades 6-12. Excluded from this policy are co-curricular activities ~~which that~~ are closely related to identifiable academic programs/areas of study and ~~which that~~ serve to complement academic curricular activities such as ~~vocational career and technical education~~, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic and other similar academic co-curricular activities.

Eligibility

In order to participate in the extra-curricular activities to which this policy applies, a student must meet the following:

- A. adhere to all State and local attendance policies
- B. maintain a 2.0 average.
 1. A 2.0 average is defined as a grade-point average (GPA) of 2.0 or better on a scale where an "A" is given the value of four (4) points, a "B" is given the value of three (3) points, a "C" is given the value of two (2) points, a "D" is given a value of one (1) point, and an "F" is given the value of 0 points.
 2. Schools ~~which that~~ use a numerical grading system shall convert the grades to the corresponding letter grade. Each letter grade shall be assigned the appropriate value as set forth above, and the average thereof computed to determine whether the student is eligible. No enhanced value shall be given for a "plus" or "minus" designation, such as "B+" or "C-"; all grades with the same letter designation have the same numerical value in the 4.0 scale.
 3. In computing a student's "grade-point average" (GPA) for purposes of this policy, all subjects undertaken by the student and for which a final grade is recorded are to be considered. Athletic practice, including cheerleading, may not be counted as a subject. The total number of classes taken is divided into the total number of "grade points" earned to determine the GPA. Classes for which a pass/failure is awarded shall be included in computing the GPA only if the student failed the class.
 4. The student's eligibility shall be determined for each semester by the student's GPA from the previous semester (or, in schools ~~which that~~ do not use the traditional semester approach, during the previous eighteen (18) week period).

5. If a student does not maintain a 2.0 average for the semester, s/he shall be ineligible for participation in the following semester. Students not meeting eligibility requirements shall be reviewed at the mid-point of the second semester (the nine (9) week point) to determine whether the student has achieved a 2.0 average.
6. If a student does not earn a 2.0 average by the end of the second semester, s/he may attend summer school to raise the GPA to become eligible for participation at the beginning of the next school year. For purposes of computing the GPA after summer school, all of the student's grades from the second semester plus the student's grade from the summer school shall be used to determine the GPA.
7. A student who has not achieved a 2.0 GPA for the previous semester may have his/her eligibility reinstated at midsemester if the student has attained at least a 2.0 GPA. In schools where the traditional semester approach is not used, the nine (9) week point shall be utilized in place of the midsemester.
8. In the case of students with exceptionalities as set forth in West Virginia Board of Education policy 2419, Regulations for the Education of Students with Exceptionalities, if grades are given, all grades received from placements in regular classrooms and special education classrooms shall be included when computing the GPA. Exceptional students placed in ungraded programs shall be eligible for participation in extra-curricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their IEP.
9. Students who have had a break in public school attendance for any reason may be required to establish eligibility after re-enrollment in the public school. The transfer of credits/grades earned and transferred from the non-public setting shall be used in determining academic eligibility. Eligibility shall be gained at midsemester (nine (9) week point) if the student has attained at least a 2.0 GPA. In schools and/or districts where the traditional semester approach is not used, the nine (9) week point shall be utilized in place of the midsemester.
10. Students who are entering public schools or other West Virginia Secondary School Activities Commission (WVSSAC) member schools for the first time shall be eligible for participation as follows:
 - a. Students who have not earned grades that the receiving school shall accept for credit upon transfer shall be eligible upon enrollment and must have a 2.0 GPA at the end of the semester in which they enroll to remain eligible.
 - b. Students who have earned grades that the receiving school shall accept for credit upon transfer must have earned a 2.0 GPA in the previous semester to be eligible upon enrollment. If not eligible upon enrollment, the student shall become eligible at the midsemester (nine [9] week point) if the student has attained at least a 2.0 GPA.
11. Students receiving home instruction, or participate in the Hope Scholarship Program, or participates in a microschool or learning pod, pursuant to WV Code 18-2-25(d) shall be eligible for participation in interscholastic athletics, provided that the student:
 - a. complies with the disciplinary rules promulgated by the WVSSAC and the county board in which the student lives;
 - b. agrees to obey all the rules of the WVSSAC governing awards, all-star games, parent consents, physical examinations, and vaccinations applicable to all high school athletes;
 - c. has demonstrated satisfactory evidence of academic progress for one (1) year and that the student's average test results for the immediately preceding year are within or above the fourth stanine in all subject areas;
 - d. has not reached the age of nineteen (19) by August 1 of the current school year; and
 - e. is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity.

