

Memo

To: Interested Persons
From: Pendleton County Schools
CC:
Date: August 9, 2011
Re: Proposed Policy Changes – Pendleton County Board of Education

Attached are proposed policy changes for the Pendleton County Board of Education for comment and review. The highlighted sections are proposed sections to be added while the strikethrough sections are proposed sections to be deleted.

The comment period is from August 3rd, 2011 through September 6th, 2011. The Board will review comments at the September 6th meeting with the plan to approve the policies, with any changes, if needed, at that meeting after a second and final reading is held.

If you have any comments or suggestions, please provide feedback to Mr. Lambert at dslamber@access.k12.wv.us

GROUP I**Policies Changes**

- (P) I.13.4. Electronic Mail, Social Media and Networking (New)
[Cross-referenced with (P) P.9.5.]
- (P) P.3.3. ~~FBI~~ Background Check for ~~Bus Drivers~~–Service Personnel
- (P) P.3.8. Service Personnel Time Schedules
- (P) P.3.11. Compensatory Time
- (P) P.9.5. Electronic Mail, Social Media and Networking (New)
[Cross-referenced with (P) I.13.4.]
- (P) R.7.2. Limiting School Access of Contractors and Service Providers (New)
- P) R.7.2.1. Letter to Contractors (New)
- (P) R.7.2.2. VERIFICATION OF CRIMINAL HISTORY OF CONTRACTOR/VENDOR'S
EMPLOYEES (New)
- (P) R.7.2.3. CERTIFICATION AND CONSENT TO SEARCH CENTRAL ABUSE REGISTRY
- File: S.6. Attendance Policy
- (P) S.6.9. Absences
- File: S.10. Harassment, Intimidation or Bullying Prohibition
- (P) S.10.1 Bullying (New)
- (P) S.10.2. Cyber-Bullying (New)
- (P) S.10.3. Obscene, Anonymous, and Threatening Communication by Computer,
Cell Phones and Electronic Communications (New)
[Cross-referenced with (P) P.9.6.]
- (P) S.10.4. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain
Crimes against Minors (New) [Cross-referenced with (P) P.21.2.]
- File: S.19. Co-Curricular and Interscholastic Programs
- (P) S.19.7. Athletic Contests for Special Needs Students (New)
- File: S.20. Section 504 of the Rehabilitation Act of 1973 and the American
Disabilities Act of 1990
- (P) T.1.5. Guidelines for Curricular and Extra-Curricular Trips
- (P) T.1.5.1. Field Trips and Excursions
- (P) T.1.5.3. Regulations for Bus Operators
- (P) T.1.9. Providing Student Transportation to State and Regional Academic
Competitions and Award Ceremonies (New)

File: I.13. Implementation of a Technology Infrastructure

(P) I.13.4. Electronic Mail, Social Media and Networking (New Policy)

Mr. Lambert provided resources for this new policy which has the purpose of reminding students and employees that in this age of electronic communication that all users of electronic devices must be cautious about the communications they exchange with other users. Pendleton County expects high standards of its employees and students. [Cross-referenced to (P) P.9.5.]

I have also included a statement in the opening section that all of the policies and procedures in File: I.13. apply equally to students and school personnel.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
I. INSTRUCTION	Last Review:
File: I.13. Implementation of a Technology Infrastructure	August 24, 2010

To meet the goal that every high school graduate will be prepared fully for college, other post-secondary education or gainful employment the Board believes that a technology infrastructure should be present in the County schools. In order to meet this goal, 21st century technologies and software resources shall be provided in grades prekindergarten through 12.

This policy applies equally to students and school personnel. To the extent practicable, technology resources shall be used:

- ❖ To maximize student access to learning tools and resources at all times including during regular school hours, before and after school or class, in the evenings, on weekends and holidays and for public education, non-instructional days and during vacations; and
- ❖ For student use for homework, remedial work, independent learning, career planning and adult basic education.
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It shall be the goal of each school within the county to provide a technology infrastructure capable of supporting multiple technology-based learning strategies designed to enable students to achieve at higher academic levels. The technology infrastructure should facilitate student development by addressing the following areas:

- ❖ Mastery of rigorous core academic subjects in grades prekindergarten through eight by providing software, other technology resources or both aligned with state standards in reading, arithmetic's, writing, science, social studies, twenty- first century learning skills and 21st century learning tools;
- ❖ Mastery of rigorous core academic subjects in grades nine through 12 by providing appropriate 21st century technology tools aligned with state standards for learning skills and technology tools;
- ❖ Attainment of 21st century skills outcomes for all students in the use of technology tools and learning skills;
- ❖ Proficiency in new, emerging 21st century content;
- ❖ Participation in relevant, contextual instruction that uses dynamic, real-world contexts that are engaging and meaningful for students, making learning relevant to life outside of school and bridging the gap between how students live and how they learn in school;

- ❖ Ability to use digital and emerging technologies to manage information, communicate effectively, think critically, solve problems, work productively as an individual and collaboratively as part of a team and demonstrate personal accountability and other self-directional skills;
- ❖ Providing students with information on post-secondary educational opportunities, financial aid and the skills and credentials required in various occupations that will help them better prepare for a successful transition following high school;
- ❖ Providing greater access to advanced and other curricular offerings than could be provided efficiently through traditional on-site delivery formats, including increasing student access to quality distance learning curricula and online distance education tools;
- ❖ Providing resources for teachers in differentiated instructional strategies, technology integration, sample lesson plans, curriculum resources and online staff development that enhance student achievement; and
- ❖ Providing resources to support basic skills acquisition and improvement at the above mastery and distinguished levels.
(WVC §18-2E-7)

(P) I.13.4. Electronic Mail, Social Media and Networking

The Pendleton County Board of Education requires that all communications between and among employees and students be appropriate and in accordance with state law and/or school board policy. All electronic or any other communications by employees with students, parents and other members of the community at all times shall be professional and consistent with the standards and curriculum of the school system.

The Board is aware that unacceptable published content and/or inappropriate communication between parties may adversely affect the reputations and careers of students and educators. Pendleton County School employees are expected to be role models and must recognize that once electronic communications and information are posted or published online, a digital imprint is created and is nearly impossible to retract. Therefore, it is the intent of Pendleton County Schools to make all employees and students aware of the expectations and procedures of the school system in regard to the proper use of all telecommunication devices and computers when communicating with others.

This regulation is not intended to limit the proper use of technology as an effective teaching tool. Employees are expected to use technology and web-based resources to support learning and enhance instruction. The use of technology resources for instructional purposes may require online collaboration between students and/or the teacher. All web-based resources and communication tools must be used in a safe and responsible manner.

Employees are required to comply with state code and all policies and regulations, directives and guidance, procedures, and practices of the school division regarding any communications with students, parents, and staff.

Any Pendleton County School employee who has a reason to suspect that inappropriate communication is occurring between an employee and student or among employees shall report the matter immediately to their principal/immediate supervisor.

(WVC §18-2E-7; SBP 2460; SBP 2470)

File: P.3. Employment of Service Personnel

(P) P.3.3. ~~FBI Background Check for Bus Drivers~~–Service Personnel

This policy has been updated to more clearly explain the process for service personnel background checks.

(P) P.3.8. Service Personnel Time Schedules

The changes to this policy define the manner in which bus operators must accurately record the actual hours worked each day.

(P) P.3.11. Compensatory Time

This policy has been changed to better explain how “flex time” may be used. “Flex time” is a benefit that the Board provides to employees; however, the Board will not provide substitute employees to fill in for employees who use this benefit.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
P. PERSONNEL – PROFESSIONAL AND SERVICE	Last Review:
File: P.3. Employment of Service Personnel	August 24, 2010

(P) P.3.3. ~~FBI Background Check for Bus Drivers~~–Service Personnel

All service personnel shall be required to submit fingerprint cards to the West Virginia Department of Education and undergo a criminal background check by the Criminal Identification Bureau (CID). The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry. Information contained in the central abuse registry may form the basis for denying a bus driving position. The Pendleton County Board of Education will pay the cost of the background check.

Effective January 1, 2002, any applicant for an initial position of bus driver shall also be required to undergo a criminal background check by the FBI. The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry and then forwarded to the FBI for a national criminal record check. Information contained in the central abuse registry or the FBI record may form the basis for denying a bus driving position. The applicant must pay the cost of the FBI background check.

~~Effective January 1, 2002, any applicant for an initial position of bus driver shall be required to submit fingerprint cards to the West Virginia Department of Education and undergo a criminal background check by the FBI. The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry and then forwarded to the FBI for a national criminal record check. Information contained in the central abuse registry or the FBI record may form the basis for denying a bus driving position. The applicant must pay the cost of the background check.~~

Upon written consent to the State Department of Education by the applicant and within 90 days of the state fingerprint analysis, the results of the state analysis may be provided to a county board of education without further cost to the applicant.

(WVC 18A-3-10)

(P) P.3.8. Service Personnel Time Schedules

The Pendleton County Board of Education has adopted the policy that the normal workday for all service personnel ~~except bus operators~~ shall be eight hours.

Bus Operators:

Bus operators will be expected to devote the time necessary to perform their daily scheduled activities that include trips during the normal workday on a rotating basis (*Extra Duty Assignments*). The Superintendent or his/her designee may assign extra trips.

Generally speaking, a bus operator's work day will consist of ~~six (6) hours which shall include~~ the time necessary for their morning and afternoon runs to transport students to and from school, the extra time necessary for cleaning, gassing, pre-service inspections and inclement weather. Bus operators shall also be responsible for scheduling their buses for regular preventative maintenance at the bus garage.

The board recognizes that the time required for most bus operators to achieve their normal daily responsibilities will be less than the mandated eight-hour workday; however, it must be clearly understood that they remain obligated to the Board to complete other appropriately assigned duties during that time frame.

Each day, bus operators shall accurately record the actual hours worked in the following manner:

❖ **AM Run**

Start Time - Begins when your bus starts moving plus 15 minutes pre-trip.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **PM Run**

Start Time - Begins 15 minutes prior to school dismissal plus time needed to reach pick-up location.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **Extra-Curricular** (Assignments that are scheduled on a regular basis)

Start Time - Begins when the bus starts moving plus 15 minutes pre-trip.

End Time - Stops when the bus is shut down at the bus garage or designated location.

❖ **Extra-Duty** (Irregular assignments such as field trips, athletic, and band events)

Start Time - Begins 15 minutes prior to departure plus time to reach pick-up location.

End Time - Stops when you return to the pick-up location plus travel time to reach bus garage (or designated location) and 30 minutes for shut-down and cleaning.

Any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited or interfered with by any commitment as a result of any other employment.

Bus operators who accept Extra-Curricular assignments which cut across the normal lunch time shall be granted a 30 minute paid lunch period.

General Guidelines:

Special attention shall be given to the following service personnel work schedule issues:

- ❖ Service personnel who work three and one-half hours or less per day shall be paid one-half the amount indicated in the state minimum pay scale. Those who work more than three and one-half hours per day shall be paid the full amount required by state minimum pay scale if the employee's supervisor pre-approved the work.
- ❖ Service employees whose daily shift is from 6:00 p.m. to 5:00 a.m. shall be paid at least an additional ten dollars per month and one-half of that sum shall be paid with local funds.
- ❖ Custodians, aides, maintenance, office and school lunch employees required to work an interrupted work schedule shall be paid an additional amount equal to one-eighth of their salary as provided by their state minimum salary and any county supplement. Such additional salary shall be paid entirely from county funds. However, service employees who normally work a split-shift and who agree to work for another employee who does not have a split-shift will not receive the split-shift differential pay for those days worked.
- ❖ A service employee's schedule is considered to be interrupted if s/he does not work a continuous period in one day. Aides are not regarded as working an interrupted schedule when engaged exclusively in the duties of transporting students.
- ❖ Service employees required to work on a legal holiday shall be paid at the time and one-half rate.
- ❖ Service employees who work in excess of 40 hours in any week that contains a paid holiday shall be paid time and one-half for the additional time, and such extra pay shall come from county funds.
- ❖ Regular service employees who agree to extend their work week by working on a Saturday or Sunday shall be paid for at least one-half day of work and if the employee works more than three and one-half hours, he/she shall be paid for a full day if the work was preapproved by the employee's supervisor.
- ❖ No service personnel may have his/her daily work schedule changed during the school year without the employee's written consent. Likewise, the employee's daily work hours may not be changed to avoid the payment of time and one-half wages or the employment of an additional employee.
- ❖ A daily lunch recess of not less than 30 consecutive minutes shall be included in the normal eight-hour workday for all service employees.
- ❖ Service personnel who are requested by a supervisor to work beyond the 40-hour workweek may choose to perform the work for paid overtime and/or compensatory time.

The Board may not establish the beginning work station for a bus operator or transportation aide at any site other than a county board-owned facility with available parking without the written consent of the service person. The workday of the bus operator or transportation aide commences at the bus at the designated beginning work station and ends when the employee is able to leave the bus at the designated beginning work station, unless he or she agrees otherwise in writing. The application for or acceptance of a posted position may not be construed as the written consent referred to above.

(WVC §18A-4-8 and §18A-4-8a)

Because of the rural nature of Pendleton County, certain bus operators (who volunteer to do so) may be granted permission to take their buses home with them at the end of their assigned routes. In such instances, it is understood by both the Pendleton County Board of Education and the employee that the Board of Risk and Insurance Management liability coverage on the bus shall remain intact during the time it is parked at the employee's residence in the same manner it would be on Board property.

(P) P.3.11. Compensatory Time

If it is agreeable with the employee, overtime work may be substituted for regular working hours during the normal workweek (compensatory time). However, compensatory time may only be granted in those instances when the employee's supervisor obtains prior approval from the Superintendent or his/her designee. Guidelines for granting and using compensatory time are as follows:

- ❖ Approved compensatory time shall be granted at the rate of one and one-half hours of compensatory time for each hour of overtime worked.
- ❖ A written agreement between the Board and employee exist prior to the performance of work and that agreement must be recorded in the employer's record of hours worked.
- ❖ Employees may accumulate a maximum of 40 hours of compensatory time at any particular time during the fiscal year.
- ❖ Employee shall schedule the use of compensatory time with the supervisor granting the compensatory time.
- ❖ Compensatory time may not be redeemed during the opening and closing two weeks of school.
- ❖ Compensatory time must be taken before an employee may use any personal leave, annual leave, or leave without pay.
- ❖ The Board reserves the right to refuse the use of compensatory time if such use would unduly disrupt the employee's job duties.
- ❖ Employees may be disciplined for failure to comply with the Board's compensatory time procedures.
- ❖ In all cases, compensatory time must be used prior to the end of the fiscal year (June 30). If an employee is unable to use all compensatory time earned during the allotted time due to the work requirements, he/she will receive compensation for the unused compensatory time at his/her current regular hourly rate of pay,
- ❖ At the termination of employment, unused compensatory hours will be paid at a rate of compensation not less than:
 - The average regular rate received by such employee during the last three years of service; or
 - The final regular rate received by such employee, whichever is higher.

Adjusted Work Week (Flex Time)

Normally, the Board can make adjustments to an employee's regular work schedule during a workweek in order to accomplish a specific task and yet not have the employee work in excess of 40 hours during the week. Further, the Board may allow an employee to adjust his or her regular workday to accommodate a medical or other appointment without utilizing sick or personal leave. (For example, an employee who normally works from 8:00 a.m. until 4:00 p.m. may work from 8:30 a.m. to 4:30 p.m. in order to attend a medical appointment.) This is described as an adjusted workweek, or is sometimes referred to as flex time. Flex time should be viewed as just one means of utilizing compensatory time while accommodating the needs of Pendleton County employees. Substitutes may not be requested when an employee is granted flex time.

This practice is not prohibited under the FLSA, however, West Virginia Code §18-4-8(d) states that no service employee, without his or her agreement, may be required to report for work more than five days per week and no part of any working day may be accumulated by the employer for future work assignments, unless the employee agrees thereto.

Furthermore, West Virginia Code §18A-4-8a(8) states that no service employee may have his or her daily work schedule changed during the school year without the employee's written consent and the employee's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

In addition, West Virginia Code §18A-4-8a(9) states that the minimum hourly rate for an employee performing an extra duty assignment, as defined in West Virginia Code §18A-4-9b, shall be no less than one seventh of the employee's daily salary for each hour the employee is involved in performing the extra-duty assignment.

(WVC §18-4-8; §18A-4-8a; §18A-4-8al FLSA)

File: P.9. Professional Conduct and Responsibilities

(P) P.9.5. Electronic Mail, Social Media and Networking (New Policy)

Mr. Lambert provided resources for this new policy which has the purpose of reminding students and employees that in this age of electronic communication that all users of electronic devices must be cautious about the communications they exchange with other users. Recent news stories are graphic examples of what can happen to people who are careless with their use of electronic communication devices. Pendleton County expects high standards of its employees and students. [Cross-referenced to (P) I.13.4.]

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
P. PERSONNEL – PROFESSIONAL AND SERVICE	Last Review:
File: P.9. Professional Conduct and Responsibilities	August 24, 2010

(P) P.9.5. Electronic Mail, Social Media and Networking

The Pendleton County Board of Education requires that all communications between and among employees and students be appropriate and in accordance with state law and/or school board policy. All electronic or any other communications by employees with students, parents and other members of the community at all times shall be professional and consistent with the standards and curriculum of the school system.

The Board is aware that unacceptable published content and/or inappropriate communication between parties may adversely affect the reputations and careers of students and educators. Pendleton County School employees are expected to be role models and must recognize that once electronic communications and information are posted or published online, a digital imprint is created and is nearly impossible to retract. Therefore, it is the intent of Pendleton County Schools to make all employees and students aware of the expectations and procedures of the school system in regard to the proper use of all telecommunication devices and computers when communicating with others.

This regulation is not intended to limit the proper use of technology as an effective teaching tool. Employees are expected to use technology and web-based resources to support learning and enhance instruction. The use of technology resources for instructional purposes may require online collaboration between students and/or the teacher. All web-based resources and communication tools must be used in a safe and responsible manner.

Employees are required to comply with state code and all policies and regulations, directives and guidance, procedures, and practices of the school division regarding any communications with students, parents, and staff.

