

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

- ***Policy 4113 (Service Personnel: Conflict of Interest)***
- ***Policy 4120.08 (Service Personnel: Employment of Personnel for Extra-Curricular Activities)***
- ***Policy 4122.01 (Service Personnel: Drug-Free Workplace)***

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

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

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-2 EDGAR Agenda-Second Reading
Title	Revised Policy - Volume 16, No. 2 - EDGAR UGG - December 2024 - CONFLICT OF INTEREST
Code	po4113
Status	
Adopted	May 26, 2015
Last Revised	October 17, 2017

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

4113 - CONFLICT OF INTEREST

A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education's members, and the ~~District's~~ ~~County's~~ employees, officers, ~~and~~ agents, and Board members. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the ~~District~~ ~~County~~. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all ~~District~~ ~~County~~ employees, officers, and agents, including members of the Board. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all service employees, officers, and agents.

1. No service employee, officer, ~~or~~ agent, or Board member shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with ~~his/her~~ ~~their~~ duties and responsibilities in the school system.
2. Service employees, officers, ~~and~~ agents, and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Board.

Included, by way of illustration rather than limitation, are the following:

- a. the provision of any private lessons or services for a fee;
 - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's or agent's employment or professional relationship with the ~~District~~ ~~County~~ through ~~his/her~~ ~~their~~ access to ~~School~~ ~~District~~ ~~County~~ records;
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals; and
 - d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer, ~~or~~ agent, or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
3. No service employee, member of his/her immediate family, or business with which s/he is associated shall have or develop, directly or indirectly, a pecuniary interest in the proceeds, profits, or benefits of any contract with the ~~District~~ ~~County~~, or in providing goods or services to the ~~District~~ ~~County~~ for compensation, if s/he has voice, influence, or control over the decision by the ~~District~~ ~~County~~ to contract or acquire the goods or services. A service employee who has an interest in the profits or benefits of a contract is prohibited from making, participating in making, or in any way attempting to use his/her employment to influence a ~~District~~ ~~County~~ decision affecting his/her financial interest.

4. No service employee having any official action to perform in connection with bids, contracts, purchases, claims or other pecuniary transactions shall solicit, accept, or agree to accept any gift or gratuity from any person known by the employee to be interested in any such bid, contract, claim, purchase or transaction.
5. Every service employee is prohibited from using his/her position of employment for his/her own private gain or that of another person.
6. No service employee may solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family. Even then, a service employee is prohibited from soliciting a charitable gift from any ~~District-County~~ school official or employee whose position is subordinate to the soliciting service employee.
7. No service employee may knowingly and improperly disclose any confidential information acquired in the course of his/her duties nor use such information to further his/her personal interests or the interests of another person.
8. No service employee may solicit private business from a subordinate employee whom s/he has the authority to direct, supervise or control, except when the solicitation is a) a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or b) limited to the posting of a notice in a communal work area; or c) for the sale of property of a kind that the person is not regularly engaged in selling; or d) made at the location of a private business owned or operated by the service employee to which the subordinate public official or public employee has come on his/her own initiative.

By way of illustration rather than limitation, this policy forbids the following:

- a. the provision to the ~~District's County's~~ students of any private lessons or services for a fee, provided, however, that tutorial services may be furnished to a student off of school premises by appropriate personnel at a fee negotiated between the student, the student's parent or guardian, and the service employee, with prior approval of the Superintendent;
 - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the service employee's employment or through his/her access to ~~District County~~ records;
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
 - d. the requirement of students or clients to purchase any private goods or services provided by a service employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
9. A service employee may use frequent flyer bonus points earned while traveling on official ~~District County~~ business only if his/her participation in the frequent flyer program results in no additional cost to the ~~District County~~.
 10. Service employees, ~~agents, and Board members~~ shall not make use of materials, equipment, or facilities of the ~~District-County~~ in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
 11. A full-time service employee is prohibited from personally participating in a decision, approval, disapproval, recommendation, rendering advice, investigation, inspection or other substantial exercise of administrative discretion involving a vendor with whom s/he is seeking employment or has an agreement concerning future employment.
 12. A full-time service employee who exercises authority or control over a public contract between a vendor and the ~~District County~~, or whose subordinate exercises such authority or control, is prohibited from seeking employment by the vendor or to purchase, sell, or lease real or personal property to or from the vendor. Nor shall s/he have an agreement with the vendor concerning future employment.

