

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

- ***Policy 7421 (Property: Restrooms and Changing Facilities)***
- ***Policy 7440.05 (Property: Smart Monitoring Equipment)***
- ***Policy 7530.02 (Property: Staff Use of Personal Electronic Devices)***

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

***Mr. Todd Alexander
Superintendent
Wayne County Board of Education
PO Box 70
Wayne, WV 25570
Email: talexand@k12.wv.us***

***These policies are out for public comment for 10 working days beginning
Tuesday, April 21, 2026 through Monday, May 4, 2026***

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 17-2 Ready for TAA/Director
Title	New Policy - Volume 17, No. 2 - August 2025 - RESTROOMS AND CHANGING FACILITIES
Code	po7421
Status	

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

7421 - RESTROOMS AND CHANGING FACILITIES

The School Board is dedicated to providing appropriate restrooms, locker rooms and changing facilities for students and employees.

Definitions

For purposes of this policy, the following definitions apply:

Boy is a human male who is a legal minor. The use of this term in reference to participation of a high school-aged individual in a school or extracurricular program in accordance with the laws of the state shall not be understood to exclude the participation of a student who is legally an adult.

Changing area means an area designed or designated to be used by one or more individuals at the same time and in which one or more individuals may be in various stages of undress. Such term includes but shall not be limited to restrooms and locker rooms.

Father is a male parent of a child or children.

Female is a natural person, an individual, who naturally has, had, will have through the course of normal development, or who would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes ova for fertilization.

Girl is a human female who is a legal minor. The use of this term in reference to participation of a high school-aged individual in a school or extracurricular program in accordance with the laws of the state shall not be understood to exclude the participation of a student who is legally an adult.

Male is a natural person, an individual, who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

Man is an adult human of the male sex.

Mother is a female parent of a child or children.

Multiple occupancy restroom or changing room means an area designed or designated to be used by more than one individual at the same time and in which one or more individuals may be in various stages of undress in the presence of other individuals. Such term includes, but shall not be limited to, the following: A) Restrooms; B) Locker rooms; and C) Shower rooms.

Public school means any school under the general supervision of the West Virginia Board of Education pursuant to Article XII, Section 2 of the Constitution of West Virginia.

Sex is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: Provided, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders

in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

Sleeping quarters means a room with more than one bed and in which more than one individual is housed overnight.

Unique and immutable biological differences mean that females and males are not similarly situated in all circumstances and are not interchangeable.

Woman is an adult human of the female sex.

Restrooms and Changing Facilities

To provide for the privacy and safety of students, the Board maintains and designates multiple occupancy restrooms or changing rooms designated for exclusive use by females and males. The Board also provides for a reasonable accommodation for individuals who are unwilling or unable to use a multiple occupancy restroom or changing area designated for such individual's sex.

A reasonable accommodation may include, but shall not necessarily be limited to, allowing an individual access to a single-occupancy restroom or changing area.

It shall not be a reasonable accommodation, for purposes of privacy and safety of students, to allow an individual to access a restroom or changing area that is designated for use by members of the opposite sex while members of the opposite sex are present or may be present in the restroom or changing area.

For changing facilities, the District maintains a number of changing facilities designated for exclusive use by females and males.

Overnight Trips

The Board shall ensure that any student attending an overnight trip:

- A. Shares sleeping quarters with individuals of the same sex; or
- B. Is provided with single-occupancy sleeping quarters.

Notwithstanding the above prohibition and/or accommodation, a student attending an overnight trip may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family.

Access to Restrooms and Changing Facilities

A person may enter a multiple occupancy restroom or changing room designated for the opposite sex under the following circumstances:

- A. For authorized custodial, maintenance, or inspection purposes.
- B. For the purpose of rendering emergency or medical assistance.
- C. For the purpose of law enforcement to render assistance.
- D. For the purpose of providing services or to render aid during a natural disaster, a declared emergency or when necessary to prevent a serious threat to good order or safety.
- E. For the purpose of an adult caretaker to accompany young children.

