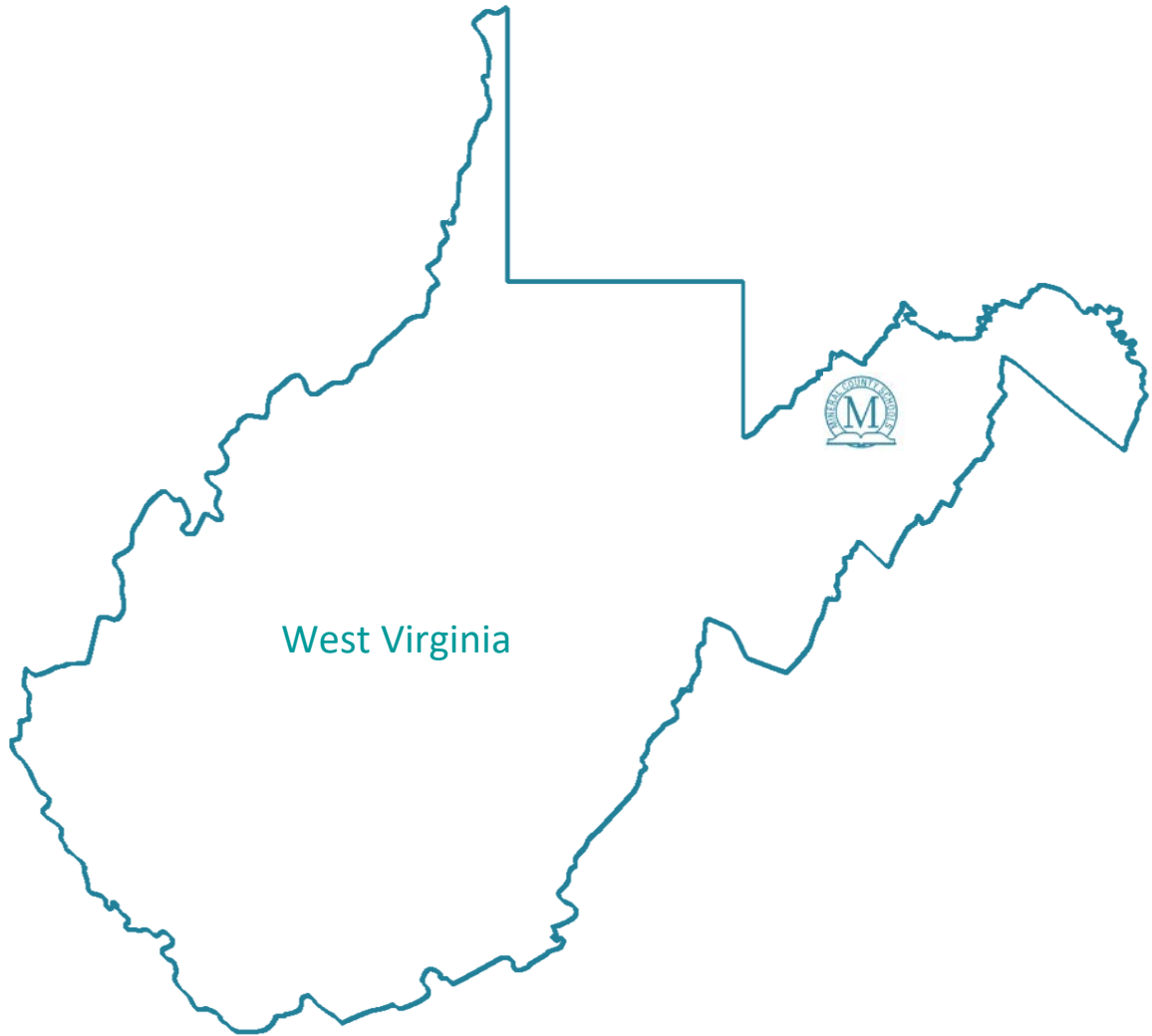


2018-2019
Mineral County Schools



STUDENT
BYLAWS & POLICIES

WEST VIRGINIA DEPARTMENT OF EDUCATION
STATE BOARD POLICY 4373 – Expected Behavior in Safe and Supportive Schools