Students enrolled in a private school shall not be eligible to play on a public school team if the sport is offered at the private school. Private school students are subject to the same member to member transfer protocols and WVSSAC waiver application process.

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

To gauge student involvement in their school community, the County and all public schools are encouraged to collect data related to student participation in extra- and co-curricular activities, community service, capstone experiences, internships, and other opportunities.

[] The Board, in an effort to protect the health and safety of its extra-curricular activities students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of the County, shall adopt a policy for drug testing of activity students. (See policy 5530.01)

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West Virginia Board of Education policy 2510

West Virginia Board of Education policy 4373

West Virginia Board of Education policy 2436.10

WV Code 18-2-5

WV Code 18-2-25d

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - EXTENDED LEARNING OPPORTUNITIES (ELO's)
Code	po2452
Status	
Adopted	February 8, 2022

Revised Policy - Volume 16, No. 2 - December 2024

2452 - EXTENDED LEARNING OPPORTUNITIES (ELO'S)

Purpose

The Board recognizes that some students may benefit and want to pursue extended learning opportunities (ELO) to achieve high levels of learning in programs of study through approved content standards outside of the traditional classroom that prepares students to be lifelong learners and successful citizens in a competitive global society. Extended learning opportunities are meant to fulfill or exceed the expectations set forth by State minimum standards. Learning opportunities that are designed to address the interests and aptitudes of the individual student will enable students to discover, develop, and apply their individual talents to realize their full potential. Extended learning opportunities may include, but are not limited to:

- A. ☐ independent study;
- B. ☐ private instruction;
- C. ☐ performing groups;
- D. ☐ internships;
- E. ☐ community service;
- F. ☐ apprenticeships;
- G. ☐ online courses/virtual education; or
- H. ☐ other ELO approved by the Superintendent.

~~The Board shall permit any high school student to receive up to _____ elective course credits towards graduation for completing any approved ELO program.~~ The Board shall review ELO through an application process from entities, including but not limited to, nonprofit organizations, after school programs, businesses, and trade associations who have an interest in offering ELO.

Students may earn no more than four (4) ~~six (6)~~ elective credits through the extended learning programs.

Entities that are deemed eligible to provide ELO programs shall be broadly defined and shall include, but not be limited to:

- A. Nonprofit organizations;
- B. Businesses with established locations in the state;
- C. Trade associations and apprenticeship programs;
- D. Parents of students involved in programs that may otherwise qualify as an alternative educational program or an ELO program;

E. Teachers involved in programs outside of the traditional classroom; and

F. School personnel involved in programs outside of the traditional classroom.

Roles and Responsibilities

All programs of study must meet or exceed the content standards identified by the West Virginia Board of Education, applicable rules and regulations of the West Virginia Department of Education (WVDE), and all applicable Board-adopted policies. All programs of study proposed through this program shall have specific instructional objectives aligned with the State minimum standards and District curriculum standards. (See Also: Policy 2220 - Adoption of Program of Study, Policy 2230 - Program of Study Early Learning Programs Grades Pre-K-5, Policy 2230.01 - Program of Study Middle-Level Education, Policy 2230.02 - Program of Student High School Program (Grades 9-12), Policy 2600 - Educational Program, and Policy 2605 - Program Accountability and Evaluation)

All ELO providers will comply with applicable federal and state laws and regulations, including child labor laws and regulations governing occupational safety, and other safeguards provided by the WVDE and Board policies. Background checks are required for all key personnel. (See Policies 3121/4121 -Criminal History Record Check)

A participating ELO program must also have proof of insurance.

The Principal will have primary responsibility and authority for the implementation of ELO programs and all aspects of such programs. Students wishing to pursue an ELO program of study under this policy must apply to the (**x**) guidance counselor () advisor **[END OF OPTION]** for approval. The Principal will determine who will be responsible for approving student eligibility.