By way of illustration, a service employee or subordinate is considered to exercise authority or control over a public contract by any of the following acts: drafting bid specifications or requests for proposals; recommending selection of the vendor; conducting inspections or investigations; approving the method or manner of payment to the vendor; providing legal or technical guidance on the formation, implementation, or execution of the contract; or taking other nonministerial action that may affect the financial interests of the vendor.

A person adversely affected by the restriction on purchasing personal property may make such a purchase only if the West Virginia Ethics Commission expressly approves, or if acting in good faith reliance upon a West Virginia Ethics Commission guideline, advisory opinion, or official policy.

- B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship.
- C. ~~Employees, officers, and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~ No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by a Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

~~Employees, officers, and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds.~~ An employee, officer, agent, and Board member of the County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors.

(x) However, pursuant to Federal rules, and in accordance with the State law and policy, the ~~District~~ County has set standards for situations where the financial interest is not substantial or the gift is ~~for when an employee, officer or agent may accept the gift of~~ an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$25.00 or less. **[END OF OPTIONAL LANGUAGE]**

[DRAFTING NOTE: Section 200.318 allows for non-Federal entities (~~Districts~~Counties) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.]

- D. ~~To the extent that the District~~ If the County County has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the ~~School District~~ County may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the ~~School District~~ County is unable, or appears to be unable, to be impartial in conducting a procurement action involving a related organization.
- E. Employees, officers, ~~and~~ agents, and Board members must promptly disclose any potential conflict of interest ~~which~~ that may lead to a violation of this policy to the ~~School District~~ County. Upon discovery of any potential conflict of interest, the ~~School District~~ County will disclose promptly, in writing, the potential conflict of interest to the appropriate Federal ~~awarding~~ agency or, if applicable, the pass-through entity.

~~The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.~~ The County also will disclose promptly whenever, in connection with a Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The County is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

- F. Employees, officers, ~~and~~ agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy and State law, and may also face criminal charges and/or risk loss of State-issued licenses/permits.

[DRAFTING NOTE: The ~~School District~~ County has discretion over the appropriate disciplinary actions.

For example, the ~~School District~~ County may suspend or terminate the individual's employment, transfer the individual, end the ~~District's~~ County's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]

Violation of this policy shall result in discipline, which may include termination from employment.

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WV Code 6B-2-5

WV. Code 61-5A-6

WV Code 61-10-15

2 C.F.R. 200.112, 200.113, 200.318

West Virginia State Board of Education policy 1224.1

West Virginia State Board of Education policy 8200

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-1 Agenda 3/24/26-Second Reading
Title	Revised Policy - Vol. 16, No. 1 - February 2024 - EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES
Code	po4120.08
Status	
Adopted	May 26, 2015
Last Revised	June 28, 2022

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

4120.08 - EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES

The Board of Education may find it necessary to employ personnel for extra-curricular assignments. Extra-curricular duties shall mean, but not be limited to, any activities that occur at times other than regularly scheduled working hours, which include ~~the~~ instructing, coaching, chaperoning, escorting, providing support services or caring for the needs of students, and which occur on a regularly scheduled basis.*

The assignment of service personnel to extra-curricular assignments shall be made only by mutual agreement of the employee and the Superintendent, or designated representative, subject to Board approval.*

The employee and the Superintendent, or a designated representative, subject to Board approval, shall mutually agree upon the maximum number of hours of extra-curricular assignment in each school year for each extra-curricular assignment.*

The terms and conditions of the agreement between the employee and the Board shall be in writing and signed by both parties.*

An employee's contract of employment shall be separate from the extra-curricular assignment agreement and shall not be conditioned upon the employee's acceptance or continuance of any extra-curricular assignment proposed by the Superintendent, a designated representative, or the Board.*

The Board shall fill extra-curricular school service personnel assignments and vacancies in accordance with Board Policy 4120 and WV 18A-4-8b except that an alternative procedure for making extra-curricular school service personnel assignments within a particular classification category of employment may be utilized if the alternative procedure is approved by both Board and an affirmative vote of two-thirds (2/3's) of the employees within that classification category of employment.

An employee who was employed in any service personnel extra-curricular assignment during the previous school year shall have the option of retaining the assignment if it continues to exist in any succeeding school year. The Board may terminate any school service personnel extra-curricular assignment for lack of need pursuant to WV 18A-2-7. If an extra-curricular contract has been terminated and is reestablished in any succeeding school year, it shall be offered to the employee who held the assignment at the time of its termination. If the employee declines the assignment, the extra-curricular assignments shall be posted and filled pursuant to Board Policy 4120 and WV 18A-4-8b.