This policy sets requirements for the development of safe and supportive schools that provide optimum learning conditions for both students and staff. The policy in its entirety is available on-line at the following link:

<http://wvde.state.wv.us/policies/p4373-new.pdf>

Mineral County Board of Education, in compliance with State Board Policy 4373, has adopted policies which “undertake proactive, preventative approaches to ensure a positive school climate/culture that fosters learning and personal-social development.” Further, Mineral County has “designed and implemented procedures to create and support continuous school climate/culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning.”

For your convenience, we have included the most commonly referenced policies; however, all student bylaws and policies are available at the following web-site:
<http://www.boarddocs.com/wv/min/Board.nsf/Public?open&id=policies>

TABLE OF CONTENTS

5130	WITHDRAWAL FROM SCHOOL	1
5136	PERSONAL COMMUNICATION DEVICES	2
5140	STUDENT DRIVER ELIGIBILITY CERTIFICATION	4
5200	ATTENDANCE	5
5230	LATE ARRIVAL AND EARLY DISMISSAL	13
5330	USE OF MEDICATIONS	14
5330.02	SELF-ADMINISTERED MEDICATION AND EPINEPHRINE USE	17
5335	CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS	19
5341	EMERGENCY MEDICAL AUTHORIZATION	20
5410	PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION	20
5460	GRADUATION REQUIREMENTS	21
5500	STUDENT CODE OF CONDUCT	24
5511	DRESS AND GROOMING	29
5512	USE OF TOBACCO BY STUDENTS	30
5513	CARE OF SCHOOL PROPERTY	32
5515	USE OF MOTOR VEHICLES	32
5517	ANTI-HARASSMENT AND VIOLENCE	32
5517.01	BULLYING	40
5517.03	ANTI-HARASSMENT OF PERSONS WITH A DISABILITY	42
5530	SUBSTANCE ABUSE PREVENTION	45
5530.01	STUDENT DRUG TESTING POLICY	47
5600	STUDENT DISCIPLINE	52
5610.03	EMERGENCY REMOVAL OF STUDENTS	61
5610.04	SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS	62
5611	DISCIPLINE – STUDENT DUE PROCESS RIGHTS	63
5772	WEAPONS	65
5780	STUDENT/PARENT RIGHTS	67

5130 - WITHDRAWAL FROM SCHOOL

The Board of Education affirms that, while statute requires attendance of each student from six (6) years of age by September 1st or five (5) years of age by September 1st if enrolled in kindergarten, and not formally withdrawn, it is in the best interest of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

A student is officially enrolled when one (1) of the following conditions occur:

- A. student was enrolled the previous year;
- B. student appears at school to enroll with or without a parent/guardian; or
- C. student and/or parent/guardian appears at school to enroll with or without records.

A dropout is an individual who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1st of the current school year; or
- B. was not enrolled on October 1st of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
- C. has not graduated from high school, obtained a GED diploma, or completed a State-or district-approved education program; and
- D. does not meet any of the following exclusionary conditions:
 - 1. transfer to another public school district, private school, registered home school, or State - or district-approved education program;
 - 2. temporary school-recognized absence due to suspension or illness; or
 - 3. death.

For students of ages seventeen (17) or older, the dropout date is defined as the school day after the student's last day of attendance.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the School System should be used to assist the student in reaching his/her career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent.

The West Virginia Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this State or any other state, or documentation that the person:

- A. is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a State approved institution or organization, or has obtained such certificate;
- B. is enrolled in a secondary school of this State;
- C. is a West Virginia resident enrolled in an out-of-state school;
- D. is excused from such requirement due to circumstances beyond his/her control; or

5130 - WITHDRAWAL FROM SCHOOL

- E. is enrolled in an institution of higher education as a full-time student in this State or any other state.