The Principal will review and determine credits that will be awarded toward the attainment of a high school diploma for participation in an ELO. Parents and/or students may appeal decisions rendered by the Principal within the provisions below (see Appeal Process below).

Students approved for an ELO must have written parental/guardian/custodial permission to participate in such a program. Such permission will be granted upon return of the signed document to the district. This permission must be received before the student may begin the program.

All extended learning opportunities not initiated and designed by the District shall be the financial responsibility of the student or his/her parent/legal guardian. Students electing independent study, college coursework, internships, or other extended learning opportunities that are held off the high school campus will be responsible for providing their own transportation to and from the off-campus site.

Students approved for off-campus extended learning opportunities are responsible for their personal safety and well-being. Extended learning opportunities at off-campus sites will require a signed agreement among the school, the student, and a designated agent of the third-party host.

Application Process for Entities

An entity wishing to serve as an ELO provider is required to complete an application submit it to the Superintendent. The application must contain all of the following information:

- A. Name of the organization or individual providing the ELO;
- B. Address;
- C. Telephone Number;
- D. Email Address;
- E. Description of the organization or individual providing the ELO;
- F. Goals of the organization or individual;
- G. Education/Training of the person providing the ELO-documentation must be provided;
- H. Written content standards and objectives;

- I. Insurance Coverage or show qualification from the State Board of Risk and Management;
- J. Background check of all key personnel and persons providing instruction pursuant to State and Federal criminal history check requirements;
- K. Student Assessment Plan; and
- L. **[other] [District mandated information]** _____.

Each ELO program shall include as part of its learning standards and requirements that students demonstrate their willingness and an ability to be punctual, to be physically present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed.

No program of study shall be taught unless it has been approved by this Board.

Elective offerings not based on WVBE 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.

All ELOs will comply with applicable state and federal laws and regulations, including child labor laws and regulations governing occupational safety as well as any safeguards provided by the WVDE and adopted policies of the Board.

The Board shall consider a completed ELO program application within twenty (20) days of receipt.

ELO Application Evaluation Criteria

The () Superintendent (x) ELO Program Coordinator **[END OF OPTION]** will evaluate all applications. At a minimum, all applications must meet the following criteria:

- A. Provides for administration and supervision of the program;
- B. Provides that certified school personnel oversee and monitor the program;
- C. Requires that each extended learning opportunity meets rigorous standards, including the minimum standards established by the WVBE and all other applicable, established District standards; and
- D. A completed application providing all necessary information required by the District.

Program Denial and Appeal Process

If an ELO program application is denied, the Board shall provide a detailed explanation for the denial as well as an explanation of ways in which the ELO program may improve its application in order to obtain a more favorable review by the Board.

☒] An ELO provider may appeal any program application denial to the WVBE within twenty (20) days of receiving notice of the denial. The WVBE's decision shall be final. **[END OF OPTION]**

Denial of an ELO program application appeal shall not prohibit an ELO provider from submitting another application that addresses the concerns and/or meets the required improvements that were originally suggested by the Board.

Student ELO Application

- A. The application to enroll in an approved ELO is to be completed by the student or parent.
- B. The application should be completed and submitted to the Guidance Counselor () Advisor **[End of Option]** at least twenty (20) days prior to the beginning of the proposed semester in which the ELO would occur.

However, the Board recognizes that short-term notice opportunities may present themselves to students from time to time. As such, the Principal may grant waivers to the twenty (20) day submission requirement at his/her discretion, provided all other application criteria are satisfied. Such waivers will be granted on a case-by-case basis. All required information must be attached to the application and submitted to the student's School Counselor () Advisor **[End of Option]**.

- C. The application will be reviewed by appropriate school staff and administration and a decision will be made within ten (10) days of receipt of the application. The student will be notified in writing of the status of the application.

School staff shall work with a student to the fullest extent possible to resolve any differences or deficiencies in the student's ELO application/plan and to ensure that it satisfies the requirements for participation in an ELO.

If additional information is requested, the information must be submitted within one week of receipt of the request.