Any Pendleton County School employee who has a reason to suspect that inappropriate communication is occurring between an employee and student or among employees shall report the matter immediately to their principal/immediate supervisor.

(WVC §18-2E-7; SBP 2460; SBP 2470)

- File: R.7. Visitors to the School**
(P) R.7.2. Limiting School Access of Contractors and Service Providers (New Policy)
(P) R.7.2.1. Letter to Contractors
(P) R.7.2.2. Verification of Criminal History of Contractor/Vendor's Employees
(P) R.7.2.3. Certification and Consent to Search Central Abuse Registry

State codes and State Board Policies require that schools across the state take steps to protect their students from any harm that might befall them as a result of non employees having unsupervised access to school campuses. This policy will allow the Board to work with vendors, service providers and contractors to assure that their employees have undergone criminal background checks and have clearance to provide services to the school system while students are present.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
R. RELATIONS WITH THE COMMUNITY	Last Review:
File: R.7. Visitors to the School	August 24, 2010

This policy provides guidelines for visitors to any Pendleton County school during the instructional day. All visitors must acknowledge that their presence in the county schools is accepted as a privilege, and not a right. The county schools exist primarily to serve the needs of the students; therefore, personnel other than school staff are expected to follow the guidelines included in all policies and to recognize that their presence in the school building is solely at the discretion of the building administrator. Visitors are welcomed into the county schools with the expectation that their presence will contribute positively to the educational climate at the schools.

The Superintendent shall formulate and post in the Pendleton County Schools guidelines to regulate visitors in the schools. Pursuant to §61-6-14 and §61-6-14a, unauthorized visitors and those who are uncooperative and in violation of school regulations may be removed from the school premises by school personnel or law enforcement officers.

- ❖ Visitors are defined as anyone who is not a student or a member of the county school staff.
- ❖ All visitors must enter through the main entrance and sign-in at the main office. Visitor sign-in procedures include a credential exchange. The credential exchange requires all visitors to sign-in, produce photograph ID, and be authorized by an authorized school staff member before building access is permitted. The authorized staff member will retain the photo ID and give the visitor a badge that hangs on a lanyard in a visible location around the neck. The visitor is to sign out at the conclusion of the visit. The photo ID will be returned at that time.
- ❖ Visitors are expected to be appropriately dressed and to display respect for activities in progress at the school.
- ❖ Visitors shall not compromise the integrity of student confidentiality policies. Visitors must recognize that information regarding any confidential school matters overheard is not expected to leave the school.
- ❖ Legal guardians of students, school volunteers, LSIC, and business Partners-in-Education team members are welcome to participate in events or to partake in lunch with students at the school. Other visitors may be invited by special permission of the principal or designee. All visitors are expected to abide by the general rules of the school as defined by the building administrator.
- ❖ Classroom visits must be approved in advance by the principal or designee and classroom teacher.

- ❖ Visitors are not permitted to remove students from the classrooms or other school activities, without the direct permission of the legal guardian of the student and/or the building administrator accompanying the visitor during this time.
- ❖ Visitors participating in school events are expected to conduct themselves as guests of the school and to avoid disruption of any other activities ongoing at the school. Visitors may be denied future access or limited access to the school during school hours if their conduct is such that the building administrator feels it is disruptive to the school's educational program.
- ❖ Salespersons or other non-educational personnel are not allowed to disrupt class time activities. Visitors of this nature should expect to make their contacts either before school or after school, but not during school hours.
- ❖ Building principals shall have the authority to sign a complaint charging criminal trespass when deemed necessary.

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(P) R.7.1. Controlling General Public Access to Schools

In order to effectively control access to buildings, Pendleton County Schools has implemented the following Access Control Procedures for the protection of students, staff and visitors to the schools.

- ❖ Access/egress to the school will be granted only through pre-assigned/designated door(s).
- ❖ All other exterior doors will be kept closed and locked to prevent access, but not egress.

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(P) R.7.2. Limiting School Access of Contractors and Service Providers

Contactors, vendors and other service providers and their employees cannot have unaccompanied contact with students or unaccompanied access to school grounds when students are present unless the Board verifies that the aforementioned persons have not previously been convicted of a sex offense as defined in WVC §15-12-2.

It shall be the policy of the Pendleton County Board of Education to require contractors and service providers to annually verify the criminal records of their employees before the Board grants unaccompanied contact or access.

Where prior written consent is obtained, the Board may obtain information from the Central Abuse Registry regarding contractors, service providers and their employees for the purposes of this policy. Where a contractor or service provider gives his or her prior written consent, the Board also may share information provided by the Central Abuse Registry with other county school boards.

Forms and letters required to obtain the information necessary to carry out this policy may be found in the ensuing pages.

Board of Education Access to the West Virginia Central Abuse Registry

Amendments to §15-2C-1 and §15-2C-9 authorize the State Board of Education and “qualified entities” (county boards of education) to access the West Virginia Central Abuse Registry maintained by

the State Police Criminal Identification Bureau. The registry may be utilized as part of the screening process for current and prospective employees, including the screening of contractors and vendors who have or may have unsupervised access to children.

In the event the Board wishes to verify its eligibility as a qualified entity, it shall apply to the West Virginia State Police on a form prescribed by that organization.

Once verified as a qualified entity by the West Virginia State Police, the Board shall keep all records necessary to facilitate a security audit by the West Virginia State Police and shall cooperate in such audits as the West Virginia State Police or other authorities may deem necessary. Such records include, but are not limited to, criminal history records; notification that an individual has no criminal history; internal policies and procedures articulating the provisions for physical security; records of all disseminations of criminal history information; and a current, executed qualified entity user agreement with the West Virginia State Police.

(WVC §15-2C-1 and §15-2C-9)

(P) R.7.2.1. Letter to Contractors

Dear Contractor or Vendor:

I am writing to relay a policy recently adopted by the Pendleton County Board of Education, as it relates to Contractors' and Vendors' and their employees' access to schools within Pendleton County. This letter contains important information, which may prevent your employees from being on school property unaccompanied, so I appreciate your attention to it.

In 2007, the West Virginia Legislature amended W.Va. Code § 18-5-15c, effective July 1, 2007. The statute requires that boards of education in the State of West Virginia obtain written verification from their contractors, service providers and vendors (and on behalf of their employees) that no one who has been convicted of a qualifying offense under W.Va. Code § 15-12-2 (Sex Offender Registration Act) may have unaccompanied contact with our students or access to school property.

In order to comply with the statute and to permit the Pendleton County Board of Education to do business with its contractors, vendors and service providers, the Pendleton County Board of Education requires its Contractors, Vendors and service providers to complete the attached form as to any employee that will be on school property or may have unaccompanied access to our students. As you will note, the form requires you to certify that your employees have not previously been convicted of a qualifying offense.

In addition, the statute allows the Board of Education to request each employee's consent to perform a background check using the Central Abuse Registry. We will not do so in every case but may where we believe it to be appropriate under the circumstances. If we choose to do so, we will provide you with the appropriate forms to give to your employees to be completed. We regret any inconvenience, but trust that you share our concerns for the safety and well-being of our students.

Unfortunately, if I do not receive written verification within the next twenty (20) days, further contact by your employees will not be permitted without school official accompaniment or chaperoning. That, of course, will be extremely difficult and create unnecessary burdens on your firm and the school system. Again, I appreciate your assistance in ensuring the continued protection of the students of Pendleton County Schools. I look forward to your cooperation and prompt attention to this new law and your firm's compliance.

Sincerely,

Douglas S. Lambert, Superintendent
Pendleton County Schools

(P) R.7.2.2.

VERIFICATION OF CRIMINAL HISTORY OF CONTRACTOR/VENDOR'S EMPLOYEES

Name of Company: _____

Date of Verification: _____

Company Telephone Number: _____ E-Mail: _____

Address of Company: _____

Nature of Contract/Relationship with Pendleton County Schools: _____

Name of Person Completing Verification and Position/Title : _____

I hereby certify that the following employees, who may have access to Pendleton County School property, or who may have direct, unaccompanied contact with Pendleton County School students pursuant to the contract/relationship described above, have not been convicted of any offense listed in Section 15-12-2 of the W. Va. Code (sexual offender registration offenses):

(You may attach a list of additional employees)

The foregoing certification is based upon (check one):

- A criminal history background check run by this company (if checked, please attach relevant background check(s)); or
- Verification from the named employees, without an accompanying background check.

I further certify that no employees whose criminal histories have not been verified above will have access to school property or direct contact with students unaccompanied. I swear the foregoing to be true to the best of my knowledge.

Signature: _____ Date: _____

Sworn to and subscribed before me this _____ day of _____, 201__

My commission expires: _____

Notary Public _____

(P) R.7.2.3.

CERTIFICATION AND CONSENT TO SEARCH CENTRAL ABUSE REGISTRY

I, _____, acknowledge that the Pendleton County Board of Education is required by Section 18-5-15c(e) of the West Virginia Code to verify that employees of its contractors, vendors, and service providers have not been convicted of an offense listed in Section 15-12-2 of the West Virginia Code, which would require those employees to register with the Central Abuse Registry as a sexual offender. Further, I acknowledge that as an employee of the contractor, vendor, or service provider listed below, I may not have access to school property or have direct, unaccompanied contact with Pendleton County School students if I have been convicted of an offense listed in Section 15-12-2 of the West Virginia Code.

Therefore, I certify that I have not been convicted of an offense listed in Section 15-12-2 of the West Virginia Code, which would require me to register with the Central Abuse Registry as a sexual offender.

Further, I give my consent to the Pendleton County Board of Education to search the Central Abuse Registry to determine whether I have been convicted of an offense listed in Section 15-12-2 of the West Virginia Code and whether I am registered with the Central Abuse Registry as a sexual offender.

I understand that if I wish to see the results of any search conducted by the Pendleton County Board of Education pursuant to this Consent, I need only request in writing that the Board of Education provide me those results.

Printed Name: _____ Date: _____

Signature: _____

Employee's Name

File: S.6. Attendance Policy
(P) S.6.9. Absences

Minor editorial change has been made which will allow the county to use a less expensive mail service to notify parents of their child's absenteeism which will save the county money. Also, WVC §18-8-3 which addresses the employment of Director of Attendance was amended to give the Board more flexibility if a fully certified candidate for Director of Attendance is unavailable. In a nutshell, this means a county may employ a person who holds an administrative certificate without state certification as an attendance director.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
S. STUDENTS	Last Reviewed:
File: S.6. Attendance Policy	February 15, 2010

While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance, and to provide an environment conducive to, and encouraging of, attendance. To that end, the Pendleton County Board of Education promulgates the procedures and regulations that are contained in the following pages.

The Pendleton County Board of Education shall employ the equivalent of a half-time Director of School Attendance. Candidates for the position of Director of Attendance shall meet all county and State board certification and qualification requirements: Provided, That if the position of attendance director has been posted and no fully certified applicant applies, the county may employ a person who holds a professional administrative certificate and meets the special and professional qualifications established by the county board as attendance director and that person shall not be required to obtain attendance director certification.

(WC §18-2-5; §18-8-1; §18-8-3 §18-8-4; §18-8-6 and SBP 4110)

(P) S.6.9. Absences

Enrolled students may be lawfully absent from school for the causes or conditions listed below. Each cause or condition shall be subject to confirmation by the County Attendance Director. The Board authorizes the Superintendent to respond to county-wide health emergency such as a flu epidemic in a manner that is in the best interest of the school system. He/she may temporarily suspend portions of the attendance procedure such as the requirement for a physician's note for absences that exceed three days as a means of assisting the community at large in combating a wide-spread infection.

❖ Procedural Steps in Dealing With Unexcused Absences:

- After three unexcused absences, the principal or the principal's designee (i.e., secretary, home-room teacher, etc.) may telephone the parent to check on suspected absences, particularly if it appears a pattern of unnecessary absences is beginning to develop. If the parent has no phone or there is no answer, above person should send a written communication or make a home visit.
- When contact with the parent has been attempted by phone call, note or home visit and the student has accumulated five unexcused absences, then the school will notify the parent by mail that a conference with the parent, principal and other appropriate members of the school staff is required.
- The principal shall hold the conference with the parents and appropriate school personnel to develop an Attendance Plan of Action. The Attendance Director may attend the meeting as appropriate and he/she shall be included when possible and appropriate.

- If the parent does not come for the conference or the APA does not improve attendance, the school will make an official referral to the County Attendance Director.
 - When the student has accumulated ten unexcused absences or five consecutive unexcused absences, the County Attendance Director will initiate Form CA-2, West Virginia "Notice of Unexcused Absence from School", ~~certified mail, return receipt requested~~ verified by a certificate of mailing.
 - The Attendance Director shall hold a parent conference as mandated by CA-2 and includes the student. The principal may also attend. The group shall make an Attendance Plan of Action or revise the current APA.
 - If the parent refuses to pick up the registered letter at the post office, or if the parent does not come to the parent conference, the County Attendance Director shall make one more attempt to meet with parent (i.e., phone, letter, home visit).
 - If APA does not improve attendance, the Director will take a further legal step, which may include the filing of a complaint in magistrate or circuit court. This may require a court appearance for the County Attendance Director, principal and possibly other members of the faculty.
- ❖ A student may not be suspended solely for failure to attend class.

File: S.10. Harassment, Intimidation or Bullying Prohibition

The laws and State Board policy related to issues surrounding harassment and intimidation have been changing over the last few years as well as recently, especially in the area “bullying” and “cyber-bullying”. The following recommendations for changes in current policy and the addition of new policies are intended to maintain a safe and enjoyable learning environment in Pendleton County. The changes in this set of policies and procedures include new legislative guidelines which include a new definition of harassment, intimidation and bullying.

New Policies:

(P) S.10.1 Bullying

Bullying has been defined as a pattern of aggressive, intentional or deliberately hostile behavior that occurs repeatedly and over time. Bullying behaviors normally fall into three categories, physical, emotional, and verbal, and may include, but are not limited to, intimidation, assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks; gestures, or actions; rumors; false accusations; hazing, social isolation, and cyber-bullying.

(P) S.10.2. Cyber-Bullying

Cyber bullying, as used in this policy, includes but is not limited to an electronic act, communication, transmission or threat which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

(P) S.10.3. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communication

Senate Bill 213 makes it unlawful to harass or abuse another person through the use of electronic communication devices. A positive in this legislation is that it may be useful in addressing cyber-bullying. [Cross-referenced with (P) P.9.6.]

(P) S.10.4. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

In a nutshell, this policy puts all school employees and students on notice that improper uses of an electronic communication system involving sexual offenses against minors can and will result in the issuing of subpoenas to discover evidence in such cases. [Cross-referenced with (P) P.21.2.]

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.10. Harassment, Intimidation or Bullying Prohibition	Adopted: August 20, 2003 Last Reviewed: August 24, 2010
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The Pendleton County Board of Education recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying like other disruptive or violent behavior, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe, nonthreatening environment.

As used in these procedures, harassment, intimidation or bullying means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- ❖ A reasonable person under the circumstances should know will have the effect of any one or more of the following:
 - Physically harming a student:
 - Damaging a student's property,
 - Placing a student in reasonable fear of harm to his or her person: or
 - Placing a student in reasonable fear of damage to his or her property: or
- ❖ Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student.
- ❖ Disrupts or interferes with the orderly operation of the school.

As used in this policy, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

Pendleton County Schools will investigate all complaints of harassment or violence and discipline any student or employee who harasses or bullies a student or employee of Pendleton County Schools.

It is the duty of this Board, school administrators, faculty, staff and volunteers to demonstrate appropriate behavior, treating others with civility and respect, and to refuse to tolerate harassment intimidation or bullying on school property and in board facilities (owned or leased by the Board), on school buses, at school bus stops or at any school sponsored events. School personnel shall report any prohibited behaviors they observe. To that end, the Board promulgates the following procedures to assure that every student will have the opportunity to study and learn in a nonthreatening environment.

The Board shall adopt this policy and submit a copy to the State Superintendent of Schools by December 1, 2011.

Notice of this policy shall appear in any student handbook, and in any Board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school system.
(WVC §18-2C-1; §18-2C-2; §18-2C-3; §18-2C-4 and SBP 2421)

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(P) S.10.1. Bullying

Bullying is a pattern of aggressive, intentional or deliberately hostile behavior that occurs repeatedly and over time. Bullying behaviors normally fall into three categories, physical, emotional, and verbal, and may include, but are not limited to, intimidation, assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks; gestures, or actions; rumors; false accusations; hazing, social isolation, and cyber-bullying.

Bullying differs from harassment and discrimination in that the focus is rarely based on gender, race, or disability. The focus is often on competence, or rather the alleged lack of competence of the bullied person.

(P) S.10.2. Cyber Bullying

Cyber bullying, as used in this policy, includes but is not limited to an electronic act, communication, transmission or threat which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

The National Crime Prevention Council defines cyber bullying as “the process of using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person.”

Cyber bullying could be limited to posting rumors or gossips about a person in the internet bringing about hatred in other’s minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them.

Cyber bullying can take many forms. The following are just a few examples:

- Making fun of another user in an Internet chat room.
- Harassing a user over an instant messaging session.
- Posting derogatory messages on a user's Facebook or MySpace page.
- Circulating false rumors about someone on social networking websites.
- Publishing lewd comments about another person on a personal blog.
- Posting unflattering pictures of another user on the Web.
- Spamming another user with unwanted e-mail messages.
- Sending threatening or provocative e-mails.
- Repeatedly calling another person's cell phone.
- Sending unsolicited text messages to another user.

(WVC §18-2c-2; §18-2c-3)

(P) S.10.3. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communications

It is unlawful for any person, with the intent to harass or abuse another person, to use a computer to:

- ❖ Make contact with another without disclosing his or her identity with the intent to harass or abuse;
- ❖ Make contact with a person after being requested by the person to desist from contacting them;
- ❖ Threaten to commit a crime against any person or property; or
- ❖ Cause obscene material to be delivered or transmitted to a specific person after being requested to desist from sending such material.
- ❖

For purposes of this policy, "obscene material" means material that:

- ❖ An average person, applying contemporary adult community standards, would find, taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is pandered to a prurient interest;
- ❖ An average person, applying contemporary adult community standards, would find, depicts or describes, in a patently offensive way, sexually explicit conduct consisting of an ultimate sexual act, normal or perverted, actual or simulated, an excretory function, masturbation, lewd exhibition of the genitals, or sadomasochistic sexual abuse; and
- ❖ A reasonable person would find, taken as a whole, lacks literary, artistic, political or scientific value.