No later than five (5) days from the date of withdrawal, the attendance director or chief administrator of the school system shall notify the West Virginia Division of Motor Vehicles of the withdrawal from school of any student fifteen (15) years of age, but less than eighteen (18) years of age. If a student's withdrawal from school is beyond the control of the student and such student is applying for a license, the attendance director or chief administrator of the school system shall provide the student with documentation to present to the West Virginia Division of Motor Vehicles to secure his/her license or instructional permit. The school district superintendent (or the appropriate school official of any private secondary school), with the assistance of the county attendance director or any other staff or school personnel, shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.

For the purposes of obtaining or retaining a license or permit, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) total days, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. A student must maintain satisfactory attendance during one (1) complete semester following the revocation of his/her driver's license in order to be eligible for the privilege of operating a motor vehicle.

The Superintendent shall ensure, through administrative guidelines, that proper procedures are established so that such notification complies with State law.

The Superintendent shall develop administrative guidelines for withdrawal from school which:

- A. make counseling services available to any student who wishes to withdraw;
- B. help the student define his/her own educational life goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. assure the timely return of all School System-owned supplies and equipment in the possession of the student.

The Superintendent may initiate and maintain expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be noted in the student's record and shall be imposed for the same duration it would have been had the student remained enrolled.

West Virginia State Board of Education policy 4110
WV Code 18-5-17, 18-5-18, and 18-8-1a

Revised 1/20/15
Revised 8/18/15

© Neola 2015

5136 - PERSONAL COMMUNICATION DEVICES

"Personal communication devices" (PCDs) as used in this policy are defined in Bylaw 0100.

Students may use PCDs before and after school, as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, and during after school activities (e.g., extra-curricular activities). Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

During after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

5136 - PERSONAL COMMUNICATION DEVICES

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person shall have their PCD confiscated and held until a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity the confiscated-PCD may be turned-over to law enforcement.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex (including sexual orientation/transgender identity), disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy [5771](#) – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

Revised 3/6/12
Revised 4/16/13
Revised 11/1/16

© Neola 2016

5140 - STUDENT DRIVER ELIGIBILITY CERTIFICATE

The Board of Education, along with the West Virginia Board of Education (hereinafter WVBE), recognizes that driving a vehicle is a privilege and that West Virginia Code requires young people at least fifteen (15) but less than eighteen (18) years of age to maintain specified driver eligibility requirements related to school attendance, personal behavior, and academic progress in order to obtain and maintain a West Virginia license or instruction permit for the operation of a motor vehicle. While the West Virginia Department of Motor Vehicle (hereinafter WVDMV) has the authority to deny and suspend a license or instruction permit for the operation of a motor vehicle, the West Virginia Code places certain responsibilities on school administrators to identify students who do not meet any or all of the driver eligibility requirements and communicate this information to the WVDMV.

Definitions

- A. Circumstances Outside the Control of the Student – shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student, and for purposes of operating a motor vehicle only shall be considered an unexcused absence.
- B. Driver's Eligibility Certificate – documentation provided by the County to the student verifying that the student has met the attendance, behavioral and academic expectations set forth by WV Code 18-8-11 that are required for application or reinstatement of an instruction permit or license to operate a motor vehicle.
- C. Satisfactory Academic Progress – attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier (beginning with the completed 2008 – 09 school year).
 - 1. This would calculate in the minimum annual earning of five (5) credits to allow graduation in five (5) years based on the graduation requirements set in WVBE policy 2510.
 - 2. Three (3) of the five (5) credits earned annually must be from the core requirements identified in WVBE policy 2510.
- D. Withdrawal – for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the County shall deny or revoke a Driver's Eligibility Certificate from any student at least fifteen (15) but less than eighteen (18) years of age:
 - 1. More than ten (10) consecutive or fifteen (15) total days unexcused during a school year.
 - 2. Suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b), which include the following behaviors when committed on the premises of an educational facility, at a school-sponsored function, or on a school bus:
 - a. assault and/or battery on school employees
 - b. possessing deadly weapons
 - c. sale of a narcotic drug
 - d. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult
 - e. unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1.1 et seq.