- D. It is the student's responsibility to maintain academic standing and enrollment in the approved program. Any failure to complete an approved program may jeopardize the student's ability to earn elective credit for the course. The student and parent recognize that in the event the student withdraws from an approved program, the District cannot guarantee placement in an equivalent District-offered course.
- E. The District reserves the right to determine the number of elective credits to be awarded. Any credits earned may be calculated towards the overall Grade Point Average. The course name and actual grade earned will be noted on the student's official transcript.

Appeal Process for Students

A student whose application has been denied may request a meeting with the Principal. The Principal will provide the student with the rationale as to why their application for an ELO was denied. Students may resubmit alternate applications for consideration if they are made within the timelines established by this policy. If the Principal rejects the re-submitted application, the student may appeal to the Superintendent. All decisions made by the Superintendent shall be final.

Program Integrity

The Board shall have the authority to audit approved ELO programs at any time but must do so at least annually. If the audit results in any findings that an approved ELO program is not meeting the requirements of this policy or other Board-approved policies or state law then the Board may disqualify the program immediately.

In order to provide that the integrity of the learning experience approved under this program meets the necessary standards, students will be required to periodically or upon request provide evidence of progress and attendance.

The Principal is responsible for certifying course completion and awarding credits consistent with Policy 5460 - Graduation Requirements.

If a student is unable to complete the ELO for valid reasons, the Principal will evaluate the experience completed to date and make a determination if the student would be eligible for the award of partial credit or the recommendation of an alternative experience.

If a student ceases to attend or is unable to complete the ELO for an insufficient reason (i.e. lack of effort, failure to follow through, indecision, etc.), the Principal may determine that the student's transcript should be adjusted to reflect the ELO experience as a failure.

Students transferring from other schools who request acceptance, of course, credits awarded through similar ELO programs shall have their transcripts evaluated by the School Counselor and Principal.

Communication and Collaboration

The Board shall communicate and collaborate to the fullest extent possible with its schools and the WVBE to implement alternative educational opportunities for students. Such communication and collaboration shall include, but not be limited to, the following:

- A. () Dissemination of information to students, parents, and legal guardians regarding existing ELO program opportunities;
- B. (x) Coordination regarding approved ELO programs;
- C. (x) Facilitation of student credit transfers; and
- D. (x) Provide information to potential ELO providers.

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - SPECIAL EDUCATION
Code	po2460
Status	
Adopted	May 26, 2015
Last Revised	July 25, 2023

Revised Policy - Volume 16, No. 2 - December 2024

2460 - SPECIAL EDUCATION

The Board of Education 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 1 through 8, and eligible students who are gifted. This policy applies to preschool, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services. These apply to three (3) year olds, as of the student's third birth date, through five (5) year olds with disabilities, students with disabilities ages five (5) through twenty-one (21), all exceptional gifted students in grades 9 through 12 and to all gifted students in grades one (1) through eight (8) as specified. Rights under these regulations cease to apply at the end of the school year in which: a) the student turns twenty-one (21) years of age, that is, the year in which the student is twenty-one (21) years of age prior to July 1; or b) the student has met graduation requirements for a regular high school diploma.

In order to satisfy the requirements of West Virginia State Board of Education policy 2419, Regulations for the Education of Students with Exceptionalities, the Board adopts West Virginia Board of Education policy 2419 and the West Virginia Procedures Manual for the Education of Students with Exceptionalities (<http://wvde.state.wv.us/policies/>) and is incorporated by reference into this policy. This policy and procedures manual applies to students enrolled in public schools, including charter public schools, and private schools where students are placed at the expense of the State of West Virginia. The Board affirms its obligation to follow the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") and the regulations implementing the IDEIA.

Self-contained and resource classrooms, as well as any special education environment, shall not have a student/instructor ratio over the current limit provided for in the Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver may be signed with the understanding that the local County Board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or Federal funds. This waiver shall be good for two (2) weeks to allow the County time to find an additional classroom teacher. Should the County be unable to find an additional classroom teacher, the County, upon the agreement of the teacher, may submit a waiver to the State Board of Education. This waiver shall have the teacher's signature acknowledging that although they are over the limit, they recognize that this is a dire situation.