Nothing herein shall be construed to prohibit necessary accommodations for individuals protected under the Americans with Disabilities Act of 1990, as amended, or the West Virginia Human Rights Act.

© Neola 2025

Legal

Grimm v. Gloucester School Board, 972 F.3d. 586 (4th Cir. 2020) United States v. Virginia, 518 U.S. 515, 533 (1996)

42 U.S.C. 12101 et seq.,

WV Code 5-32-1 et seq.

WV Code 16B-17-1 et seq.

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 17-1 Ready for TAA/Director
Title	New Policy - Vol. 17, No. 1 - April 2025 - SMART MONITORING EQUIPMENT
Code	po7440.05
Status	

New Policy - Vol. 17, No. 1 - April 2025**7440.05 - SMART MONITORING EQUIPMENT**

[DRAFTING NOTE: This policy is being offered to address the emerging monitoring technology used to detect vape smoke and the like.]

In order to protect students and faculty, promote security and protect the health, welfare and safety of students, staff and visitors, the Board authorizes the use of smart sensor and electronic monitoring equipment on school property, and in school buildings and school buses. Information obtained through smart sensor devices may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings).

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Smart sensor monitoring systems serve to complement other means being employed in the County to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a smart sensor monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the smart sensor monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus safety and security.

The Superintendent is responsible for determining where to install and operate fixed-location smart sensor monitoring equipment in the County. The determination of where and when to use smart sensor equipment will be made in a nondiscriminatory manner. Smart sensor equipment may be placed in designated areas in school buildings (e.g., school hallways, restrooms, classrooms, locker rooms, entryways, the front office where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries).

Any person who takes action to block, move, or alter the location of a smart sensor shall be subject to disciplinary action.

Any information obtained from smart sensor monitoring systems may only be used to support the orderly operation of the County's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, information obtained through the use of smart sensor equipment may be used as evidence in any disciplinary proceedings, administrative proceedings or criminal proceedings, subject to Board policy and regulations.

Smart sensor technology is to be implemented in accordance with this policy and any related guidelines. The Board will not accept or tolerate the improper use of smart sensor equipment and will take appropriate action in any cases of wrongful use of this policy.

© Neola 2025

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 18-1 Ready for TAA/Director
Title	Revised Policy - Volume 18, No. 1 - January 2026 - STAFF USE OF PERSONAL ELECTRONIC DEVICES
Code	po7530.02
Status	
Adopted	May 26, 2015
Last Revised	October 8, 2024

Revised Policy - Volume 18, No. 1 - January 2026

7530.02 - STAFF USE OF PERSONAL ~~COMMUNICATION~~ ELECTRONIC DEVICES

Use of personal ~~communication~~ electronic devices ("~~PCDs~~" "~~PEDs~~") (see definition in Bylaw 0100) has become pervasive in the workplace. Whether the ~~PCDPED~~ is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her ~~PCDPED~~, or the employee receives no remuneration for his/her use of a personally-owned ~~PCDPED~~), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of ~~PCDs~~ ~~PEDs~~

[NOTE: START OF FIRST SET OF OPTIONS – CHOOSE OPTION A AND/OR OPTION B OR OPTION C]

OPTION A

[x] Employees whose job responsibilities include regular or occasional driving and who use a ~~PCDPED~~ for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a ~~PCDPED~~ while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) as required by West Virginia law, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other ~~PCDPED~~ while driving).

[x] In situations where job responsibilities include regular driving and accepting of business calls, the employee must use hands-free equipment to facilitate the provisions of this policy.

OPTION B

[x] Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using ~~PCDs~~ ~~PEDs~~ while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

OPTION C

[] Using a ~~PCDPED~~ while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, GPS-navigation destinations set/modified, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board

employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other ~~PCDPED~~ while driving).