It is unlawful for any person to knowingly permit a computer under his or her control to be used for any purpose prohibited by this policy.

Any offense committed under this policy may be determined to have occurred at the place at which the contact originated or the place at which the contact was received or intended to be received.

Any person who violates a provision of this policy is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in a county or regional jail not more than six months, or both. For a second or subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in a county or regional jail for not more than one year, or both.
(WVC §61-3C-14a)

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(P) S.10.4. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

For criminal investigations involving certain criminal sexual offenses against minors, new sections of the West Virginia Code authorize the Magistrate and Circuit Court judges to issue subpoenas upon reasonable suspicion that an electronic communications system or service, or a remote computing service, has been used in the commission of such a crime. The Pendleton County Board of Education recognizes its responsibility to protect the well-being of its employees and students in this technological age and it once again cautions all of its employees and students to refrain from any activities that would fall into this or any other category of criminal offenses related to electronic communications.

Definitions:

- ❖ "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted, in whole or in part, by a wire, radio, electromagnetic, photoelectronic or photooptical system.
- ❖ "Electronic communication" does not include:
 - Any oral communication;
 - Any communication made through a tone-only paging device;
 - Any communication from a tracking device; or
 - Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

- ❖ "Electronic communications service" means any service which provides for users the ability to send or receive wire or electronic communications.
- ❖ "Electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.
- ❖ "Electronic service provider" means a person or entity engaged in the business of providing computer communications through which a consumer may obtain access to the internet.
- ❖ "Electronic service provider" does not include a common carrier if it provides only telecommunications service.
- ❖ "Sexual offense against a minor" means:
 - A violation or attempted violation of WVC §61-8B-5 code;
 - A sexual offense or attempted sexual offense committed against a minor in violation of WVC §61-8B;
 - The distribution and display or attempted distribution and display of obscene materials to a minor in violation of WVC §61-8A-2;
 - The use or attempted use of obscene matter with the intent to seduce a minor in violation of WVC §61-8A-4;
 - The employment or use or the attempted employment or use of a minor to produce obscene materials in violation of WVC 61-8A-5;
 - The solicitation of a minor by use of a computer in violation of WVC §61-14B-3c; or
 - The use of a minor in filming sexually explicit conduct in violation of WVC §61-8C-2 and §61-8C-3.
- ❖ "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

The form by which a law enforcement agency applies for such a subpoena shall be approved by the West Virginia Supreme Court of Appeals and shall include, if available, the IP address, email address, telephone number, or other identifier suspected of being used in the commission of the offense.

In response to the subpoena, an electronic communications system or service, or a remote computing service, may be required to produce names, addresses, telephone connections, session records, subscriber identifiers, and means and sources of payment for services. However, a law enforcement agency may not examine the contents of electronic communications without a warrant

The Code prohibits the recipient of the subpoena from disclosing to the account holder the existence of the subpoena and the response to the subpoena. The code also limits the liability of the systems and services to which subpoenas are directed, and it permits them to charge a fee to the law enforcement agency, not to exceed the actual cost for providing the information
(WVC § 62-1G-2)

File: S.19. Co-Curricular and Interscholastic Programs

It is not unusual for the Superintendent and the staff to receive questions about the depth and breadth of the activities for which the Board will provide assistance and support. The changes to the existing policy and the one new policy are both intended to clarify the questions that have been asked recently.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It is the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

The question of substitute teachers for out-of-county trips is also addressed.

(P) S.19.7. Athletic Contests for Special Needs Students (New Policy)

This policy recognizes the need to provide opportunities for special needs students to participate in Special Olympics and other similar activities and it establishes guidelines to be followed in planning and scheduling these events. The guidelines are very similar to those provided for non-disabled students.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
S. STUDENTS	Last Reviewed:
File: S.19. Co-Curricular and Interscholastic Programs	August 24, 2010

The Pendleton County Board of Education affirms its view that the participation of students duly enrolled in the Pendleton County Schools in extracurricular activities, special events, conventions, and other activities associated with competitive and performing groups is a desirable and worthwhile aspect of the total educational experience.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

It is the position of the Board that all such activities and transportation arrangements be governed and regulated by the existing and future policies of the Pendleton County Board of Education.

- ❖ Where applicable, activities and competitive events must be appropriately sanctioned by the West Virginia Secondary Schools Activities Commission and/or the appropriate regulatory body.
- ❖ The regulations contained in all existing or future policies of the Pendleton County Board of Education shall be followed.

- ❖ Activities should be organized or perpetuated in the schools so long as the activity meets the needs of the students for whom they are provided. When an activity outlives the usefulness to the school program, it should be abolished. When new needs are recognized, a new activity should be organized to meet the need. No teacher has the authority to organize or abolish any activity in any school without first securing the permission of the principal. Principals are urged to consult the Superintendent when any activity is questionable in nature of organization, purpose or operation.
- ❖ All activities must carry voluntary membership and pressure is never to be exerted in an attempt to influence membership. All regularly enrolled full-time students shall be eligible to apply for membership in any recognized and sanctioned activity.
- ❖ The National Honor Society Chapter is exempted from the provisions noted above due to the nature and objectives of the Chapter. The National Honor Society shall operate under the provisions of its charters and by-laws as prescribed by the national organization.
- ❖ Co-curricular and interscholastic programs with the exception of football and wrestling shall be available equally to all students regardless of sex. In order to insure equal access for all students in extracurricular activities the State Board of Education has adopted the following criteria.
 - In athletic programs, where selection of participants is based on a competitive skill, except for interscholastic football and wrestling, schools must provide separate teams for males and females or a single team open to both sexes.
 - Schools should conduct annual surveys among students to determine those activities in which students desire to participate, for the purpose of insuring that both males and females are given equal access to extracurricular activities.
 - If separate teams are offered, a school may not discriminate on the basis of sex in providing equipment, supplies, transportation, etc. However, equal aggregate expenditures are not required.
 - All school facilities must be available without discrimination on the basis of sex. Facilities such as locker rooms, toilets and showers for males and females must be comparable. In schools where only one gymnasium, outdoor field, tract, etc. exists, those facilities must be available to both sexes on a non-discriminatory, including prime time.
 - Where in the past, athletic opportunities for students of one sex have been limited, schools must take affirmative action to inform members of both sexes of the availability of equal opportunities and provide support and training to enable them to participate.

(SBP 4200)

Teacher Compensation and Substitutes:

Teachers who agree to chaperone students to out-of-the county events shall be considered to be working their normal day. They will not receive any additional compensation for travel time or time that extends beyond their normal school day.

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(P) S.19.7. Athletic Contests for Special Needs Students

The special needs students of Pendleton County are fortunate to have the opportunity to participate in Special Olympic activities which are conducted by state and local educational agencies at certain designated times throughout the school year.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants. Such plans shall be presented to the Special Education Director for approval.

School personnel who desire to have their students participate in these events shall follow the regulations set forth in this file and in files *(P) T.1.5.Guidelines for Curricular and Extra-Curricular Trips; (P) T.1.5.2. Curricular and Extra-Curricular Trips Where County and/or Leased Vehicles are not Utilized* and *(P) T.1.5.2.1 Parental Waiver of Liability Form*.

Principals who desire to have their students participate these activities shall submit a timely request to the Special Education Director for review and approval. The Special Education Director's recommendation will be submitted to the Superintendent for his/her review and approval.

File: S.20. Section 504 of the Rehabilitation Act of 1973 and the American Disabilities Act of 1990

These are editorial changes brought about by changes in terminology when referring to special needs students. The word “handicapped” may not be used; therefore, Charles has had to edit this policy and use the word “disabled” instead.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
S. STUDENTS	Last Reviewed:
File: S.20. Section 504 of the Rehabilitation Act of 1973 and the American Disabilities Act of 1990	August 24, 2010

PURPOSE

Section 504 of the Rehabilitation Act is a Civil Rights Law which protects the rights of persons with disabilities from discrimination. The purpose of this policy is to ensure Pendleton County Schools’ compliance with Section 504 of the Rehabilitation Act which requires the school district to avoid discrimination in policies and practices regarding its personnel and students. Discrimination against any individual with disability will not knowingly be permitted in any of the programs and practices in the school system.

RESPONSIBILITY

The school district has specific responsibilities under Section 504, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services. The 504 Committee in each school will be the **Student Assistance Team (SAT)** and will receive referrals through the child-find process, from Eligibility Committees, and from parents, teachers and other appropriate sources in order to locate and notify possible qualified individuals with disability who may be eligible for services under Section 504.

It shall be the responsibility of each school’s 504 Committee, with principal supervision, to follow all guidelines and procedures set forth by the school district when responding to 504 referrals. Questions and inquiries from parents or staff regarding 504 accommodations should be directed to the school principal or SAT coordinator. If the parent or guardian disagrees with the determination made by the school staff, he/she may submit a grievance by following the county’s administrative procedures for grieving a 504 issue.

AUTHORITY

The Pendleton County Board of Education has the authority to develop policy which specifies how the school district will implement the Rehabilitation Act of 1973.

STATUTORY AUTHORITY: Rehabilitation Act of 1973 (Section 504) 29 U.S.C. 794

ADOPTED: 5-25-99

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(P) S.20.1. Definitions

- ❖ An **“individual with disability”** is one who:
 - has a physical or mental impairment which substantially limits one or more major life activities,
 - has a record of such an impairment, or
 - is regarded as having such an impairment.
- ❖ **However, the term “individual with disability” does not include** a student who is currently engaging in the illegal use of drugs. The term “disabled person” does not exclude students who:
 - have successfully completed a supervised drug rehabilitation program and are no longer engaging in the illegal use of drugs, or have otherwise been rehabilitated successfully and are no longer engaging in such use,
 - are participating in a supervised drug rehabilitation program and are no longer engaging in such use, or
 - are erroneously regarded as engaging in such use, but are not engaging in such use.
- ❖ **“Qualified individual with disability”** is one who is:
 - of an age during which non-disabled persons are provided public preschool, elementary, secondary, or adult educational services,
 - of any age during which it is mandatory under West Virginia law to provide such services to individual with disability, or
 - who is entitled to a free appropriate public education from the state of West Virginia under the Individuals with Disabilities Education Act.
- ❖ **“Physical or mental impairment”** means:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - Any mental or psychological disorder; such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- ❖ **“Major life activities”** means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.
- ❖ **“Has a record of such impairment”** means that a person has a history **of, or has** been misclassified as having, a mental or physical impairment which substantially limits one or more major life activities.
- ❖ **“Is regarded as having an impairment”** means an individual:
 - has a physical or mental impairment that does not substantially limit major life activities but that is treated by the school district as having such limitation,
 - has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others to such impairment, or
 - has none of the impairments defined as a “physical or mental impairment” but is treated by Pendleton County Schools as having such an impairment.
- ❖ **“Disability”** means any condition or characteristic that renders a *person* a “disabled person.
- ❖ **“Free appropriate public education”** is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of disabled persons as adequately as needs of non-disabled persons are met.

- ❖ “IDEA” is the Individuals with Disabilities Education Act and includes Policy 2419 *and* other applicable regulations where appropriate.

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(P) S.20.2. Implementation Guidelines and Procedures

- ❖ The Student Assistance Team (SAT) in each school will serve as the “504 Committee” and will focus on protecting the rights of students with disabilities from discrimination. When a student is being considered for 504 eligibility, the SAT coordinator will invite persons knowledgeable about the student as well as persons knowledgeable about the meaning of the evaluation data. When responding to a 504 referral, the Committee must consist of at least three members: school administrator, current teacher, and other appropriate professional staff.
- ❖ The SAT shall receive referrals from parents, teachers, and other appropriate sources in order to locate and notify possible qualified disabled persons who may be eligible for services under Section 504. All parties shall be informed of their procedural safeguards by giving them a copy of the school district’s 504 Policy and Guidelines.
- ❖ A student’s parents/guardians shall be notified before the “504 Committee” evaluates a student who has been referred for a suspected disability pursuant to Section 504/ADA.
- ❖ When an Eligibility Committee determines that a student is not disabled under IDEA or recommends that a student who was disabled under the IDEA be dismissed, the Eligibility Committee shall thereafter determine whether the student must be referred to the SAT to ascertain whether the student is disabled under Section 504. It should be written on the Eligibility Committee report that the student has been referred back to the SAT to determine if the individual has a disability under section 504 and needs a written plan.
- ❖ If an Eligibility Committee determines that a student is handicapped under the IDEA, the student is automatically eligible under Section 504 of the Rehabilitation ACT; however, the services required by the student shall be provided pursuant to the procedures located in Policy 2419.
- ❖ Before any action is taken with respect to Section 504 accommodations for a disabled student, an evaluation shall be conducted or evaluation information reviewed to determine if the student is disabled under Section 504. The evaluation information may include but will not be limited to medical reports documenting the disability, achievement test scores, parent information and teacher observations and data.
- ❖ If the SAT determines that an evaluation is necessary for students who may be disabled under Section 504, but not handicapped under IDEA, the parents must be informed that such evaluation will be done. The evaluation procedures must ensure that:
 - Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single intelligence quotient; and
 - Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever factor the test reports are to measure rather than reflecting the student’s impaired sensory, manual or speaking skills (except where those skills are the factors that the test reports are to measure).

- ❖ Once the evaluations are completed, the results will be considered by the SAT/504 Committee to determine whether the student is disabled under 504. The student’s parents will be sent a letter of invitation to attend and participate in the meeting at which this determination is made. This letter will be sent at least ten (10) days prior to the meeting. Parents will also be sent a copy of the notice of rights regarding the identification, evaluation, and placement of students with disabilities. Parents/guardians may be represented by counsel.
- ❖ If the SAT determines the student is a “qualified individual with disability” under 504, the SAT shall determine whether the student requires services and modifications to the education program to allow the student’s educational needs to be met as adequately as the educational needs of non-disabled students. If services and modifications are needed, they will be documented on the student’s 504 Plan. Before developing a 504 Plan that involves special education instruction, the student must be referred for a multidisciplinary evaluation.
- ❖ A log of all 504 students will be maintained by the SAT Coordinator and the student will be “tagged” in the WVEIS system. The 504 Plan will be implemented within thirty (30) days of eligibility determination.
- ❖ “Qualified disabled students” under Section 504 may participate in nonacademic and extracurricular activities such as counseling services; physical, recreational, athletics; transportation; health services; special interest groups or clubs sponsored by Pendleton County Schools; referrals to agencies which provide assistance to disabled persons and employment of students, including both employment by Pendleton County Schools and assistance in making available outside employment, to the same extent that such services and activities are provided to non-disabled students. “Qualified disabled students” may be charged a fee for such services and activities in a sum equal to that charged to non-disabled students.
- ❖ Students who are determined to be a “qualified disabled person” under 504, but not also disabled under *IDEA*, must be reevaluated when deemed appropriate by the SAT, not to exceed three years from date of eligibility. The reevaluation date shall be included on the student’s 504 Plan.
- ❖ With respect to actions regarding the identification, evaluation or educational modifications of a student who is or may be disabled under Section 504, but not also disabled under *IDEA*, the following procedural safeguards shall be afforded:
 - If the parents of the student disagree with the recommendations of the SAT, a written grievance may be submitted per Pendleton County’s Administrative Procedures for Section 504 of the Rehabilitation Act/Americans with Disabilities Act Grievance. These Administrative Procedures may be obtained from the County’s 504 Coordinator or the school principal.
 - Parents may request mediation and/or an impartial hearing for Section 504 issues with respect to actions regarding the identification, evaluation or educational placement of public school students who, because of a disability, need or are believed to need educational accommodations.
 - Parents may file a complaint with the Office for Civil Rights:
 - Office for Civil Rights
 - U.S. Department of Health and Human Services
 - 150 S. Independence Mall West
 - Suite 372, Public Ledger Building
 - Philadelphia, PA 19106-9111
 - Main Line (215)861-4441
 - Hotline (800) 368-1019
 - FAX (215)861-4431
 - TDD (215)861-4440

(P) S.20.3. Resolving Parent, Student or Employee Grievances

PURPOSE

It is required that school systems observe practices, procedures and working environment which are free from discrimination on the basis of disability. Therefore, Pendleton County Schools will follow administrative procedures which allow any individual, including a parent, student or employee, to file a grievance if it is alleged that a policy, practice, procedure, or direct service provided by the school district has resulted in a violation of Section 504 or the 2008 Amendments of the Americans with Disabilities Act (ADA).

RESPONSIBILITY:

Allegations regarding violations of Section 504 and ADA requirements by local school district should be directed to the local Section 504/ADA Coordinator. The Coordinator will work with the appropriate administrator(s) to try to resolve the allegations. Any retaliation or reprisal against individuals who file complaints or participate in the complaint process is prohibited by Pendleton County Schools.

AUTHORITY:

Pendleton County Schools is authorized to develop, adopt, and publish a disability grievance procedure for students and employees that incorporates appropriate due process standards. The required due process standards include a) designated and specific time frames for each step in the disability grievance process, b) the right to obtain and examine relevant records, c) a full and impartial investigation, d) the right to present evidence and witnesses, e) the right to be informed of the final decision and resolution of the grievance, and f) the right to a timely appeal.

DISCRIMINATION PROHIBITED:

As required by Federal laws and regulations, the Pendleton County Board of Education does not discriminate on the basis of sex, race, color, religion, disability, age and national origin in employment and in the administration of its education programs and activities. Inquiries may be directed to Title IX and Section 504 Coordinator, Pendleton County Board of Education, at the Board of Education Office, Phone: 358-7065; to the State Elimination of Sex Discrimination Project Coordinator, 558-7864; or to the U.S. Department of Education's Director of the Office of Civil Rights, (215) 596-6795.

DEFINITIONS:

Grievance – a complaint alleging a policy, procedure, practice, or direct service of Pendleton County Schools has resulted in a violation of Section 504 and/or the ADA.