The Board shall support and require the County Attendance Director and all school administrators to implement and execute the following duties defined in WV Code 18-8-11, regarding driver's eligibility for a license or instruction permit to operate a motor vehicle and West Virginia Board of Education Policy 4110, Attendance:

- A. Provide, upon request, a Driver's Eligibility Certificate on a form (hard-copy or electronic) approved by the West Virginia Department of Education (hereinafter WVDE) to any student at least fifteen (15) but less than eighteen (18) years of age who is in satisfactory standing with regard to attendance, behavior, and academic progress in a school under the jurisdiction of the official for presentation to the WVDMV on application for or reinstatement of an instruction permit or license to operate a motor vehicle. Students enrolled in a county-sponsored program leading to a GED who show evidence of satisfactory progress, may be issued a Driver's Eligibility Certificate signed by the Attendance Director and GED Instructor. Satisfactory progress is defined as: Six (6) weeks completion of course work with passing grades verified by a written statement from the GED Instructor which must be forwarded to the Attendance Director; and verification that no unexcused absences occurred during the determining grading period.
- B. Provide notification to the WVDMV whenever a student at least fifteen (15) but less than eighteen (18) years of age withdraws from school, is suspended pursuant to WV Code 18A-5-1a and 18A-5-1b and/or fails to maintain satisfactory academic progress, except when the withdrawal or failure to make satisfactory academic progress is due to circumstances outside the control of the student. Notification must be provided to the WVDMV no later than five (5) days from the date of the withdrawal and/or suspension. Notification must be provided to the WVDMV no later than five (5) days from the end of the school year for failure to maintain satisfactory academic progress.
- C. Provide the opportunity, upon request, for a student who has been denied a Driver's Eligibility Certificate or has received a revocation notice, to have a hearing before the Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. The County Superintendent, with the assistance of appropriate staff, shall be the sole judge of whether any of the grounds for denial or suspension of a license or instruction permit are due to a circumstance or circumstances beyond the control of the student.
- D. A review process that allows students to have their Driver's Eligibility Certificate reinstated upon demonstration of satisfactory progress as follows:

5140 - STUDENT DRIVER ELIGIBILITY CERTIFICATE

1. Reinstatement can be considered after the student has enrolled or re-enrolled in a secondary school, and attained one (1) semester satisfactory progress in attendance, which is defined as having no unexcused absences during the semester following the denial or suspension. A Reinstatement Authorization Form signed by the Principal and the County Attendance Director verifying satisfactory progress regarding the attendance requirement would then be issued.
2. Reinstatement can be considered after the student has enrolled or re-enrolled in a secondary school and completed one (1) academic year in which five (5) credits were earned, three (3) of them from core subject areas. A Reinstatement Authorization Form verifying satisfactory progress would be signed by the Principal and Attendance Director and issued by the Principal.
3. Reinstatement requests related to withdrawal for suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b) shall be reviewed after all disciplinary sentences have been served for the purpose of reinstating the Driver's Eligibility Certificate.

WV Policy 4150

WV Code 17B-2-3a, 17B-3-6, 18-2-5 and 18-8-11

5200 - ATTENDANCE

The educational program offered by this Board of Education is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The County recognizes that a direct relationship exists between students' daily attendance and academic performance, graduation, and good work habits in the workplace. To facilitate good attendance this school system will maintain a positive, safe environment conducive to learning, and commit to helping students develop responsibility, self-discipline, and other good work habits.

Definitions

Absence

Not being physically present in the school facility for any reason.

Allowable Deductions for Schools

Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions; excused student absences; students not in attendance due to disciplinary measures; and absent students for whom the attendance director has pursued judicial remedies to compel attendance (filed a criminal complaint or juvenile petition) due to provision WV Code 18-8-4.

Attendance

For statistical purposes, attendance will be reported and aggregated to the nearest half day:

- A. Full-day attendance means being present at least .74 of the school day.
- B. Half-day attendance means being present at least .50 of the school day.