[NOTE: END OF FIRST SET OF OPTIONS]

Employees may not use a ~~PCDPED~~ in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their ~~PCDsPEDs~~.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from ~~PCDsPEDs~~, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her ~~PCDPED~~ may constitute public records if the content of the message concerns ~~District County~~ business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – ~~Students~~ Student Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's ~~PCDPED~~ may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with ~~District County~~ requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

[NOTE: START OF SECOND SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

OPTION A

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying that all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's ~~PCDPED~~ are transferred to the ~~District's County's~~ custody (e.g., server, alternative storage device). The ~~District's County's~~ IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the ~~District's County's~~ custody, the employee is required to delete the records/ESI from his/her ~~PCDPED~~. The employee will be required to sign a document confirming that all such records/information has been transferred to the ~~District's County's~~ custody and deleted from his/her ~~PCDPED~~.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned ~~PCDPED~~ on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the ~~District's County's~~ custody before disposing of, or otherwise ceasing to use, the personally-owned ~~PCDPED~~. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned ~~PCDPED~~. Failure to comply with these requirements may result in disciplinary action.

OPTION B

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned ~~PCDPED~~. The ~~District's County's~~ IT department/staff will then transfer the records/ESI to an alternative storage device.

[] If the employee also utilized a personally-owned ~~PCDPED~~ for work-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee must transfer the records/ESI to the ~~District's County's~~ custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The ~~District's County's~~ IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the ~~District's County's~~ custody, the employee is required to delete the records/ESI from his/her personally-owned ~~PCDPED~~. The employee will be required to sign a document confirming that all such records/information has been transferred to the ~~District's County's~~ custody and deleted from his/her personally-owned ~~PCDPED~~ before the Board will issue any final compensation that is owed to the employee.

[NOTE: END OF OPTIONS]

If a **PCDPED** is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the **PCDPED** was encrypted.

The Board prohibits employees from maintaining the following types of records and/or information on their **(x) PCDsPEDs** **(x)** cell phones:

- A. **(x)** social security numbers
- B. **(x)** driver's license numbers
- C. **(x)** credit and debit card information
- D. **(x)** financial account numbers
- E. **(x)** student personally identifiable information
- F. **(x)** information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. **(x)** personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)
- H. **()** _____

[x] If an employee maintains records and/or information on a **(x) PCDPED** or **(x)** cell phone that is confidential, privileged or otherwise protected by State and/or Federal law, the employee is required to encrypt the records and/or information.

[x] It is **()** required **(x)** suggested that employees lock and password protect their **PCDsPEDs** when not in use.

[x] Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a **PCDPED** in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using **PCDsPEDs** to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a **PCDPED** to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

[NOTE: START THIRD SET OF OPTIONS - CHOOSE OPTION A OR OPTION B OR OPTION C]

[] OPTION A

The use of **PCDsPEDs** that contain built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in **()** classrooms, **()** gymnasiums, locker rooms, shower facilities, rest/bathrooms **()** and/or swimming pool.

[] OPTION B

The use of **PCDsPEDs** in **()** classrooms, **()** gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or **()** swimming pool is prohibited.

[x] OPTION C

PCDsPEDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, **(x)** classrooms, **(x)** gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where

students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCDPED is absolutely prohibited.

[NOTE: END OF THIRD SET OF OPTIONS]

Personal Use of PCDsPEDs While at Work

[NOTE: START OF FOURTH SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

[] OPTION A

During work hours personal communications made or received, regardless of whether on a PCDPED or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDsPEDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

[x] OPTION B

Board employees may carry (**x**) PCDsPEDs and/or (**x**) cell phones with them while at work (**x**) including while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a (**x**) PCDPED or (**x**) cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDsPEDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDsPEDs brought onto its property, or the unauthorized use of such devices.

[NOTE: END OF FOURTH SET OF OPTIONS]

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCDPED in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

© Neola-2016 2026

Legal

West Virginia State Board of Education policy 2460

WV Code 18A-2-8