Grievant – any individual, including a parent, student or employee, who files a grievance alleging that a policy, practice, procedure, or direct service provided by Pendleton County Schools has resulted in a violation of Section 504 and/or of the ADA

LEVELS FOR FILING A GRIEVANCE

Level 1: Section 504/ADA Coordinator

A grievant may file a written grievance by submitting a Level I Grievance Form to the Section 504/ADA Coordinator, hereafter, the “Coordinator,” stating: 1) the nature of the grievance, including the alleged violations of Section 504 or ADA and the facts upon which the allegations are based, 2) the remedy requested, and 3) signature and date signed by the grievant. The Level 1 written grievance must be filed with the Coordinator within 120 calendar days of the event or incident or within 120 calendar days of the date the grievant became aware of such occurrence.

If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution within 15 days of receipt of the written grievance, the Coordinator will conduct an adequate, reliable and impartial investigation as follows:

- ❖ Within 10 days of receipt of the written grievance:
 - the grievant will be notified in writing of receipt of the grievance and will be requested to submit any additional information relevant to the investigation, including submission of documents and other evidence and submission of names of witnesses to be interviewed.
 - staff directly involved in the allegations will be informed in writing of the grievance and will be requested to submit relevant documents and other evidence, including names of witnesses to be interviewed.
 - Parties will be given 20 days to submit documentation.
- ❖ The coordinator will conduct an investigation, *which* will consist of a review of all documentation submitted and interviews of individuals having information relevant to the investigation, including witnesses submitted by the parties.
- ❖ The coordinator will issue a letter of findings within ninety calendar days of receipt of the written grievance stating: 1) the allegations, 2) the remedy sought by the grievant, 3) statement of the findings of fact, 4) a statement of conclusions of the investigation, and 5) the actions to be taken to correct any violations found and to prevent the recurrence of such violations.
- ❖ With the agreement of all parties, the timeline for completing the investigation and issuing the report may be extended.
- ❖ Grievants may be represented by counsel.

A copy of the letter of findings will be provided to the grievant, the superintendent, and the administrator and/or assistant superintendent having responsibility for the issues addressed.

Level 2: Pendleton County Superintendent of Schools

A party not satisfied with the decision from Level 1 may submit a Level II Grievance Form to the Pendleton County Superintendent of Schools, hereafter, the “Superintendent,” within 90 calendar days of the issuance of the letter of findings.

- ❖ Within 10 days of receipt of the request for review of the letter of findings and decisions, the Superintendent or designee shall notify all parties of the appeal and of their right to submit additional relevant information for consideration.
- ❖ The Superintendent or designee shall review the letter of findings, review any additional information submitted and issue a written decision within 45 calendar days.
- ❖ The decision of the Superintendent is final. A party not satisfied with the decision may appeal to the U.S. Department of Education or a court of competent jurisdiction.

Options for the Grievant

Employees of Pendleton County Schools may file a grievance under the employee grievance procedure required by Article 29, Chapter 19 of the Code of West Virginia.

A grievant may at any time file a complaint with the Office for Civil Rights, 150 S. Independence Mall West Suite 372, Public Ledger Building, Philadelphia, PA 19106-9111.

A due process hearing may be filed for Section 504 issues with respect to actions regarding the identification, evaluation or educational placement of public school students who, because of disability, need or are believed to need special instruction or related services. A hearing request pertaining to direct educational services provided by Pendleton County Schools or the West Virginia Department of Education may be filed with the Department of Education. A hearing request addressing issues under both the Individuals with Disabilities Education Act and Section 504 for an individual student filed with Pendleton County Schools will be treated as one due process hearing.

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Amended/Revised

File: T.1. Student Transportation

This is another policy that generates questions on a pretty regular basis, therefore, changes are being recommended to address the issues that have been raised. Significant changes have been

made in (P) T.1.5.3. Regulations for Bus Operators to bring it into compliance with Federal Motor Carrier Safety Administration Regulations as well as State Board Policy 4336.

These changes do not imply that Pendleton County has been following unsafe school bus driving practices, rather they represent the commitment of the Superintendent and the staff to keep its employees and the public informed about the county's compliance with all safety regulations.

(P) T.1.5.1. Field Trips and Excursions

This policy has been amended to emphasize the need for good planning and organization of trips; establishment of an annual budget for educational field trips (the amount to be determined each budget cycle) and it notes that the Superintendent's designee will approve all trips and the level of funding for them.

(P) T.1.5.3. Regulations for Bus Operators

The changes to this policy will have an impact on principals and other personnel who plan trips outside the county. Federal regulations and State Board Policy 4336 strictly limit the amount of time a bus driver may spend "behind the wheel" and the amount rest they must get between duty assignments. Good planning and accurate record keeping is going to be a necessity for all trips outside the county, especially the long ones.

(P) T.1.9. Providing Student Transportation to State and Regional Academic Competitions and Award Ceremonies

The amendments to this policy clearly define the regional and state academic competitions and award ceremonies that qualify for financial support.

The Board will annually establish a budget to support competitions and awards ceremonies which are related to the educational program. This annual budget will be managed and disseminated by the Superintendent's designee. Programs which will be supported are the following:

- ❖ Social Studies Fair;
- ❖ Science Fair;
- ❖ Math Field Day;
- ❖ Golden Horseshoe; and
- ❖ Young Writers.

PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.1. Student Transportation	Adopted: August 20, 2003 Last Review: August 24, 2010
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(P) T.1.5. Guidelines for Curricular and Extra-Curricular Trips

County owned or leased vehicles used to transport students to school-sponsored activities must meet state school bus or public transit ratings.

A teacher shall accompany any group of school students on curricular or extracurricular trips. Each additional bus shall be supervised by a professional employee or person approved by the Board. The school shall provide a list of persons to be transported on the bus to the bus driver.

It shall be the responsibility of the school principal and the sponsor/coach to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

Only authorized personnel, students and chaperones shall be permitted to ride buses (chartered or school buses) on trips financed by school and/or Board funds. Persons acting as chaperones other than regularly employed personnel must have approval by the Board of Education prior to the trip.

The use of public school buses for extra-curricular trips is limited to Board approved activities. Buses may be used by approved school organizations provided a teacher (sponsor) has submitted written application through the principal to the Transportation Supervisor. The request should be filed with the Transportation Supervisor at the beginning of each semester.

For those situations in which county owned or leased vehicles are being provided, those students participating in athletics and/or other school-sponsored activities must travel to and from the event in the provided transportation. The following exceptions may be permitted:

- ❖ Parents or guardians may submit a Private Transportation Request on the form approved by the Pendleton County Board of Education, to the principal of the school the student is attending prior to the event to secure permission for the student to be transported home by private vehicle. The school principal must verify the authenticity of the request and at his /her discretion, may grant the request. This form must be kept on file in the school office.
- ❖ Only the student's parent with legal custody, the student's guardian, or those persons receiving approval through the school principal may pick up a student. The student must be picked up in the presence of the responsible principal, coach, or band director. Provided, however, they shall retain authority to require the student to return on the school bus.
- ❖ The Board will not assume liability for any transportation provided by vehicles other than those made available by Pendleton County Schools.

Schools, and/or sponsoring groups will be responsible for covering costs associated with extracurricular trips including the current rate per mile and driver costs. These costs will be billed to the appropriate group following the completion of the trip.

No banners, streamers or other advertising shall be placed on the bus. The consumption of food or drink at any time on a school bus is prohibited

The general policy of the Board of Education shall be to discourage any and all pleasure trips and/or picnics on school time. The Board of Education shall not sponsor senior trips.

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(P) T.1.5.1. Field Trips and Excursions

The use of public school buses for curricular trips is limited to those activities directly related to classroom work that are authorized upon written applications submitted by the teacher through the principal and approved by the Superintendent. Whenever possible, field trip requests should be submitted at the beginning of each semester. Principals shall submit their field trip transportation requests at least two weeks before needed. (See Trip Request/Roster Form for procedures)

Field trips, properly planned and executed, are a vital part of the school curriculum, and the Board encourages these and other cross county grade-level trips connected to content standards.

It shall be the responsibility of the school principal and the faculty members in charge to plan, organize and supervise these activities in a manner that provides a safe and rewarding experience for the student participants.

Educational plans for curricular field trip plans should be made early in the school year. Such plans must be aligned with Content Standards and shall include pre and post trip instructional activities. Schools are expected to schedule trips to maximize bus seating capacity. On such trips, county transportation vehicles are expected to be used.

In the event a class or organization has raised funds to finance trips, the Superintendent may entertain those requests under the same terms and conditions as county funded trips.

Arrangements for private transportation and overnight trips must ~~receive prior approval from~~ be presented to the Superintendent's designee who shall review them and forward a recommendation to the Superintendent for final approval.

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(P) T.1.5.3. Regulations for Bus Operators

A regular bus driver cannot be paid for his/her afternoon run and also be paid for the extracurricular trip. In other words, the school shall pay the bus driver making the extracurricular trip and the Board of Education shall pay the substitute driver making the regular bus run (See *(P) P.6.4. Service Personnel Extra Duty Assignments*). Extracurricular trips shall not interfere with the regular transportation of school children. Only school bus operators employed by the county board of education shall operate type A1, A2, B, C, and D buses on such trips.

Extra-curricular assignments shall mean, but are not limited to, any activities that occur at times other than regularly scheduled working hours and occur on a regularly scheduled basis. Such activities include coaching, chaperoning, escorting, providing support services or caring for the needs of students. All service personnel assignments except those regular position assignments defined in §18A-4-8 and extra-duty assignments defined in §18A-4-8b shall be considered extracurricular assignments.

Service personnel extra-duty assignments are defined as irregular jobs that occur periodically or occasionally such as, but not limited to, field trips, athletic events, proms, banquets and band festivals.

Time accounting for bus drivers and other similarly situated service personnel accepting extracurricular trips shall be in compliance with the Fair Labors Standard Act as follows:

(SBP 4336)

Off Duty Time:

A bus operator who accepts an extra duty or an extra-curricular driving assignment and is told in advance that upon arrival at his/her destination, he/she will be completely relieved from all duties until a specific time when he/she again goes on duty for the return trip, the idle time is not work time. The employee is “waiting to be engaged.”

On the other hand, if the bus operator who transports students on a school sponsored activity is not told in advance of a specific time when the activity will end, and therefore must wait until the activity ends to transport the students on the return trip, is working during the entire activity. In this case, the employee cannot use the time effectively for his or her own purposes and is therefore “engaged to wait.” (Fair Labor Standards Act)

Overnight Trips:

Where an employee is required to be on duty 24 hours or more, such as a bus operator or an aide who may be accompanying students on an overnight trip, the Board and the employee may agree (in writing) to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping period is of more than eight hours, only eight hours will be credited. Where no written agreement to the contrary is present, the eight hours of sleeping time and meal periods constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Department of Labor has adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period, the entire time is working time.

On single day trips of less than 24 hours duration, the entire day is counted as work time. Even if an employee is permitted to sleep during a portion of the trip, the entire trip is compensable working time. Allowing employees to sleep when they are not busy does not render the time “sleep time”; nor does the furnishing of facilities to sleep, as long as the employee is still on duty.

As discussed in the preceding section, however, if the employee is notified in advance that he/she will be relieved from all duties during a portion of the overnight trip, regardless of the length of the trip, those hours are not hours worked. (Fair Labor Standards Act)

FMCSA Regulations (Federal Motor Carrier Safety Administration):

No Pendleton County bus driver shall be permitted to drive a passenger-carrying vehicle:

- ❖ More than 10 hours following 8 consecutive hours off duty; or
- ❖ For any period after having been on duty 15 hours following 8 consecutive hours off duty;
- ❖ If s/he has been on duty 60 hours in any period of 7 consecutive days; or
- ❖ If s/he has been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

Special note: The “off-duty” time between a bus driver’s morning run and post-trip inspection and his/her pre-trip inspection for the afternoon run is not included in the 15 hours of on duty time said time is no way connected with driving duties. However, if a bus driver’s second job or his personal activities involves driving a vehicle that requires a CDL to drive, that time must be counted in the 10 hour provision of driving time and that time along with the other on-duty hours would count toward the 15 hour total hours of on duty time. Likewise, the “off-

duty” time between the conclusion of a bus driver’s evening run and an extra-curricular trip would not be counted against the 15 hour requirement if that time met the afore mentioned guidelines.

A driver who encounters adverse driving conditions, such as snow, sleet, fog, etc., and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by FMCSA Regulations may be permitted or required to drive his/her vehicle for not more than two additional hours in order to complete that run or to reach a place offering safety for the occupants of the vehicle.

SBP 4336 Regulations Regarding Driving Time:

Any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day’s regularly scheduled afternoon run and immediately prior to the beginning of the next day’s regularly scheduled morning run. Also:

- ❖ More than 10 hours following 8 consecutive hours off duty; or
- ❖ For any period after having been on duty 15 hours following 8 consecutive hours off duty.
- ❖ No school bus operator shall drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after:
 - Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
 - Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

(P) T.1.9. Providing Student Transportation to State and Regional Academic Competitions and Award Ceremonies

Throughout the school term, students may be involved in individual state academic competitions. Effective July 1, 2010, travel arrangements for students participating in the State Academic Competitions shall be handled by the Central Office Staff member designated by the Superintendent. ~~For approved trips, the cost of the transportation will be borne by the Board of Education, as funding is available.~~

The Board shall annually establish a budget to support competitions and awards ceremonies which are related to the educational program. This annual budget shall be managed and disseminated by the Superintendent’s designee. Programs which will be supported are the following:

- ❖ Social Studies Fair;
- ❖ Science Fair;
- ❖ Math Field Day;
- ❖ Golden Horseshoe; and
- ❖ Young Writers.

This funding does not apply to departments which have specified funding sources for such trips, such as vocational.

If a school chooses to send students to a state competition or awards ceremony not listed above, the cost for the trip will be borne by the individual student or school.

GROUP II**SUGGESTED ADDITIONS AND EDITORIAL CHANGES**

These are changing that I have been sitting on since last year. I have attended couple of school law seminar with Howard Seufer and I have been following the latest changes in State Board Policy. As you know, Howard has a way of reminding us of issues that are being decided in grievances and how we should respond to new legislation and State Board Policies. These activities have prompted me to examine a few more policies and to make the following suggested changes, some of which are editorial in nature.

- (P) B.14.1 Procedures for Requesting Public Records
- (P) I.22.4. High School Equivalency Diploma (GED)
- File: P.1. General Personnel Policies Related to Employment in Pendleton County
- (P) P.7.4. Health Insurance Program
- (P) P.13.17. Service Employee Evaluation
- (P) P.14.2 Vacation
- File: P.21. Racial, Sexual, Religious, Ethnic Harassment and Violence
- (P) P.21.1. Policy Implementation Procedures
- File: R.5. Public Gifts
- (P) S.17.1. Collection, Maintenance and Disclosure of Student Records
- (P) S.17.2. Release of Juvenile Records to Public Schools
- File: T.1. Student Transportation
- (P) T.1.2.1. Parental Responsibilities
- (P) T.1.7. Charter Buses

File: B.14. School Board Public Records
(P) B.14.1 Procedures for Requesting Public Records

The changes suggested in this policy are editorial in nature and are intended to more clearly state the procedures to be followed by persons requesting public information.

The request must state, with reasonable specificity, the information sought; and said request must be made during the regular working hours of the administrative staff of the Pendleton County Board of Education during any weekday. A reasonable fee may be charged to reproduce hard copies or electronic copies of public records. Generally speaking, the release of public records should be handled by the Superintendent's office.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
B. BOARD OF EDUCATION OPERATIONS	Last Review:
File: B.14. School Board Public Records	February 15, 2010

Boards of education are quasi-municipal corporations carrying out the State delegated function of supervising educational matters at the local level. Their business is inherently public, and subsequently their records are public records. Any person has the right to inspect or copy any public record produced or retained on file by the Board.

(P) B.14.1 Procedures for Requesting Public Records

A request to inspect any school district public record shall be made directly to the County Superintendent of Schools who functions as the custodian of the school district records. The Superintendent shall provide proper and reasonable opportunities to inspect the records during normal working hours. The Superintendent shall see that the records are not removed from the Board offices and that they are handled in such a manner so as not to become damaged, destroyed, defaced or lost.

The request must state, with reasonable specificity, the information sought; and said request must be made during the regular working hours of the administrative staff of the Pendleton County Board of Education during any weekday.

Upon receipt of a written request to inspect specific public records the Superintendent shall within five days exclusive of Saturday, Sunday, and holidays furnish copies of the material requested; advise the person making the request of the time and place at which s/he may inspect and copy the materials.; or deny the request and state in writing the reasons .

In the event the party making the request desires to have said records reproduced, the cost per copy to a person requesting public records shall be sufficient to cover the cost of duplicating the records requested including the personnel cost involved in making the copies. If the records requested exist in magnetic, electronic or computer form, the Superintendent shall provide copies of the records in these formats if requested.

The following categories of information are specifically exempt from disclosure under provisions of this policy:

- ❖ Information of a personal nature such as that kept in a personnel, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance: Provided, that nothing in this article shall be construed as precluding an individual from inspecting or copying his/her own personnel, medical or similar file;
- ❖ Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;
- ❖ Information specifically exempted from disclosure by statute;
- ❖ Information that may be related to the prevention of terrorist acts and other school security issues; and/or
- ❖ Internal memoranda or letters received or prepared by any public body.

Any person denied the right to inspect the public records of the Board of Education may institute proceedings for injunctive or declaratory relief in the Pendleton County Circuit Court.
(WVC §29B-1-1 through §29B-1-6)

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Amended/Revised:

File: I.22. Community and Adult Education Program
(P) I.22.4. High School Equivalency Diploma (GED)

Effective September 13, 2010, the State Board has approved several significant changes in the GED program. One of the big changes is that under certain circumstances students may remain in the high school program and benefit from career and technical courses while pursuing a GED an alternative to a regular high school diploma.

It appears that school systems will have to request and receive approval from the West Virginia GED Office to implement the GED Option.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
I. INSTRUCTION	Last Reviewed:
File: I.22. Community and Adult Education Programs	February 15, 2010

(P) I.22.4. High School Equivalency Diploma (GED)

The purpose of the State of West Virginia High School Equivalency Diploma is to provide appropriate recognition of educational attainment to those individuals who have demonstrated that they have attained academic skills equivalent to those at the high school completion level by satisfactorily passing the General Educational Development (GED) Tests.