Awaiting Foster Care Placement

Any child or youth who:

- A. is in the custody of the West Virginia Department of Health and Human Resources;
- B. has been placed in out-of-home care; and
- C. is not in a permanent placement.

This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care or in a residential group home.

Dropout

A dropout is an individual who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
- B. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
- C. has not graduated from high school, obtained a General Educational Development Certificate (hereinafter GED) diploma, or completed a State- or County-approved education program; and

5200 - ATTENDANCE

- D. does not meet any of the following exclusionary conditions:
1. transfer to another public school county, private school, registered home school, or State or County-approved education program;
 2. temporary school-recognized absence due to suspension or illness, or
 3. death.

Dropout Date

For students of compulsory school attendance age or older, the dropout date is defined as the school day after the student's last day of attendance.

Enrollment

A student is officially enrolled when one (1) of the following conditions occur:

- A. student was enrolled the previous year
- B. student appears at school to enroll with or without a parent/guardian, or
- C. student and/or parent/guardian appears at school to enroll with or without records

Excused Student Absences

Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan and other Board approved excused absences.

- A. "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team. Such absence(s) shall be considered an allowable deduction and not be calculated in the school's/county's attendance rate.
- B. "Documented disability" means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 Team. Such absence(s) shall be considered an allowable deduction and not be calculated in the school's/County's attendance rate.

Absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the Federal and State regulations adopted in compliance therewith.

The Board considers the following factors to be reasonable excuses for time missed at school:

- A. personal illness or injury of the student with a physician's written verification
- B. medical or dental appointment with written excuse from physician or dentist
- C. chronic medical condition or disability that impacts attendance
- D. participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement

In order to satisfy the requirements of West Virginia State Board of Education policy 2510, Assuring the Quality of Education: Regulations for Education Programs, Policy 2412 - Homebound/Hospital Instruction Program is incorporated by reference into this policy.

- E. calamity, such as a fire or flood
- F. death in the family, with a limit of three (3) days for each occurrence, except in extraordinary circumstances

"Family" is defined as: mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, sister-in-law, brother's children, sister's children, student's children, or any person living in the same household. Exceptions may be approved by the school administrator.

- G. school-approved or county-approved curricular or extra-curricular activities
- H. judicial obligation or court appearance involving the student

5200 - ATTENDANCE

- I. military requirement for students enlisted or enlisting in the military
- J. personal or academic circumstances approved by the principal
- K. observation or celebration of a bona fide religious holiday
- L. attendance at approved religious instruction
- M. failure of bus to run
- N. leaves of educational value with the following stipulations:
 - 1. prior approval of school administrator
 - 2. prior submission and approval of an educational plan detailing objectives and activities of leave
 - 3. verification of implementation of the educational plan upon student's return
 - 4. school administrator may approve a plan not to exceed five (5) days
 - 5. Superintendent may approve a plan not to exceed ten (10) days
 - 6. Board may approve a plan for more than ten (10) days
- O. contagious parasite conditions, such as lice, shall be excused absences, not to exceed two (2) days per incident

If the student's absences exceed two (2) days, the absences shall be unexcused unless written verification from a physician supports a longer time period.
- P. illness of a student verified in writing by parents/guardians, not to exceed ten (10) days per year five (5) days per semester)

Absence During the School Day for Professional Appointments

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day:

- A. the student shall have a statement to that effect from his/her parents;
- B. the student shall bring a signed statement from the doctor, dentist, lawyers, counselor, etc. to the effect that s/he reported promptly for the appointment;
- C. the student shall report back to school immediately after his/her appointment if school is still in session.

Attendance need not always be within Board-owned school facilities, but a student is considered to be in attendance if present at any place where school is in session by the Board.

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a licensed physician who specializes in that health condition setting forth those extenuating circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than three (3) consecutive weeks or more due to an injury or for any other reason as certified by a licensed physician who specializes in that health condition. Refer to Policy 2412, Homebound/Hospital Instruction Program.

Unexcused Absences

A student's absence will be considered as an unexcused absence if it does not meet the criteria for excused absences listed above.