The County may not submit a waiver to exceed the current limit of students set forth in the Individuals with Disabilities Education Act 2004 and Policy 2419 without the written consent of the special education instructor. If the instructor chooses to sign the waiver to exceed the limit, that instructor shall be entitled to the full amount of compensation as provided per county.

The County may not allow more than three (3) students over the limit, even with the additional pay for the teachers.

Copies of West Virginia Board of Education policy 2419 are available at the office of the Board of Education.

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Legal West Virginia Board of Education policy 2419

WV Code 18-20-1, et seq.

IDEIA, 20 U.S.C. 1400 et seq.

34 C.F.R. Part 300

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - December 2024 - EDUCATIONAL PROGRAM
Code	po2600
Status	
Adopted	May 26, 2015
Last Revised	October 11, 2022

Revised Policy - Volume 16, No. 2 - December 2024

2600 - EDUCATIONAL PROGRAM

The Board of Education is committed to establishing rigorous 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 imperative that the Board, the schools, the communities, students and families of students shall 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 education program offered in the District is defined in broad terms as all of the education activities that take place during the instructional day and the school year. The education program provides opportunities for students to achieve high levels of learning in programs of study through approved content standards that prepare students to be lifelong learners and successful citizens in a competitive global society. The education program is based upon information provided through research relevant to best practices and promising next practices in teaching and learning. The education program is structured and based on three programmatic levels: Early and Elementary Learning Programs, Middle School Programs, and High School Programs. The Board shall establish policies and implement written procedures to define its education program in accordance with the definitions and requirements of West Virginia Board of Education policy 2510.

The Board shall provide the necessary resources, including technology, to ensure that all students have the opportunity to attain high standards of performance. At Beginning at the early levels, students will achieve proficiency in the basic skills of literacy, mathematics, science, social studies, the arts, and learning skills and the use of technology tools. Achievement of these skills will provide the foundation for later intellectual challenges in all programs of study. Students will explore their interests and abilities and engage in relevant activities to help them understand the world of work. Technology Along with other instructional materials, technology will be a tool to help achieve these standards in all schools. The Board anticipates the provision of sufficient resources and support for educators, including in person and/or online professional learning opportunities, appropriate instructional resources, and reliable assessment measures, to realize the goal of producing students who are college and career-ready as defined by the West Virginia Board of Education.

West Virginia content standards-focused curricula pursuant to this policy are developed and approved at the local level, to ensure, teaching methods and instructional design, pursuant to West Virginia Board of Education policy 2510, are utilized to assist students in achieving high levels of performance across applicable adopted and approved content standards. Appropriate accountability measures will guide educators to help students achieve high levels of performance.

The major purposes of this policy and West Virginia Board of Education policy 2510 are to improve the quality of learning and teaching in the District and to ensure that access to equitable educational opportunities for all students. Equitable educational opportunities include, but are not limited to: comparably high quality programs of study, including exploring career development opportunities; student support programs; personnel; facilities; instructional resources; supplies; 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.

Ensuring a quality A thorough and efficient education implies system that a thorough and efficient education system exists that provides equitable access to substantive curricular offerings and appropriate related services for all students. Providing such an education system shall be the goal of the Board of Education, its schools and the citizens of the District. 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 for~~ 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 resources, technology integration, supplies and equipment;
- C. a safe and caring environment that fosters supportive relationships, is free from harassment, intimidation, bullying, discrimination and other inappropriate forms of conduct, and that involves parents and the community;
- D. a demanding curriculum for all students, with emphasis on the core academic programs of study that are aligned with rigorous standards, 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 this District.

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. ~~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 District steering committee;~~
- B. ~~be responsible for developing and implementing a 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 West Virginia Board of Education policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet and West Virginia Virtual School;~~
- C. ~~distribute the Board's resources as determined by the plan;~~
- D. ~~be accountable to the public through the annual West Virginia Report Card;~~

The Board of Education has adopted policies and implemented written procedures to define its education program for Early Learning, Middle Schools, and High Schools.

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WV Code 18-2-7d

WV Code 18-2E-11

WV Code 18C-9-2

West Virginia Board of Education policy 2510

West Virginia Board of Education policy 2460