Applying for Testing:

~~All applicants must register for the GED Tests in person at least five business days prior to testing at the site designated by the Pendleton County Schools. Registration may be possible by electronic means in the future.~~

~~First time applicants are required to complete the GED Testing Orientation Seminar which includes completion of the demographic form, viewing of the calculator and alternate format video, calculator practice exercises, and the registration form.~~

First time applicants are required to complete the local GED Testing Orientation Seminar or the GED Option Orientation Seminar which includes, viewing of the calculator and alternate format video, calculator practice exercises, taking and passing the Official GED Practice Test (OPT) with the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard) and completing online registration at least five business days prior to testing

A valid and current state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport, with current name, birth date, and preferably a Social Security number will be required prior to and during all testing sessions. Failure to present applicable photo identification will result in a loss of testing privilege until such identification is presented.

Basis for Granting the State of West Virginia High School Equivalency Diploma:

The State Department requires that applicants taking the GED Tests achieve a minimum passing score of 2250 or above on the battery of five subtests and a standard score of not lower than 410 on any one of the five subtests.

~~—Prior to taking the GED Tests, individuals must pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250 as evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~

~~The initial battery testing must be completed within six weeks, or no more than two consecutive complete test sessions (whichever is longer in duration). First time examinees are expected to take two or more subtests per testing session except as provided by the GEDTS accommodations policy.~~

~~—Individuals passing the GED Tests will receive a State of West Virginia High School Equivalency Diploma.~~

Prior to taking the GED Tests, individuals must provide written documentation from an Adult Basic Education (ABE) instructor or a GED Option instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard).

The State Department requires that the initial battery testing be completed within six weeks, or no more than two consecutive complete test sessions (whichever is longer in duration). First time examinees are expected to take two or more sub tests per testing session except as provided by the GEDTS accommodations policy. GED Option students do not have to complete the initial battery testing within six weeks and may take only one content test per testing session.

Individuals passing the GED Tests will receive a State of West Virginia GED Diploma. Students enrolled in the GED Option and passing the GED Tests may receive a State of West Virginia GED Diploma or a high school diploma according to the completion level of the program.

Testing of Individuals 18 Years of Age:

For the purposes of GED testing, the official dropout date shall be defined as, "the school day after the student's last day of attendance", as outlined in W. Va. 126CSR81, *West Virginia Board of Education Policy 4110, Attendance*.

Individuals who are 18 years of age are eligible to test by qualifying under any of the following categories:

- ~~❖ The candidate's original high school class has graduated before the candidate makes application for GED testing as evidenced by written documentation from the last school/system attended. Documentation must include the withdrawal date and the original class graduation date. The candidate~~
~~—must also take and pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250 as evidenced by written documentation from an Adult Basic Education (ABE) instructor; or~~
- ~~❖ The candidate has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by the American Council on Education GED Testing Service), i.e., officially withdrawn or home-schooled prior to test registration as evidenced by written documentation from the last school/system attended or by written~~

~~documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date or home-school dates, and the original class graduation date. The candidate must also take and pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250 as evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~

- ❖ The candidate has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS), i.e., officially withdrawn or home-schooled prior to test registration as evidenced by written documentation from the last school system attended or by written documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date and the original class graduation date. The candidate must also provide written documentation from an ABE instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard); or evidenced by written documentation from an Adult Basic Education (ABE) instructor; or
- ❖ The candidate is enrolled in the GED Option.

Testing of Individuals 17 Years of Age:

Individuals who are 16 or 17 years of age are eligible to test by qualifying under any of the following categories:

- ❖ The candidate's original high school class has graduated before the candidate makes application for GED testing as evidenced by written documentation from the last school system attended. Documentation must include the withdrawal date and the original class graduation date. ~~The candidate must also take and pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250 as evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~ The candidate must also provide written documentation from an ABE instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard); or
- ❖ The candidate has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS, i.e., officially withdrawn or home-schooled for a period of one month prior to test registration as evidenced by written documentation from the last school/system attended or written documentation from the county attendance director for the home-schooled student. Documentation must include the withdrawal date or home-school dates, and the original class graduation date. ~~The seventeen (17) years of age candidate must also take and pass the Official GED Practice Tests (OPT) achieving a minimum score of 410 on each individual subtest with a total score of 2250 as evidenced by written documentation from an Adult Basic Education (ABE) instructor.~~ The seventeen (17) years of age candidate must also provide written documentation from an ABE instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard); or
- ❖ The candidate is enrolled in the GED Option.

Testing of Individuals 16 Years of Age:

Individuals who are sixteen (16) years of age are eligible to test by qualifying under the following categories:

- ❖ The candidate is enrolled in the GED Option; or
- ❖ The sixteen (16) year old GED Option student may begin taking the GED Tests at the age of sixteen (16) but may not complete the exam until the seventeenth (17) birthday.

Testing of Individuals Enrolled in the GED Option:

Examinees, at least sixteen (16) years of age, who are enrolled in the GED Option program, may take the GED Tests without withdrawing from high school provided that the following conditions are met:

- ❖ The school, government program or institutional facility was approved by the West Virginia GED Office to implement the GED Option;
- ❖ The course content must be rigorous enough to support passage of the GED Tests and align with the academic expectations of the high school. GED Option classes should be structured as closely as possible to the West Virginia Strategic Planning in Occupational Knowledge for Employment and Success (SPOKES) classroom or an ABE classroom providing a very comprehensive program of study for mathematics, writing, social studies, reading, science and workforce readiness;
- ❖ The GED Option student must be recommended to the GED Option program by a member of the school, government program or institutional facility's professional staff;
- ❖ The GED Option student receives counseling prior to entering the program, while participating in the program and upon exiting the program;
- ❖ A parent/guardian, unless the student is placed in an institutional facility, must give written consent for the student to participate in the GED Option;
- ❖ The candidate must also provide written documentation from the GED Option instructor of taking and passing the OPT by achieving the minimum score as determined by the State GED Office (WV OPT passing standard may exceed national minimum passing standard); or
- ❖ The sixteen (16) year old GED Option student may begin taking the GED Tests at the age of sixteen (16) but may not complete the exam until the seventeenth (17) birthday.

The GED Option student may receive a State of West Virginia GED Diploma or a high school diploma according to the completion level of the program. A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

- ❖ Attends GED preparation classes;
- ❖ Passes the GED Tests;
- ❖ Completes a 21st Century job preparation "soft skills" curriculum;
- ❖ Completes the four (4) required core courses in a Career Technical Education (CTE) skilled pathway concentration or any program of study resulting in a certification;
- ❖ Meets the standards on the Workkeys" job skills assessments; and
- ❖ Reaches or exceeds the cut score set by the State Department on the End-of-Concentration Performance Assessments if applicable.

A high school diploma is earned and the student is counted as a graduate if the student meets the following requirements:

- ❖ Is a senior and will not graduate with ninth grade cohort;
- ❖ Receives GED preparation classes in the deficient content areas;
- ❖ Passes the content area GED Test by achieving the minimum score as determined by the State GED Office (WV GED passing standard may exceed national minimum passing standard); and
- ❖ Continues attending and maintaining passing grades in all other classes.

The State of West Virginia GED Diploma is earned and the student is counted as a completer but not a dropout or a graduate if the student passes the GED Tests prior to leaving the "regular" high school.

Testing of Individuals Participating in Residential Government Programs or a West Virginia State Institutional Facility:

Examinees, at least 16, 17, or 18 years of age, who are participating in a residential, non-residential, or post-residential government program, i.e., Job Corps, Mountaineer Challenge Academy and/or other approved career focused federal residential programs, may be tested provided that the following conditions are met:

- ~~❖ The candidate has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by the American Council on Education GED Testing Service) at least 30 days prior to testing as evidenced by written documentation from the last school/system attended; and~~
- ~~❖ The candidate has taken the Official GED Practice Tests (OPT) as evidenced by written documentation from an instructor at the facility.~~
- ~~❖ Documentation of the first two items shall be submitted to the GED Examiner at registration and/or with registration materials.~~
- ❖ The candidate seventeen (17) or eighteen (18) years of age has been officially withdrawn from a "regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS) as evidenced by written documentation from the last school/system attended; or
- ❖ If the program is approved as a GED Option program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the GED Option guidelines.
- ❖ The candidate has taken the OPT (WV OPT passing standard may exceed national minimum passing standard) as evidenced by written documentation from an instructor at the facility.
- ❖ A Mountaineer Challenge Academy cadet desiring to retest during the post-residential phase, which lasts one year from graduation date, may use the Mountaineer Challenge Academy's photo identification if documentation reflecting the cadet's graduation date is presented to the GED Examiner.

Individuals who are 17 or 18 years of age and are residents of a West Virginia state-operated institutional facility may take the tests while the examinee is under the control of the facility. Candidate sixteen (16) years of age may begin testing if the program or institution is approved as a GED Option program.

Adjudicated youth 16, 17, or 18 years of age, who are under the control of a court, detention center, group care facility, or probation office may be admitted to GED testing by qualifying under any of the following categories:

- ❖ Adjudicated youth with a court order from a judge or an order from a magistrate designated as a juvenile referee is to be admitted for GED testing, even if the individual is still enrolled in school; or
- ❖ Upon entering the control of a detention center or group care facility, an assessment that addresses the educational needs of the child is to be conducted by qualified personnel of the facility. If it is determined that there is no reasonable expectation of graduation from the **"regular" high school (a secondary school characterized as a "regular" accredited high school by the jurisdiction as defined by GEDTS)** and if the possibility of being placed at a long-term instate facility is very unlikely, the youth may be admitted to GED Testing.

- Prior to testing, the GED candidate must be officially transferred from the public school system to the detention center or group care facility as evidenced by written documentation from the last school/system attended ~~and must pass the Official GED Practice Tests (OPT) as evidenced by written documentation from an instructor at the facility.~~ unless enrolled in an approved GED Option program.
- Must pass the OPT (WV OPT passing standard may exceed national minimum passing standard) as evidenced by written documentation from an instructor at the facility.
- If the program is approved as a GED Option program and the candidate is enrolled in the program, the candidate sixteen (16), seventeen (17) or eighteen (18) years of age must follow the GED Option guidelines

All youth who have taken the GED Tests as per the above regulations but did not pass the GED and are no longer a resident of a government program or are no longer a resident of a West Virginia state-operated institutional facility or are no longer adjudicated are eligible to continue testing upon completion of the program or upon release by presenting state issued photo identification and qualifying under either of the following categories:

- ❖ A copy of a court order from a judge or an order from a magistrate, designated as a juvenile referee, is provided for the GED Examiner. The order must state that the individual is to take the GED Tests. Such an order allows an individual, sixteen (16), seventeen (17), or eighteen (18) years of age, to test even if the individual is still enrolled in school; or
- ❖ The GED candidate's previous scores are located in the GED databank indicating to the GED Examiner that the previous GED Examiner obtained all necessary documentation needed for testing.

Residence:

Persons meeting all criteria and demonstrating themselves eligible under the State of West Virginia GED Diploma guidelines shall be admitted to GED testing for the purpose of securing a State of West Virginia GED Diploma. The candidate must present clear, current, state-issued photo identification, i.e., driver's license, state alternative identification, military identification or a valid passport. The GED Examiner may request further proof or other pertinent documentation as evidence of identity, i.e., birth certificate, Social Security card, etc.

Transcripts of Scores:

The fact that a person has or has not taken the GED Tests is confidential information since disclosing participation in the GED Testing Program is tantamount to reporting the absence of a traditional high school diploma. Therefore, no name of a credential recipient will be released unless an individual candidate has signed written permission to release the information. Nevertheless, the GED candidate when registering for the GED Tests agrees that information will be shared with necessary West Virginia public school systems for data sharing purposes.

The original copy of the transcript and diploma shall be issued at no cost. Persons requesting a duplicate GED transcript and/or a replacement copy of their State of West Virginia GED Diploma as evidenced by passing the GED Tests must do so in writing to the State GED Office. The request must originate from the graduate and include the name under which testing occurred, Social Security number, date of birth, place and year of testing, daytime phone number, a copy of a current and valid state-issued photo identification, an original signature and designation as to whom the copy is to be sent. In addition, a check or money order for the research/printing fee, which is determined by the State Department's GED Office, must be included for each transcript requested. No requests, including those for correctional

purposes, military enlistment, job placement, or test verification, will be honored without the research/printing fee. All requests must be submitted to the West Virginia Department of Education, GED Office, Capitol Complex, Building 6, Room 250, 1900 Kanawha Boulevard, East, Charleston, WV 25305.

Falsification of GED Tests Information and/or Center Violations:

Any falsification of information and/or cheating on the GED Tests will result in penalties as outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures," and as directed by GEDTS regulations.

Security Compromises in Centers – Testing center violations will be processed according to the procedures outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures."

Testing Fees:

~~Generally speaking, testing fees shall be established as outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures." Changes of GED Tests fees by local testing centers must be approved by the State GED Office.~~

~~However, WVC §18-5-19(c) requires the State Board to develop and administer a program to provide the GED exam fee for an eligible individual pursuing a High School Equivalency Diploma. The procedures shall provide for eligibility requirements as follows:~~

- ~~❖ Successful completion of a GED preparation program;~~
- ~~❖ Successful completion of the GED Official Practice Test;~~
- ~~❖ Standards for measuring successful completion of the program and test required by this subdivision;~~
- ~~❖ GED exam registration with a GED testing center that is approved by the State Board; and~~
- ~~❖ Any other requirements established by the State Board.~~

~~The State Board shall provide the GED exam fee directly to the GED testing center.~~

Testing fees shall be established as outlined in the West Virginia GED Examiners' Manual, "West Virginia GED Security and Administrative Procedures." Altering fees for the GED Tests by local testing centers must be approved by the State GED Office.

All correspondence regarding this policy should be directed to:

State GED Coordinator.
GED Office
West Virginia Department of Education
Capitol Complex, Building 6, Room 250
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
(304) 558-6315

(WVC §18-5-19c and SBP 2444.4: Issuance of the State of West Virginia General Educational Development (GED®) Diploma based upon the Passage of the GED Tests

File: P.1. General Personnel Policies Related to Employment in Pendleton County

These are editorial changes that I believe will strengthen the opening statement of this policy. Plus House Bill 3301 requires the Board to verify the legal status of its employees.

The employment of all personnel shall be made by the Board only upon the nomination and recommendation of the Superintendent. All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classification as may be required by state law, state board regulation, or local regulations.

All prospective employees shall make application through the personnel office. When possible, all credentials should be on file before the recommendation is presented to the Board.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.1. General Personnel Policies Related to Employment in Pendleton County	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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All employees of the Board are classified as either professional or service. Professional personnel are those employees required by law or by the rules and regulations of the State Board of Education to hold professional certification for the work they perform in areas of administration, supervision and instruction. All other Board employees are designated as service personnel. A comprehensive list of service job titles is contained in WVC §18A-4-8. The Board shall hire such members and classes of service employees as may be deemed necessary to support the total school program.

The employment of all personnel shall be made by the Board only upon the nomination and recommendation of the Superintendent. In case the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct. All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classification as may be required by state law, state board regulation, or local regulations.

All prospective employees shall make application through the personnel office. When possible, all credentials should be on file before the recommendation is presented to the Board.

West Virginia Codes §21-1B-1 thru §21B-1B-5 require the Pendleton County Board of Education to maintain at the Central Office, records of all employees, together with proof of their legal status or authorization to work in the school system.

File: P.7. Employee Fringe Benefits
(P) P.7.4. Health Insurance Program

A surviving spouse and dependents of a deceased employee, who was either an active or retired employee participating in the plan just prior to his or her death, are entitled to be included in any group insurance coverage to which the deceased employee was entitled. Premiums must be paid by the dependents claiming this benefit.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.7. Employee Fringe Benefits	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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(P) P.7.4. Health Insurance Program

Surviving Spouse and Dependent Participation.

A surviving spouse and dependents of a deceased employee, who was either an active or retired employee participating in the plan just prior to his or her death, are entitled to be included in any group insurance coverage provided under this article to which the deceased employee was entitled, and the spouse and dependents shall bear the premium cost of the insurance coverage. The finance board shall establish the premium cost of the coverage.

(West Virginia Public Employees Insurance Act [§5-16-13])

File: P.13. Personnel Evaluation

(P) P.13.17. Service Employee Evaluation

Utilizing SBP 5314 – Service Personnel Responsibilities and Performance Standard, and a copy of the evaluation document currently used in Pendleton County, I have attempted to provide a better framework for evaluating service personnel. These thoughts are for your consideration. My thought is that in today’s work environment, supervisors need to be able to support their suggestions for improvement or for commendations.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.13. Personnel Evaluation	Adopted: 8/20/03 Last Reviewed: February 15, 2010
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(P) P.13.17. Service Employee Evaluation

Evaluation of service personnel will be directed toward achieving the objectives of the county and improvement of job performance. Thus, observation and evaluation of employee performance will be used first for providing suggestions and assistance to the employee, and secondly for deciding if employee performance meets the degree of excellence required for continued employment and/or tenure.

The procedures, instruments, and processes of evaluation will be subject to continuing review and appraisal. Significant changes to the procedures, regulations, or forms shall be in compliance with SBP 5300 and SBP 5314, shall seek input from affected personnel, shall receive Pendleton County Board of Education approval, and shall be reported to the West Virginia Department of Education. (SBP 5300; SBP 5314)

In conducting their observations and evaluations, supervisors will focus on a series of performance standards related to service personnel’s job responsibilities. The following is a list of indicators which may be used to determine an employee’s level of performance:

Work habits – Indicators such as:

- ❖ Observes assigned work schedule;
- ❖ Good Attendance;
- ❖ Compliance with count and state school policies and regulations;
- ❖ Meeting Schedules - punctual and accurate in competing assignments and reports;
- ❖ Cooperative and willing to work as a part of a team;
- ❖ Demonstrates tact and self-control;
- ❖ Practices positive public relations; and
- ❖ Dress is appropriate and conforms to safety standards.