Tardy

Any student who arrives at school after the start of the school day or is late reporting to his/her assigned location during the school day shall be considered to be tardy. A tardy may be excused or unexcused and shall be determined by the school.

5200 - ATTENDANCE

Homeless Children and Youths

As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- A. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- B. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

School of Origin

As defined in the McKinney-Vento Act, it is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Transfer

Transfer is a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out of state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

Responsibilities

- A. Student and Parent/Guardian/Custodian

Foremost, it is the legal responsibility of the parent, guardian, or custodian to make sure their child attends school regularly and on time while enrolled in school. Attendance and reporting to class on time shall be required of all students enrolled in the schools during the days and hours that the school is in session.
- B. Parent/Guardian/Custodian/Adult Student

Each Building principal shall require, from the parent, guardian, or custodian of each student of compulsory school age or from an adult student who has been absent from school or from class for any reasons, a written statement on the day of return of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Board policy on attendance, including repeated tardiness, may result in disciplinary actions which may include, but are not limited to, detention, extra class time, and/or alternative class settings.

Each parent, guardian, or custodian will be responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (WV Code 16-3-4), copy of a certified birth certificate or affidavit (WV Code 18-2-5(c)), signed suspension and expulsion document (WV Code 18-5-15), and any other documents required by Federal, State, and/or local policies or code.
- C. Board

The Board shall employ a certified County Director of Attendance as required by WV Code 18-8-34.

The Board shall support and require the County Attendance Director to implement and execute the duties as defined in WV Code 18-8-4 including the requirement to serve as the liaison for homeless children and youth.

The Board shall support and require the principal of each school to implement and execute the duties as defined in WV Code 18-8-5.
- D. County Attendance Director

The County Attendance Director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so.

In the case of three (3) total unexcused absences of a student during a school year, the Attendance Director or his/her assistant shall serve written notice to the parent, guardian, or custodian of such student that the attendance of such child at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required. In the case of five (5) total unexcused absences, the Attendance Director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by their child, shall report in person to the school the child attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.

In the case of ten (10) total unexcused absences during the school year, the Attendance Director or assistant shall file a complaint against the parent, guardian, or custodian before a magistrate of the county. Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county, and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this policy. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to this policy shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-81 shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

When any doubt exists as to the age of a student absent from school the Attendance Director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his/her duties, the Attendance Director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this policy and to place the student in the school, in which he or she is or should be enrolled.

All attendance directors and assistants hired for more than 200 days may be assigned other duties determined by the Superintendent during the period in excess of 200 days. The Attendance Director is responsible under direction of the Superintendent for efficiently administering school attendance in the County.

In addition to those duties directly relating to the administration of attendance the Attendance Director and assistant director also shall perform the following duties: 1) assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) cooperate with existing state and Federal agencies charged with enforcing child labor laws; 4) promote attendance in the County by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the Superintendent may direct; 5) participate in school teachers' conferences with parents and students; 6) assist in such other ways as the Superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

The Attendance Director shall serve as the liaison for homeless children and youth. As the liaison for homeless children and youth, the Attendance Director is required to:

1. ensure that the public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;
2. ensure that parents or guardian are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
3. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin;
4. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his/her right to appeal the Board's decision;

5200 - ATTENDANCE

5. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
6. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
8. ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
9. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.).

The Attendance Director shall file with the County Superintendent and County Board, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the County at the time due to provisions in WV Code 18-8-4.

The Attendance Director shall review the terms of this policy on an annual basis for the purpose of determining effectiveness and shall make recommendations to the Board regarding proposed amendments to this policy when deemed appropriate.

E. Principal

The principal shall implement and execute the duties as defined in WV Code 18-8-5.

The principal shall compare school numbers with school enrollment monthly.

The principal shall contact any parent, guardian, or custodian, of the student and hold a meeting with such person, the student, and any other person that the principal deems a relevant participation when the enrolled student has accumulated five (5) unexcused absences from attendance.