Within the category of other certificates and permits, the State Superintendent may issue certificates for persons to serve in the public schools as athletic coaches or other extra-curricular activities coaches whose duties may include the supervision of students, subject to the following limitations:

- A. such person shall be employed under a contract with the ~~District County~~ District County Board of Education which specifies the duties to be performed, which specifies a rate of pay equivalent to the rate of pay for professional educators in the ~~district County~~ district County who accept similar duties as extra-curricular assignments and which provides for liability insurance associated with the activity

Such person shall not be considered employees of the Board for salary and benefit purposes other than as specified in the contract.

- B. such person completes an orientation program designed and approved in accordance with West Virginia State Board of Education rules**

This policy does not preclude the Board from entering into an extra-curricular coaching assignment agreement with an individual employed by another district's county's board of education provided both boards of education agree to the proposed arrangement.

~~Effective with the retirement of an employee on or after July 1, 2021, any~~ An extra-curricular contract of ~~the an~~ employee shall terminate when ~~an the~~ employee retires. Nothing prohibits a retired employee from applying for and, if they are the successful applicant, becoming employed in an extra-curricular assignment or other position with the Board consistent with the rules for the employment of retirees established by the consolidated public retirement board.*

The Superintendent shall establish administrative guidelines to implement this policy.

*This language comes directly from Statute, West Virginia Code 18A-4-16; policy provisions are mandated by the Statute.

**This language comes directly from Statute, West Virginia Code 18A-3-2a; policy provisions are mandated by the Statute.

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WV Code 18A-4-16, 18A-3-2a

West Virginia Board of Education policy 5202

Book	Public Comment Period 3/27/26-4/9/26
Section	Vol 16-1 Agenda 3/24/26-Second Reading
Title	Revised Policy - Vol. 16, No. 1 - February 2024 - DRUG-FREE WORKPLACE
Code	po4122.01
Status	
Adopted	May 26, 2015
Last Revised	July 25, 2023

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

4122.01 - DRUG-FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which

Option 1 (needed only if Federal funds come directly from Washington)

(x) meets the requirements in the Drug-Free Workplace Act.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the County's service personnel at any time while on County property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines and applicable State law.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements.

[END OF OPTION #1]

Option 2 (applies to most schools)

() is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the County's service personnel at any time while on County property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines and applicable State law.

[END OF OPTION 2]

Consistent with WV Code §16A-15-4, an employee shall not be subject to discipline based solely upon the following:

- A. the employee has been issued a medical cannabis identification card by the West Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, WV Code 16A-1-1, et seq.; and/or
- B. the employee has been issued a physician certification to use medical cannabis as part of the treatment of a serious medical condition as that term is defined by WV Code 16A-2-1(a)(3); and/or
- C. the employee has been issued a caregiver's identification card issued by the West Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, WV Code 16A-1-1, et seq.

Employees are prohibited from using, possessing, being under the influence of, and/or storing medical cannabis in the workplace.

This policy is not intended to prohibit the lawful use of medical cannabis by employees outside of the workplace, provided that when the employee returns to or is otherwise in the workplace, the employee is not under the influence of medical cannabis. An employee may be considered under the influence of medical cannabis when the employee manifests specific symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's position. Such symptoms may include but are not limited to, impairment of speech, physical dexterity, agility, coordination, demeanor, and/or behavior.

Employees whose positions are subject to United States Department of Transportation drug testing requirements, such as school bus operators, are prohibited from using medical cannabis at any time inasmuch as applicable federal regulations do not authorize medical cannabis permitted under state law to be a valid medical explanation for an employee's positive drug test result.

Because cannabis and/or marijuana is a controlled substance under federal law, any employee who carries, possesses, or transports a firearm or ammunition as authorized and while performing the duties of the employee's position is prohibited from using medical cannabis at any time pursuant to federal gun law requirements.

The Board shall require every employee to sign a copy of a Drug-Free Workplace Verification Statement which states that the employee is aware of the policy and shall comply with the terms of the policy.

An employee shall notify their supervisor or department head of any criminal drug Statute conviction or alcohol violation occurring in the workplace or conviction outside of the workplace, no later than five (5) days after such violation or conviction occurs.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions.

~~{END OF OPTION #2}~~

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41 U.S.C. 701, et seq., Drug-Free Workplace Act of 1988 20 U.S.C. 3224A