Work Performance – Indicators such as:

- ❖ Initiative – completes tasks and assignments with a minimum of supervision;
- ❖ Safety practices – maintains work area and equipment in proper condition and free of safety hazards;

- ❖ Attitude - responsive to the directions and suggestions of the immediate supervisor;
- ❖ Exercises good judgment during unusual situations;
- ❖ Planning and organizing of work assignments;
- ❖ Quality of work – demonstrates pride in his/her work accomplishments; and
- ❖ Accepting change – able to adjust to changes in the work environment.

Professional Development

- ❖ Keeps current with county policies, state laws and state policies as appropriate; and
- ❖ Participates in job-related training.

For service personnel with three or more years of experience, a minimum of one written evaluation per year is required. The evaluation shall be based upon a minimum of two observations and must be completed by the end of the school year.

The immediate supervisor shall observe service personnel. The observation shall be conducted at the discretion of the supervisor. The supervisor shall conduct a post observation conference with said employee(s) as/if needed. A conference shall be conducted whenever any unsatisfactory performance has been observed by the supervisor.

(P) P.14.2. Vacations

All 12 month employees shall receive paid vacation for service in Pendleton County School District as follows:

- During the first year service of service - 1 week vacation
- Second year of service** - **2 weeks vacation**
- Tenth year of service - 3 weeks vacation
- Twentieth year of service** - **4 weeks vacation**

All employees must submit their vacation schedule to the Superintendent's Office for approval for leave in excess of three consecutive days at least three weeks in advance. Twelve-month employees are those with 252 and 261-day contracts. In order to minimize the interruption of normal operations, no employee may take more than 20 days of vacation within any six-week period unless justification is presented and approval is received from the Superintendent.

Employees are encouraged to use earned vacation time during the fiscal year which runs from July 1 to June 30. Employees hired before July 1, 1992 will be allowed to carry over a maximum of 40 days. Workers hired after July 1, 1992 will be limited to a maximum of 20 days of carry over. The Board recognizes that some employees may have accumulated vacation days beyond the defined limits; therefore, these employees shall have until June 30, 2008 to come into compliance with the newly established limits on vacation carry-over days.

File: P.21. Racial, Sexual, Religious, Ethnic Harassment and Violence

Most of the changes are editorial in nature to clarify the contents of the policy to reflect recent changes in State Board policies and state law (i.e. definitions). Also the policy now has the following special note:

Special note: If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaining individual shall be subject to discipline, including but not limited to oral or written reprimand, suspension, termination of employment, and/or discipline under the Student Code of Conduct

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.21. Racial, Sexual, Religious, Ethnic Harassment and Violence	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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The purpose of this policy and the regulations that follow is to prevent racial, sexual or religious/ethnic harassment or violence, toward students and staff, to protect the academic environment, and to assure that our employees respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

Racial, sexual, religious/ethnic harassment and violence is a form of discrimination which violates Sections 703 of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000C, et. seq., Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681, et. seq., WV Code §5-11-1, §18-2-5, §18-2-5a and §18-2-7b, et. seq., West Virginia Constitution, Art. XII, §2, SBP 2421, and the West Virginia Human Rights Act.

It shall be a violation of this policy for any student, volunteer, outside group, or third party using school facilities, or any employee of the Pendleton County School District to harass a student, any person, or an employee through conduct or communication of a racial, sexual or religious/ethnic nature. School facility shall include any building or property used or operated by the Pendleton County Board of Education.

Pendleton County Schools will investigate all complaints of harassment or violence and discipline any student or employee who harasses a student or employee of Pendleton County Schools. Penalties for members of the public shall be in compliance with the laws of West Virginia and the policies of the school system.

(P) P.21.1. Policy Implementation Procedures

Definitions:

- ❖ **Sexual Harassment:** Unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or communication of a sexual nature when:
 - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
- Sexual harassment may include but is not limited to:
 - Verbal harassment or abuse (i.e. graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies);
 - Unwelcome or inappropriate letters, telephone calls, e-mails, pictures, cartoons, computer images, or other materials of a sexual nature;
 - Sexual teasing, jokes, remarks, or questions;
 - Commenting upon an individual's body or clothing in a sexually offensive manner;
 - Sexually suggestive looks or gestures;
 - Pressure, subtle or overt, for sexual activity;
 - Unwelcome or inappropriate patting, pinching, or contact;
 - Intentionally brushing against another's body;
 - Attempted or actual rape or sexual assault;
 - Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status;
 - Requesting or demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 - The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities; or
 - Any unwelcome sexually motivated touching.
- ❖ **Sexual Violence:** Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas;
 - Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - Coercing, forcing or attempting to coerce or force sexual intercourse or sexual act on another;
 - Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse on another; or
 - Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
- ❖ **Racial or Religious/Ethnic Harassment:** Racial and religious/ethnic harassment consists of physical, verbal or written conduct relating to an individual's race, religious background, or ethnic background when the conduct:
 - Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment (i.e. degrading words to describe an individual's race, age, sex, religion, ancestry or disability);
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

- Otherwise adversely affects an individual's employment or academic opportunities.
- ❖ **Racial or Religious/Ethnic Violence:** Racial or religious/ethnic violence is a physical act of aggression or assault upon another because of race, or in a matter reasonably related to, race, religion, or ethnicity.
- ❖ **Assault is:**
 - An act done with intent to cause fear in another of immediate bodily harm or death;
 - The threat to do bodily harm to another by a person possessing the ability to carry out the threat.
- ❖ **Amorous Relationships:** Amorous relationships between staff members and non-adult students of the educational agencies served by Pendleton County Schools are prohibited. Staff members found to have violated this prohibition shall be subject to the disciplinary actions outlined in these procedures.

Reporting Procedures:

Any person who believes he or she has been victim of harassment or violence by a student or an employee of Pendleton County Schools, or any third person with knowledge or belief of conduct which may constitute harassment, should report the alleged acts immediately to an appropriate official as designated by these procedures. Pendleton County Schools encourages the reporting party or complainant to use the report form available from the Human Rights Officer.

❖ **In Each School Building**

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the Board's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given to the building principal verbally, he/she shall reduce it to written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights Officer.

For school buildings/facilities that do not have a building principal, the Director of such building or facility will be the person responsible for receiving oral or written reports of sexual harassment. All other provisions of the paragraph above apply to such situations, except that the term "Director" shall be substituted for the term "building principal".

❖ **District-Wide**

The Board designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in these procedures. The name of the Human Rights Officer, including mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

❖ **Submission of a Complaint or Report**

Submitting a complaint or report concerning sexual harassment will not affect the future employment, grades, or work assignments of the person who submits the complaint or report. The use of formal reporting forms is not mandatory. Pendleton County Schools will respect the confidentiality of the complainant and the individuals against whom the complaint is filed as much as possible, consistent with the agency's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

- ❖ Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

Investigation and Recommendations:

By authority of the Board, the Human Rights Officer, upon receiving a **written** report or complaint alleging racial, sexual, religious/ethnic harassment or violence will immediately authorize an investigation. Upon receipt of a complaint alleging racial, sexual, religious, ethnic harassment or violence; the Human Rights Officer will inform the affected parties of the investigative procedures that will occur. The investigation may be conducted by officials of the school district or by third parties designated by the Superintendent of Schools. In the event the alleged complaint involves a school employee, the Human Rights Officer will inform such employee that a third party investigative official will be authorized to investigate and report. Additionally, the rights of such employee will be fully explained by the Human Rights Officer. The investigating party will provide a written report of the status of the investigation within ten working days to the Superintendent and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report will be submitted to the Human Rights Officer and the President of the Board.

In determining whether alleged conduct constitutes harassment or violence, consideration will be given to the surrounding circumstances, the nature of the racial, sexual, religious/ethnic advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation must at a minimum consist of personal interviews with the complainants, the individuals against whom the complaints are filed, and others who may have knowledge of the alleged incidents or circumstances generating the complaints. **Signed statements shall be obtained from witnesses or other persons having pertinent information about the incident.** The investigation may also consist of any other methods and documents deemed pertinent by the investigators.

In addition, school officials may, in their discretion, take immediate steps to protect the complainant, students, and employees pending completion of an investigation of alleged harassment and violence.

Upon completion of the investigation, the Board's Human Rights Officer will issue a report to the Superintendent. The report will include a recommendation concerning the validity of the complaint. If the Superintendent is the subject of the complaint, the report will be made to the President of the Board.

❖ Action

Upon receipt of a recommendation that the complaint is valid, officials of the Pendleton County Schools will take such action as appropriate based on the results of the investigation. The results of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the Superintendent of Schools or, if the Superintendent is the subject of the complaint, by the President of the Board. The report will document any disciplinary action taken as a result of the complaint.

The Superintendent (or the President of the Board if the Superintendent is the subject of the complaint) shall immediately file a report with the West Virginia Department of Education when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.

❖ **Reprisal**

The Pendleton County Board of Education will discipline any individual who retaliates against any person who reports alleged harassment or violence or who retaliates against any person who testifies, assists, or participates in an investigation proceeding or hearing relating to a harassment or violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

❖ **Non-Harassment**

The Board recognizes that not every advance or comment of a racial, sexual, or religious/ethnic nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties and students and employees who falsely report religious/ethnic, racial, or sexual harassment shall also face appropriate disciplinary actions.

The confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and only persons essential to the investigation will be given information about it.

Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse that may include filing charges with the West Virginia Human Rights Commission, filing an employee grievance under WV Code §18-29-1, et. seq., filing a citizen's appeal under West Virginia Board of Education Policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

Disciplinary Actions:

Disciplinary action taken pursuant to these procedures for students may include, but are not limited to, warning, suspension or expulsion depending upon the severity of the offenses.

Disciplinary actions for employees may include, but are not limited to warning, suspension, immediate discharge and revocation of licensure.

Special note: If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaining individual shall be subject to discipline, including but not limited to oral or written reprimand, suspension, termination of employment, and/or discipline under the Student Code of Conduct.

Parents and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action.

Dissemination of Regulations:

These regulations or a summary of them shall be posted in each of the agency facilities in areas accessible to students and staff members.

- ❖ A complete copy of these regulations can be found in the Pendleton County Schools Policy Manual.
- ❖ Pendleton County Schools will develop and implement training for students and staff on these regulations and on means of effectively promoting them.

- ❖ Prevention programs that develop training and awareness of racial, sexual, religious/ethnic harassment and violence will be presented annually through the Pendleton County Schools Staff Development Program.

Prevention Programs:

For each programmatic level, K-5, 6-8, 9-12, adult students, faculty and staff, the Superintendent or his/her designee shall develop prevention programs that, at a minimum, raise awareness of the different types of discrimination, how it maintains itself, its devastating emotional and educational consequences and its legal consequences.

In addition, the Superintendent or his/her designee shall develop and implement multi-cultural education programs for faculty, staff and students that foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds and national origins.

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Amended/Revised: October 19, 2005; September 20, 2006

File: R.5. Public Gifts

This change is offered as an option which would allow Board employees to receive small tokens of appreciation from the community (i.e. plaques, achievement certificates or gift certificates from state, national or local organizations that make such awards solely for the purpose of recognizing the contributions that school personnel make to their school communities). The Ethics Act allows unsolicited gifts of \$25 or less and ceremonial gifts or awards of insignificant value.

PENDLETON COUNTY BOARD OF EDUCATION R. RELATIONS WITH THE COMMUNITY File: R.5. Public Gifts	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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While the Board of Education sincerely appreciates the intent of the giver, this Board reserves the right to accept or reject all gifts offered to the Pendleton County Schools. Any gifts accepted by this Board shall not create an obligation of any kind on the Pendleton County School system. Pursuant to state statutes, the Board, according to law and the intent of the instrument conferring title, shall receive, hold, and dispose of any gift, grant or bequest.
(WVC 18-5-5)

Nothing in this policy shall be construed to prevent an employee from receiving recognition rewards in the form of plaques, achievement certificates or gift certificates from state, national or local organizations that make such awards solely for the purpose of recognizing the contributions that school personnel make to their school communities.
(WVC §61-10-15; Ethics Act)

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Amended/Revised:

File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure

Since the last update, the State Board also approved several changes to the policy regarding the collection and maintenance of student records.

(P) S.17.1. Collection, Maintenance and Disclosure of Student Records

The process for collecting and disseminating Directory Information has been changed. Read carefully.

(P) S.17.2. Release of Juvenile Records to Public Schools

Records of a juvenile proceeding conducted under §49-5-17 are not public records and shall not be disclosed to anyone unless disclosure is authorized by this code. The code does permit the release of juvenile records to certain school officials. A copy of a juvenile's records shall automatically be disclosed to the following conditions. This section of the policy manual is a must reading assignment for school employees responsible for handling student records.

PENDLETON COUNTY BOARD OF EDUCATION S. STUDENTS File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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(P) S.17.1. Collection, Maintenance and Disclosure of Student Records

❖ ~~Directory Information~~

~~— The Pendleton County Schools may release directory information when requested. This information shall be limited to students name, age, grade, telephone listing, date and place of birth, major field of study, participation in activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous educational institution attended by the students. State law requires that a list of graduating seniors be made available to military service recruiters. Parents/guardians or eligible students may refuse to permit the designation of this information as directory information. This refusal must be made in writing and submitted to the school principal.~~

❖ **Directory Information** includes a student's name, address, telephone listing, e-mail, photograph, date, and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

❖ **Conditions for Disclosure of Directory Information:**

- An educational agency or institution may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if it has given notice that information has been designated as directory information.
- An educational agency or institution may disclose directory information from the educational records of an individual who is no longer in attendance at the agency or institution without following the procedures under the following section.
- In order to designate directory information, an educational agency or institution shall give public notice of the following:

- The categories of personally identifiable information the institution has designated as directory information;
- The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information, including the right of the parent to refuse to permit the designation of names, addresses, and telephone listings of their children as directory information for purposes of providing the information to military recruiters as set forth in *File: (P) I.17.9. Senior Names and Addresses to Armed Forces Recruiters*; and
- The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.
- The Pendleton County Board of Education shall, at a minimum, establish that the names, addresses, and telephone listings of secondary school students are designated as directory information for the purposes of providing the information to military recruiters as set forth in *File: (P) I.17.9. Senior Names and Addresses to Armed Forces Recruiters*.
- Once the Board establishes directory information, it shall provide access to established directory information to any person or group which makes students aware of educational, occupational, and career opportunities available in the armed services.
- The Board may provide access to established directory information to other persons or groups as determined by board action.

(P) S.17.2. Release of Juvenile Records to Public Schools

Records of a juvenile proceeding conducted under §49-5-17 are not public records and shall not be disclosed to anyone unless disclosure is authorized by this code. The code does permit the release of juvenile records to certain school officials. A copy of a juvenile's records shall automatically be disclosed to the following conditions:

- ❖ Only the records of certain juveniles shall be disclosed and these include and are limited to cases in which:
 - The juvenile has been charged with an offense which involves violence against another person;
 - The offense involves possession of a dangerous or deadly weapon; or
 - The offense involves possession or delivery of a controlled substance as that term is defined by the code.
- ❖ The juvenile's case has proceeded to a point where one or more of the following has occurred:
 - A judge, magistrate or referee has determined that there is probable cause to believe that the juvenile committed the offense as charged;
 - A judge, magistrate or referee placed the juvenile on probation for the offense;
 - A judge, magistrate or referee placed the juvenile on probation into an improvement period in accordance with the code;
 - Some other type of disposition has been made of the case other than dismissal.

The circuit court for Pendleton County shall designate one person to supervise the disclosure of juvenile records to the Superintendent of Pendleton County Schools and the principal of the school which the juvenile attends. Records may be shared with classroom teachers, bus drivers, and other adults whom the principal deems needs to know. At a minimum, those records shall disclose the following information:

- ❖ Copies of the arrest report;
- ❖ Copies of all investigations;
- ❖ Copies of any psychological test results and mental health records;
- ❖ Copies of any evaluation reports for probation or facility placement; and
- ❖ Any other material that would alert the school to potential danger that the juvenile may pose to himself/herself or others.

The Superintendent shall designate the school psychologist to receive the psychological test results and mental health records. After reviewing these records, the psychologist may disclose to the principal of the school, teachers of the juvenile, any regular bus operator of a bus in which the juvenile is regularly transported on a need to know basis, the test results, mental health records, and any behavior that may trigger violence or other disruptive behavior by the juvenile.

Juvenile records must be treated as absolutely confidential by the school official to whom they are transmitted, and nothing contained within the juvenile's records shall be noted on the juvenile's permanent educational record. The juvenile records are to be maintained in a secure location and are not to be copied under any circumstances. However, the principal of a school to whom the records are transmitted shall have the duty to disclose the contents of those records to any teacher who teaches a class in which the subject juvenile is enrolled and to the regular driver of a school bus in which the subject juvenile is regularly transported to or from school, except that the disclosure of the juvenile's psychological test results and any mental health records shall only be made as described above. Furthermore, any school official to whom the juvenile's records are transmitted may disclose the contents of such records to any adult within the school system who, in the discretion of the school official, has the need to be aware of the contents of those records.

If for any reason a juvenile ceases to attend a school which possesses that juvenile's records, the appropriate official at that school shall seal the records and return them to the circuit court which sent them to that school. If the juvenile has changed schools for any reason, the former school shall inform the circuit court of the name and location of the new school which the juvenile attends or will be attending. If the new school is located within West Virginia, the person designated by the circuit court shall forward the juvenile's records to the juvenile's new school in the same manner as provided above. If the new school is not located within West Virginia, the person designated by the circuit court shall handle the juvenile records in accordance with the provisions of the code.
(WVC §49-5-17)

~~All records must be kept confidential, nothing on the juvenile record can be placed in the permanent educational record, they must be kept secure and they cannot be copied under any circumstances. Under no circumstances may juvenile records be transmitted to another institution. When a juvenile changes schools, the circuit court shall be notified of the location and name of the new school so records can be sent there.~~

File: T.1. Student Transportation
(P) T.1.2.1. Parental Responsibilities

The suggested editorial changes are intended to clearly define the parents' role in regard to disciplinary issues that may arise with their children. Parents are expected to assist in resolving disciplinary issues that arise concerning their children.

(P) T.1.7. Charter Buses

The rules regarding charter buses for school trips have been expanded to bring them more in line with State Board policy. Because the safety of traveling students is paramount, the State Board Office in charge of transportation has issued strict guidelines to be followed when charting buses.

Also, Local school officials (principals) are not empowered by the State Code to enter into contracts with charter companies; therefore, all such contracts must be negotiated by the Board through the Superintendent's office.

PENDLETON COUNTY BOARD OF EDUCATION T. TRANSPORTATION, SAFETY, FOOD SERVICES & INSURANCE File: T.1. Student Transportation	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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(P) T.1.2.1. Parental Responsibilities

SBP 4336 – West Virginia School Bus Transportation Policy and Procedures Manual states that the parents of children who receive transportation services from the Pendleton County Board of Education shall:

- ❖ Provide written guidance regarding any special care a student may need while riding the bus; and
- ❖ Provide supervision at all bus stops until the bus arrives for both pickup and delivery.
- ❖ The Board strongly suggests that parents/guardians of young children be at the bus stop for pickup and delivery of their child.

The Pendleton County Board of Education urges and expects all parents/guardians to comply with the above State Board of Education regulations

Parents are also expected to assist in resolving disciplinary issues that arise concerning their children.

Parents/guardians shall be required to provide transportation for their children in the event they are excluded or suspended from riding the bus for a period of time or if their busing privileges are permanently revoked.

(P) T.1.7. Charter Buses

Students may be transported to a school-sponsored activity in a privately owned vehicle (i.e. chartered bus) that has a seating capacity of 16 or more passengers only when the owner verifies in writing the following:

- ❖ Appropriate insurance coverage – A Certificate of Insurance must be issued as follows:
 - The Certificate Holder will be the Pendleton County School System.
 - The Certificate of Insurance must evidence a minimum of \$5,000,000 per occurrence of Auto Liability.
 - The certificate should provide for thirty day (30) notice of cancellation. Any Certificate of Insurance limited to a specific event or date is *not* acceptable.
 - Acceptance will be for all locations and operations of the school system.
 - In order for the charter bus company to remain eligible to provide service a *new* Certificate of Insurance *must* be supplied to the county school system whenever the insurance is *renewed*, which normally occurs on an annual basis. The school system will *not* contact the bus company before suspending the company from providing charter service due to an expired certificate.
 - Any notice from the insurance company that a bus company's insurance has been cancelled for any reason will result in the bus company's suspension from providing charter service to the school system.
- ❖ Vehicle safety specifications;
- ❖ Public transit rating of vehicle;
- ❖ Appropriate driver training; and
- ❖ Driver certification and criminal history record check.

Principals and sponsors of school activities may work with the Director of Transportation to contact independent bus companies to explore charter services for extended trips outside Pendleton County. Schools anticipating the use of this type of service should investigate potential carriers carefully focusing on factors such as liability insurance coverage for passengers, regulations regarding driver rest time, safety features of the bus including safety inspections, references, and knowledge of the area to be visited.

Local school officials (principals) are not empowered by the State Code to enter into contracts with charter companies; therefore, all such contracts must be negotiated by the Board through the Superintendent's office.

Following the selection of a suitable charter service and after obtaining a proposed agreement from the company, the principal shall present the proposal to the Superintendent. The Superintendent will then make a recommendation to the Board. In the event the time frame for meeting the travel needs of the school are such that the Board may not have time to review the proposal before the event (i.e. state athletic tournaments and playoffs), the Superintendent may approve the proposal and confirm his/her actions at the next board meeting.

(WVC §18-5-5; §18-5-13; SBP 4336; Recommendations from State Transportation Office)

GROUP III**NEW LEGISLATION**

The policy changes contained in this group have been prompted by recent legislative action.

- (P) F.11.1. Allocation of Faculty Senate Funds
- File: I.6. School Curriculum Teams
- (P) P.3.4. Commercial Driver's License and Electrician License for School Personnel
- (P) P.15.1. Military Leave.
- (P) P.17.5. The Faculty Senate
- (P) P.21.2. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors [Cross-referenced with (P) S.10.4.]
- (P) P.21.3. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communications [Cross-referenced with (P) S.10.3.]
- (P) P.22.8. Retired Teachers as Substitute Professional Personnel (Old Policy Renewed)
- (P) S.5.5. Interstate Compact on Educational Opportunity for Military Children (New)
- (P) S.6.22. Creating Local Solutions Dropout Prevention and Recovery Innovation Zones (New)

File: F.11. Faculty Senate Funds
(P) F.11.1. Allocation of Faculty Senate Funds

This is a minor change to increase the annual Faculty Senate allotment from \$50 to \$100 for each eligible participant.

PENDLETON COUNTY BOARD OF EDUCATION F. FINANCIAL MANAGEMENT File: F.11. Faculty Senate Funds	Adopted: August 20, 2003 Last Review: August 24, 2010
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A separate faculty senate fund must be maintained at each school with its own checking account. These funds may not be considered a part of the General Fund.

(P) F.11.1. Allocation of Faculty Senate Funds

General Guidelines:

Every faculty senate is to prepare an annual budget approved by the membership that defines how the faculty senate funds are to be expended. The budget is to be made a part of the official minutes.

Faculty senate funds are to be accounted for in the same manner as all other school funds. The same accounting practices and procedures described in the accounting procedures manual for the general activity funds of the school are to be followed for faculty senate funds.

Control of Funds:

Faculty senates shall control the funds allocated to each school from the legislative appropriations of \$200 per professional instructional personnel or funds donated to the faculty senate. The Board is required to distribute the faculty senate funds received from legislative appropriations to each faculty senate during the month of September each year.

Professional personnel who are eligible to receive faculty senate funds includes: classroom teachers, counselors, librarians, and school nurses with a bachelor's degree and who are licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Of the total allocation received by each faculty senate, ~~\$50~~ \$100 is to be allocated to each eligible professional instructional employee for expenditure during the instructional year for academic materials, supplies or equipment that in the judgment of the individual will assist him/her in providing instruction. This includes expenditures for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem and address the problems of students-at-risk.

The remaining funds are to be expended only for academic materials, supplies or equipment in accordance with a budget approved by the faculty senate.

Individual Allotments:

The allotment to each eligible professional instructional employee may be made in one of several ways:

- ❖ A ~~\$50~~ \$100 check could be issued to each eligible professional instructional employee at the beginning of the school year with the understanding that the individuals receiving the allotment are to submit receipts by the end of the school year to show how the funds were expended or refund any difference

If this method is selected, recipients should be instructed that funds would have to be refunded if the entire amount were not expended during the school year; if the funds were expended for unauthorized purposes; or if itemized receipts were not submitted.

- ❖ Require each individual to submit a request for reimbursement after the purchase is made. Individuals could be allowed to submit requests for reimbursements after each purchase or be required to wait until a certain dollar amount is reached.

If this reimbursement method is selected, an account balance would need to be maintained for each individual.

With either method, local forms should be developed for each individual to use to list the items purchased. This makes it easier to ascertain that the expenditures were for an authorized purpose. See Appendix A for a sample copy of the form to be used.

If the amount allotted to each eligible professional instructional personnel is not expended during the instructional year, the unexpended amount is to be returned to the faculty senate. This also applies if an employee resigns or transfers to another school during the course of the school year. Funds allocated to eligible professional employees are to remain with the faculty senate to which the individual was originally assigned; the funds are not to be transferred among faculty senates.

(WVC §18-5A-5; §18-9A-9; SBP 1224.1)

File: I.6. School Curriculum Teams

House Bill 3116 has changed the language in WVC §18-5A-6 significantly; therefore, the old policy has been scrapped and completely rewritten.

The school curriculum team statute is amended to make clear that its purpose is to (1) provide opportunities for school personnel to have a direct voice in the operation of their schools and create a culture of shared decision-making to raise student achievement; (2) encourage the use of different high-quality models of education delivery to meet a variety of student needs; (3) increase high-quality educational opportunities for students in order to close achievement gaps; and (4) provide increased school-level freedom and flexibility to those schools that have achieved exceptional levels of results-driven accountability. *W. Va. Code § 18-5A-6(b)*.

School curriculum team powers and duties are expanded to include establishing, for approval by the county board, the assessments, instructional strategies, and programs that the team determines are best suited to promote student achievement and achieve State Board of Education content standards for required courses. However, if the school has achieved AYP or has received distinction or an exemplary school accreditation, the school may, without the necessity of county board approval, use the assessments, instructional strategies, and programs established by the curriculum team, subject to certain limitations that were already a part of the statute. If the school later fails to achieve AYP or receives any accreditation status other than distinction or exemplary, the school may not implement the curriculum team’s recommendation of assessments, instructional strategies, and programs without county board approval. *W. Va. Code § 18-5A-6(c)(3),(d),(e)*.

PENDLETON COUNTY BOARD OF EDUCATION I. INSTRUCTION File: I.6. School Curriculum Teams	Adopted: August 20, 2003 Last Review: August 24, 2010
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Each school shall establish a school curriculum team composed of the principal, the counselor serving that school, and no fewer than three representatives of the grades taught at the school and chosen by the Faculty Senate.

In instances where the counselor is assigned to an elementary school or a combination elementary and middle school on less than a one-half time basis, a school curriculum team established at that school may meet on days when the counselor is not at the school and the principal shall consult with the counselor on the issues relevant to the meeting agenda.

Purposes of School Curriculum Team:

- ❖ Provide opportunities for school personnel to have a direct voice in the operation of their schools and to create a culture of shared decision-making focused on the ultimate goal of raising student achievement;
- ❖ Encourage the use of different, high-quality models of teaching, scheduling and other aspects of educational delivery that meet a variety of student needs;
- ❖ Increase high-quality educational opportunities for all students that close achievement gaps between high-performing and low-performing groups of public school students; and
- ❖ Provide public schools with increased school-level freedom and flexibility to achieve these purposes when they have achieved exceptional levels of results-driven accountability.

Powers and Duties of the School Curriculum Team:

The general powers and duties of the School Curriculum Team include, but are not limited to the following:

- ❖ Establish the programs and methods to be used at the school to implement a curriculum based on state-approved content standards that meet the needs of students at the school.
 - The curriculum shall focus on reading, composition, mathematics, science and technology.
 - The curriculum thus established shall be submitted to the Board which may approve it for implementation at the school or may return it to the curriculum team for reconsideration.
- ❖ Review the list of other, non-required testing and assessment instruments provided by the state board through the statewide assessment program as provided in WVC §18-2E-5. The curriculum team may select one or more tests or assessment instruments that are applicable to the grade levels at the school for use at the school to improve student learning.
- ❖ Establish for use at the school the assessments, instructional strategies and programs that it determines are best suited to promote student achievement and to achieve content standards for courses required by the state board. The curriculum team shall submit the established assessments, instructional strategies and programs to the county board which shall approve the recommendations for implementation at the school or shall return them to the curriculum team for reconsideration.

Notwithstanding the powers and duties listed above, the school curriculum team at a school that has achieved adequate yearly progress (AYP) or has achieved an accreditation status of distinction or exemplary in accordance with WVC §18-2E-5 may, without the necessity of county board approval, use the assessments and implement the instructional strategies and programs consistent with the approved curriculum that it determines are best suited to promote student achievement at the school. If the school later fails to achieve AYP or if it receives any school approval level other than distinction or exemplary, the curriculum team may not implement its recommended assessments, instructional strategies and programs without Board approval.

- ❖ The school may not be required to assess students using any specific assessment except the state summative assessment known as the WESTEST2 or any successor tests, the Alternative Performance Task Assessment, the Online Writing Assessment, and the National Assessment of Educational Progress (NAEP); and
- ❖ The school may not be required to employ any specific instructional strategy or program to achieve content standards for courses required by the state board, except as approved by the school curriculum team.

Nothing in the code exempts a school from assessments required by statute or state board policy including, but not limited to, the state summative assessment known as the WESTEST2 or any successor tests, the Alternative Performance Task Assessment, the Online Writing Assessment, and the National Assessment of Educational Progress (NAEP).

The school curriculum team may apply for a waiver for instructional resources approved and adopted pursuant to WVC §18-2A if, in the judgment of the team, the instructional resources necessary for the implementation of the instructional strategies and programs best suited to teach the school's curriculum are not available through the normal adoption process.

The school curriculum team may apply for a grant from the state board to develop and/or implement remedial and accelerated programs to meet the needs of the students at the individual school.

Process for Teacher Collaboration:

When a school has achieved adequate yearly progress or has achieved a school accreditation status of distinction or exemplary, the faculty senate, with approval of the principal, may establish a process for teacher collaboration to improve instruction and learning. The school does not have to follow the application and approval process outlined in WVC 18-5C-2.

The collaborative process may be established in addition to, or as an alternative to, the school curriculum team.

The mission of the collaboration process is to review student academic performance based on multiple measures, to identify strategies to improve student performance and make recommendations for improvement to be implemented subject to approval of the principal.

The teacher collaborative includes members the faculty senate determines are necessary to address the needed improvements in the academic performance of students at the school. If applicable, the collaborative may consist of multiple subject area subcommittees which may meet independently.

If a collaborative process is established as an alternative to the school curriculum team, the teacher collaborative has all the powers and duties assigned to school curriculum teams.

- ❖ The collaborative process also may incorporate the functions of the Strategic Planning Committee, the Technology Team, and/or the School Support Team.
- ❖ When the functions of any or all of these committees are incorporated into the collaborative process, the school is not required to establish a separate committee for any one whose functions have been assumed by the collaborative.

As appropriate, the School Curriculum Team shall cooperate with and coordinate its efforts with the County Curriculum Team.
(WVC §18-5A-6 and SBP 2510)

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Amended/Revised: August 24, 2010

~~Each school shall establish a school curriculum team composed of the principal, the counselor serving that school, and no fewer than three representatives of the grades taught at the school and chosen by the Faculty Senate.~~

- ~~❖ The team shall establish the programs and methods for implementing a curriculum based on state-approved content standards based on the needs of the individual school with focus on reading, composition, mathematics, science and technology. The curriculum thus established shall be submitted to the Board for approval or for return to the school for consideration.~~
- ~~❖ The curriculum team may apply for a waiver from the instructional resources adoption process.~~
- ~~❖ The curriculum team may apply to the State Board of Education for development and implementation of remedial and accelerated programs.~~
- ~~❖ The school curriculum team shall report to the Board annually.~~

~~———— The school curriculum team may review the list of other non-required testing and assessment instruments provided by the state board through the statewide assessment program as provided in §18-2E-5 and may select one or more of them that are applicable to the grade levels at the school for use at the school to improve student learning. The school has the discretion to use the assessments and implement~~

~~the instructional strategies and programs, upon approval by the school curriculum team that it determines best to promote student achievement at the school.~~

~~==== The school curriculum team may apply for a waiver of any state or county policy requiring it to assess students using any specific assessment except the WESTEST2, the Alternative Performance Task Assessment, the Online Writing Assessment, and the National Assessment of Educational Progress (NAEP), or to employ any specific instructional strategy or program to achieve content standards for courses required by the state board. Attainment by the school of at least full accreditation status for the previous year shall be the factor considered for granting the waiver request.~~

~~As appropriate, the School Curriculum Team shall cooperate with and coordinate its efforts with the County Curriculum Team.
(WVC §18-5A-6 and SBP 2510)~~

File: P.3. Employment of Service Personnel
(P) P.3.4. Commercial Driver’s License and Electrician License for School Personnel

Amendments to WVC §17E-1-13 which governs commercial drivers’ licenses and privileges include the disqualification of an individual from driving a commercial motor vehicle if convicted of driving such a vehicle while engaged in texting.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.3. Employment of Service Personnel	Adopted: August 20, 2003 Last Review: August 24, 2010
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(P) P.3.4. Commercial Driver’s License and Electrician License for School Personnel

Employees engaged in work related activities that require the driving of a motor vehicle used in commerce to transport at least 16 passengers (including the driver) or property shall be required to hold a commercial driver’s license (CDL) as a condition of employment. The Board shall reimburse the employee for any fees related to obtaining the CDL.

A bus operator shall be disqualified from driving a school bus or any other commercial motor vehicle if convicted of driving a school bus or commercial motor vehicle while engaged in texting. A driver is considered to be engaged in texting if s/he is operating a motor vehicle with the engine running, including while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, a driver is not considered to be operating a motor vehicle when the driver has moved the vehicle to the side of or off a highway and halted in a location where the vehicle can safely remain stationary, regardless of whether the motor is running.

If the Board requires employees who perform electrical work to hold a license, it shall also pay the cost of such license.

(WVC §18A-2-4)

File: P.15. Leave of Absence Policy
(P) P.15.1. Military Leave

Senate Bill 382 has approved military leave without loss of pay or status for members of the National Guard or Armed Forces Reserve for inactive duty training, funeral details, service schools, annual training and other full-time National Guard Duty under federal law. This leave is limited to 30 working days and may not exceed 240 hours in a calendar year.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.15. Leave of Absence Policy	Adopted: August 20, 2003 Last Review: August 24, 2010
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(P) P.15.1. Military Leave.

Any officer or employee of state, county or municipal government hired for permanent employment who is a member of the National Guard or armed forces reserve, is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating, on the days during which s/he is ordered, by properly designated authority, to be engaged in drills, inactive duty training, parades, funeral details, service schools or other duty, during business hours, field training, annual training or other full-time National Guard duty pursuant to Title 10 or Title 32 of the United States Code, or active service of the state, for a maximum period of 30 working days, not to exceed 240 hours in any one calendar year.

Any officer or employee of state, county or municipal government hired for permanent employment ordered or called to active duty for a mobilization or deployment under Title 10 of the United States Code or in support of a contingency operation as defined in 10 U.S.C. §101(a)(13) by the properly designated federal authority is entitled to a military leave of absence from his or her respective office or employment without loss of pay, status or efficiency rating for a maximum period of 30 working days, not to exceed 240 hours for a single call to active duty. Provided, That an officer or employee of state, county or municipal government called to active duty who has not used all or some portion of the thirty working days of military leave of absence granted in the first paragraph of this policy is entitled to add the number of unused days from that calendar year to the 30 working days, not to exceed 240 hours granted by this subsection, up to a maximum of 60 days for a single call to active duty: Provided, however, that none of the unused days of military leave of absence granted by paragraph one may be carried over and used in the next calendar year.

The term "without loss of pay" means that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact that he/she may have received other compensation from federal or state sources during the same period.

Employees who are called to active duty by the properly designated federal authority for a period of time that extends beyond the 60 days mentioned above shall be placed on unpaid leave for the duration of the activation period with the right to return to the position they held at the time of the activation. In order to be eligible for reemployment, employees shall:

- ❖ Satisfactorily complete the period of active duty and have a certificate to that effect.

- ❖ Be qualified to perform the duties of their former position. If they are disabled during military service and cannot perform the duties of their old job, they may be entitled to the nearest comparable job they are qualified to perform.
- ❖ Make timely application for reemployment after release from military training or service or from hospitalization continuing after discharge or for a period of not more than one year. Application must be made within 31 days after completion of active duty or release from a medical facility.
(WVC §15-1F)

File: P.17. Working Conditions
(P) P.17.5. The Faculty Senate

This is a minor change in (P) P.17.5. to increase the annual Faculty Senate allotment from \$50 to \$100 for each eligible participant. This change also affects File: F.11.

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.17. Working Conditions	Adopted: August 20, 2003 Last Review: August 24, 2010
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(P) P.17.5. The Faculty Senate

The intent of the statute that created faculty senates across West Virginia was to facilitate and encourage the involvement of the school community in the operation of the local schools. When it functions as intended, the local faculty senate can improve the educational quality that children and students receive at the school in which they are enrolled. The Board encourages faculty senates to professionally pursue local initiatives to improve school performance. However, it is not the intent of the statute, or these procedures to restrict the ability of the Board in its efforts to effect countywide school improvement.

Each faculty senate with approval of the principal may, in addition to or as an alternative to the school curriculum team, establish a process for teacher collaboration to improve instruction and learning. The mission of the collaboration process is to review student academic performance based on multiple measures, to identify strategies to improve student performance and make recommendations for improvement to be implemented subject to approval of the principal. The collaborative process shall include such members as determined necessary by the faculty senate to address the needed improvements in the academic performance of students at the school and, if applicable, may consist of multiple subject area subcommittees which may meet independently.

Please refer to (P) *F.11.1. Allocation of Faculty Senate Funds* for information related to the fiscal responsibilities of the faculty senate.

Duties and Responsibilities:

- ❖ The faculty senate shall control all funds allocated to the senate pursuant to §18-9A-9, except the \$50 allocated to each classroom teachers, counselors, librarians, and school nurses with a bachelor's degree and who are licensed by the West Virginia Board of Examiners for Registered Professional Nurses. The unused balance of the ~~\$50~~ \$100 per teacher shall revert to the senate. These monies must be expended for academic materials, supplies, equipment, or for programs and materials that in the opinion of the teacher enhance student behavior, academic achievement, improve self-esteem or address problems of students at risk. These categories shall be interpreted broadly, but shall not include anything to be used in interscholastic athletic events or connected with such activities. A budget for spending these monies must be approved by the senate. Accounts shall be maintained for audit purposes. See *File: F.11. Faculty Senate Funds* for additional information.
- ❖ The senate may establish a process for faculty members to interview prospective professional and paraprofessional employees at the school. The principal shall chair the process and he/she may make independent recommendations to the Superintendent.
- ❖ The senate may nominate persons for recognition programs.

- ❖ The senate may make recommendations to the principal concerning the assignment and scheduling of service personnel.
- ❖ The senate may make recommendations to the principal concerning the master schedule.

File: P.21. Racial, Sexual, Religious, Ethnic Harassment and Violence
(P) P.21.2. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

In a nutshell, this policy puts all school employees and students on notice that improper uses of an electronic communication system involving sexual offenses against minors can and will result in the issuing of subpoenas to discover evidence in such cases. [Cross-referenced with (P) S.10.4.] (New)

(P) P.21.3. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communication

Senate Bill 213 makes it unlawful, with the intent to harass or abuse another person, to use a computer to (1) make contact with another without disclosing his or her identity with the intent to harass or abuse; (2) make contact with a person after being requested by the person to desist from contacting them; (3) threaten to commit a crime against any person or property; or (4) cause obscene material to be delivered or transmitted to a specific person after being requested to desist from sending such material. *W. Va. Code § 61-3C-14a(a)*.

A positive in this legislation is that it may be useful in addressing cyber-bullying. [Cross-referenced with (P) S.10.3.] (New)

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.21. Racial, Sexual, Religious, Ethnic Harassment and Violence	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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(P) P.21.2. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors

For criminal investigations involving certain criminal sexual offenses against minors, new sections of the West Virginia Code authorize the Magistrate and Circuit Court judges to issue subpoenas upon reasonable suspicion that an electronic communications system or service, or a remote computing service, has been used in the commission of such a crime. The Pendleton County Board of Education recognizes its responsibility to protect the well-being of its employees and students in this technological age and it once again cautions all of its employees and students to refrain from any activities that would fall into this or any other category of criminal offenses related to electronic communications.

Definitions:

- ❖ "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted, in whole or in part, by a wire, radio, electromagnetic, photoelectronic or photooptical system.
- ❖ "Electronic communication" does not include:
 - Any oral communication;
 - Any communication made through a tone-only paging device;

- Any communication from a tracking device; or
- Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.
- ❖ "Electronic communications service" means any service which provides for users the ability to send or receive wire or electronic communications.
- ❖ "Electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.
- ❖ "Electronic service provider" means a person or entity engaged in the business of providing computer communications through which a consumer may obtain access to the internet.
- ❖ "Electronic service provider" does not include a common carrier if it provides only telecommunications service.
- ❖ "Sexual offense against a minor" means:
 - A violation or attempted violation of WVC §61-8B-5 code;
 - A sexual offense or attempted sexual offense committed against a minor in violation of WVC §61-8B;
 - The distribution and display or attempted distribution and display of obscene materials to a minor in violation of WVC §61-8A-2;
 - The use or attempted use of obscene matter with the intent to seduce a minor in violation of WVC §61-8A-4;
 - The employment or use or the attempted employment or use of a minor to produce obscene materials in violation of WVC 61-8A-5;
 - The solicitation of a minor by use of a computer in violation of WVC §61-14B-3c; or
 - The use of a minor in filming sexually explicit conduct in violation of WVC §61-8C-2 and §61-8C-3.
- ❖ "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

The form by which a law enforcement agency applies for such a subpoena shall be approved by the West Virginia Supreme Court of Appeals and shall include, if available, the IP address, email address, telephone number, or other identifier suspected of being used in the commission of the offense.

In response to the subpoena, an electronic communications system or service, or a remote computing service, may be required to produce names, addresses, telephone connections, session records, subscriber identifiers, and means and sources of payment for services. However, a law enforcement agency may not examine the contents of electronic communications without a warrant

The Code prohibits the recipient of the subpoena from disclosing to the account holder the existence of the subpoena and the response to the subpoena. The code also limits the liability of the systems and services to which subpoenas are directed, and it permits them to charge a fee to the law enforcement agency, not to exceed the actual cost for providing the information (WVC § 62-1G-2)

(P) P.21.3.. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communications

It is unlawful for any person, with the intent to harass or abuse another person, to use a computer to:

- ❖ Make contact with another without disclosing his or her identity with the intent to harass or abuse;
- ❖ Make contact with a person after being requested by the person to desist from contacting them;
- ❖ Threaten to commit a crime against any person or property; or
- ❖ Cause obscene material to be delivered or transmitted to a specific person after being requested to desist from sending such material.

For purposes of this policy, "obscene material" means material that:

- ❖ An average person, applying contemporary adult community standards, would find, taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is pandered to a prurient interest;
- ❖ An average person, applying contemporary adult community standards, would find, depicts or describes, in a patently offensive way, sexually explicit conduct consisting of an ultimate sexual act, normal or perverted, actual or simulated, an excretory function, masturbation, lewd exhibition of the genitals, or sadomasochistic sexual abuse; and
- ❖ A reasonable person would find, taken as a whole, lacks literary, artistic, political or scientific value.

It is unlawful for any person to knowingly permit a computer under his or her control to be used for any purpose prohibited by this policy.

Any offense committed under this policy may be determined to have occurred at the place at which the contact originated or the place at which the contact was received or intended to be received.

Any person who violates a provision of this policy is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in a county or regional jail not more than six months, or both. For a second or subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in a county or regional jail for not more than one year, or both.

(WVC §61-3C-14a)

File: P.22. Substitute Employees
(P) P. 22.8. Retired Teachers as Substitute Professional Personnel

The expiration date of the law allowing retired teachers to fill critical need positions has been extended to June 30, 2014. This policy uses some of the language in the old policy, but it contains so much new information that it should be read as a new policy. (An old repealed policy that has been restored with some new language)

PENDLETON COUNTY BOARD OF EDUCATION P. PERSONNEL – PROFESSIONAL AND SERVICE File: P.22. Substitute Employees	Adopted: August 20, 2003 Last Reviewed: February 15, 2010
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(P) P.22.8. Retired Teachers as Substitute Professional Personnel

Pursuant to current law, the Pendleton County Board of Education shall, as necessary, exercise its option to use retired teachers as substitute teachers in areas of critical need and shortage for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retired employee is otherwise entitled. This option extends through June 30, 2014.

"Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.

A person receiving retirement benefits or who is entitled to retirement benefits during the fiscal year in which that person retired may accept employment as a substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled if the following conditions are satisfied:

- ❖ The county board adopts a policy recommended by the superintendent to address areas of critical need and shortage;
- ❖ The policy sets forth the areas of critical need and shortage in the county in accordance with the definition of area of critical need and shortage set forth in the code;
- ❖ The policy provides for the employment of retired teachers as substitute teachers during the school year on an expanded basis in areas of critical need and shortage as provided in the code;
- ❖ The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis as provided in the code only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment;
- ❖ The policy is effective for one school year only and is subject to annual renewal by the county board;
- ❖ The state board approves the policy and the use of retired teachers as substitute teachers on an expanded basis in areas of critical need and shortage as provided in this subsection; and
- ❖ Prior to employment of a substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent submits to the Consolidated Public Retirement Board and the state board, in a form approved by the retirement board, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the

person or persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.

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

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

When a retired teacher is employed as a substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed teacher.

The provisions of this subsection shall expire on June 30, 2014.

The area(s) of critical need and/or shortage for the 200__ - 200__ school term have been identified as: _____

(W. Va. Code § 18A-2-3)

File: S.5. Transfer Students
(P) S.5.5. Interstate Compact on Educational Opportunity for Military Children

House Bill 2550 requires the school system to make certain school enrollment allowances for military families who frequently must transfer. (New)

With the passage of this bill, West Virginia enters into and enacts into law the “Interstate Compact on Educational Opportunity for Military Children.” It also establishes the West Virginia Council for Educational Opportunity for Military Children.

The purpose of the Compact is to remove public school barriers to educational success faced by school-aged children enrolled in any of the grades K through 12 who are in the household of an active duty uniformed services member (including members of the Guard and Reserve pursuant to active duty orders under federal law).

The Compact aims to ease the educational effects of military families’ frequent moves and the deployment of their parents.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
S. STUDENTS	Last Review:
File: S.5. Transfer Students	August 24, 2010

(P) S.5.5. Interstate Compact on Educational Opportunity for Military Children

The state of West Virginia has entered into the *Interstate Compact on Educational Opportunity for Military Children*; therefore, Pendleton County joins in the effort, in so far as possible, to remove public school barriers to educational success faced by school-aged children enrolled in grades Pre-K through 12 who are in the household of an active duty uniformed services member (including members of the Guard and Reserve pursuant to active duty orders under federal law).

The Compact aims to ease the educational effects of military families’ frequent moves and the deployment of parents. Among its provisions are these:

Educational Records and Enrollment:

If official education records cannot be released to a student’s parents or guardians for the purpose of the student’s transfer to a school in another state, the custodian of records in the sending state must prepare and furnish to the parents a complete set of unofficial educational records.

The receiving school must enroll and conditionally place the student based upon information in the unofficial records pending validation by the official records. The school shall request an official record from the sending school and said record must be processed and furnished within 10 days.

Immunizations:

The Board must allow a student 30 days from the date of enrollment to obtain any required immunizations unless the rules of the Interstate Commission establish another time period. Where a series of immunizations is required, the student must obtain the initial vaccination within 30 days of enrollment unless the rules of the Interstate Commission establish another time period.

Enrollment at Current Grade Level:

Regardless of the student's age, s/he must be permitted to enroll in the grade level in West Virginia, including kindergarten, which is commensurate with the grade level in which the student was enrolled in the sending state at the time of transition.

Regardless of age, a student who satisfactorily completed the prerequisite grade level in the sending state is eligible for enrollment in the next highest grade level in West Virginia.

Course Placement:

A student who transfers to West Virginia before or during the school year must be initially placed in courses based on the courses in which he or she was enrolled in the sending state and/or on the educational assessment conducted in the sending state if the courses are offered at the school to which the student is transferring. These include Honors, Advanced Placement, vocational, technical, and career pathways courses. A school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in any course.

Educational Program Placement:

A transferring student must initially be placed in educational programs based on current educational assessments conducted at the sending school, or based upon participation or placement in like programs in the sending state. The programs include gifted and talented programs and English as a Second Language. The receiving school may perform subsequent evaluations to ensure appropriate placement.

Special Education Services:

A West Virginia school must initially provide to a transfer student with disabilities comparable services based on his or her current IEP. It must also make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 or Title II plan, so as to provide the students with equal access to education. The school may perform subsequent evaluations to ensure appropriate placement.

Placement Flexibility:

County administrative officials have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses or programs offered under the authority of the Board.

Absence as Related to Deployment Activities:

A student whose parent or legal guardian is on active duty and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support zone posting must be granted additional excused absences at the discretion of the Superintendent in order to visit with the parent or guardian relative to such leave or deployment.

Eligibility for Enrollment:

A special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

A county board may not charge local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school district other than that of the custodial parent. Such a child may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

Eligibility for Extracurricular Participation:

The State Board of Education and county boards must facilitate the opportunity for transitioning military children to be included in extracurricular activities, regardless of application deadlines; to the extent the children are otherwise qualified.

Graduation:

To facilitate on-time graduation of children of military families, the State Board of Education and county boards must incorporate certain procedures. These include:

- ❖ Either the waiver of specific courses required for graduation if a student has satisfactorily completed similar course work in another local education agency, or providing reasonable justification for the denial;
- ❖ Where a waiver is denied to a student who would otherwise qualify to graduate from the sending school, providing an alternate means of acquiring required coursework so that the student may graduate on time in the receiving school district; and
- ❖ If a student transferring at the beginning of or during the senior year is ineligible to graduate in West Virginia after all alternatives have been considered, working with the sending state to ensure that the student receives a diploma from the sending state if s/he meets the graduation requirements of the school in the sending state.
(WVC §18-10F-1; §18-10F-2)

File: S.6. Attendance Policy
(P) S.6.22. Creating Local Solutions Dropout Prevention and Recovery Innovation Zones

The State Board is required by this new legislation to establish rules to implement these new “Innovation Zones”; therefore, this is only a draft to give the Board a broad overview of the terms and conditions under which such a program may be established. (New)

The goals of this legislation are to increase graduation rates, reduce the number of dropouts, allow greater opportunities for schools and communities to collaborate in planning and implementing evidence-based solutions, provide a testing ground for innovative approaches, measure the effects on graduation rates of specific innovations, and document strategies that work. *W. Va. Code § 18-5B-11(a),(b)*.

A high school, a group of schools comprised of a high school and any of its feeder elementary and middle schools, or a school district whose graduation rate is below 90 percent may become a Local Solution Dropout Prevention and Recovery Innovation Zone.

PENDLETON COUNTY BOARD OF EDUCATION	Adopted: August 20, 2003
S. STUDENTS	Last Review:
File: S.6. Attendance Policy	August 24, 2010

(P) S.6.22. Creating Local Solutions Dropout Prevention and Recovery Innovation Zones

The purpose of this policy is to increase graduation rates, reduce the number of dropouts, and allow greater opportunities for Pendleton County and its schools and communities to collaborate in planning and implementing evidence-based solutions to prevent dropouts and to improve graduation rates. While it is not mandatory that counties establish these “Innovation Zones”, the provisions of WVC§18-5B-11 grant them the discretion to do so.

A high school, a group of schools comprised of a high school and any of its feeder elementary and middle schools, or a school district whose graduation rate is below 90 percent (90%) may become a Local Solution Dropout Prevention And Recovery Innovation Zone.

All the requirements and procedures of the preexisting “School Innovation Zones Act” apply to Local Solution Dropout Prevention and Recovery Innovation Zones, including those governing the designation, application, approval, waivers, employee approval, employee transfers, progress reviews, reports, revocations, and job postings, with certain modifications (See *File: I.23. School Innovation Zones*). Additionally, once a Local Solution Dropout Prevention and Recovery Innovation Zone application is approved by the school employees, it cannot be submitted to the Superintendent and Board unless it is first approved by 80 percent (80%) of the local school improvement council members at a meeting where a quorum is present.

The application for designation as a Local Solution Dropout Prevention and Recovery Innovation Zone must include, at a minimum, a description of the dropout prevention and recovery strategies to be implemented in the zone and an explanation of the exceptions to rules, policies, interpretations, and statutes required to implement the plan. Exceptions cannot be granted to any assessment program

administered by the State Department of Education, any provision of the No Child Left behind Act, or a host of West Virginia school personnel statutes.

The application must also include evidence that other individuals, entities, and community organizations are involved as partners to collectively work with the Board to achieve the goals of the dropout prevention and recovery plan; the level of commitment and support by various school and community interests; the potential for the Board's success in building community awareness of the dropout problem and implementing the dropout prevention and recovery plan; and the applicant's implementation of the statewide early warning indicators of students at risk of not completing high school, along with a plan of interventions to increase the number of high school graduates.

Under WVC §18-8-3, if the position of attendance director has been posted and no fully certified applicant applies, the county may employ a person who holds a professional administrative certificate and meets the special and professional qualifications established by the county board as attendance director and that person shall not be required to obtain attendance director certification.

Pendleton County will also be required to utilize the early warning system established by the State Board on WVEIS to access early warning indicators of students at risk of not graduating from high school. The early warning system will system must incorporate data on individual students' attendance, academic performance, and disciplinary infractions.

WVC § 18-5B-11; § 18-8-6)