It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the County Attendance Director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

A student whose educational services are guided by an existing SAT Plan, IEP or 504 Plan may warrant special consideration when a pattern of multiple, single, or chronic absences exists. The child's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with State and Federal laws.

Principles of Operation

- A. The principal or principal's designee are designated as school attendance coordinators and shall collect or cause to be collected classroom attendance data and make appropriate referrals to the County Attendance Director.
- B. Persons charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.
- C. Reasonable preventive measures and consequences for student tardiness: Tardiness is considered to be disruptive behavior by a student and is a violation of the Student Code of Conduct and shall be dealt with accordingly. The preventive measures, outlined in a separate section of this policy, shall be observed to reduce tardiness.
- D. Students may not be suspended solely for failure to attend class. Other measures of discipline may include, but are not limited to detention, extra class time or alternative class settings.
- E. All school dropouts shall be reported to the West Virginia Department of Education.
- F. All students in grades 9-12, in order to obtain the full benefit from the educational programs offered, shall be scheduled in the defined high school curriculum, college courses, career/technical programs, credit recovery, Option Pathway, experiential learning or virtual school courses for the full instructional day for four (4) years except for the following compelling circumstances, which procedures have been approved by the West Virginia Board of Education:
 1. medical/health reasons

5200 - ATTENDANCE

2. extreme hardship
- G. No more than a parental excuse may be required for absences resulting from a documented chronic medical condition or a documented disability as defined in this policy.

Process and Procedures

Parental awareness, support, and involvement are essential to a successful attendance policy. Parents are encouraged to support the policy by sending their children to school regularly and on time. The County recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and regulations of the Board and their child(ren)'s school. Parents should become familiar with the rights and responsibilities that are contained in this policy and the school's handbook. Parents will be notified of the County attendance policy annually by the principal during the first week of school. Parents of students enrolling in school after the beginning of the school term will be provided the policy upon registration.

Students will be provided the opportunity to make-up work missed as a result of an excused or unexcused absence. The makeup work shall be completed within one day per day of absence.

Students shall be required to maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one (1) complete semester following the semester in which the revocation/suspension or denial of his/her driver's license or permit occurred. (Refer to policy section relating to school attendance as a condition of licensing for privilege of operation of motor vehicle).

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a citizens appeal may be filed.

Maintenance of Records

An accurate, up to date, daily record of attendance for every student must be maintained using the West Virginia Information System (WVEIS).

Written procedures for notifying parents about absences, monitoring absences and notifying the County Attendance Director must be established.

Students who are physically absent from school must be documented as absent. This document may become a legal document.

Prevention and Corrective Measures

Each school shall develop and implement a system of incentives and rewards to promote school attendance and to reduce tardiness. Parents, school staff, and students must be involved in its development. These systems or programs may consist, but are not limited to personal and group, recognition programs, granting special privileges, free admission to school and community events, etc. These programs shall not violate State or County policies and regulations.

The following preventive and corrective measures will be utilized:

- A. assign the student to a truancy intervention program
- B. provide counseling to the student
- C. request or require the student's parent to attend a parental involvement program
- D. request or require a parent to attend a truancy prevention mediation program
- E. take appropriate legal action

The Superintendent is authorized to establish an educational program for parents of habitually and chronically truant students which is designed to encourage parents to ensure that their children attend school regularly.

Any parent who does not complete the program may be reported to law enforcement authorities for parental education neglect.

Students with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs (West Virginia State Board of Education policy 2510 and West Virginia State Board of Education policy 2320) for appropriate interventions. Student assistant teams/programs shall periodically review interventions to determine their effectiveness.

School Attendance as Condition of Licensing for Privilege of Operation of Motor Vehicle

- A. Any student at least fifteen (15), but less than eighteen (18) years of age, who is properly enrolled in a West Virginia public school, or who is a West Virginia resident enrolled in an out-of-state school, or who is properly enrolled in an Exemption A, B, or K non-public school may request from the Attendance Director or chief administrator of the appropriate school system documentation of enrollment/attendance status. This documentation must be provided on a form approved by the WVDE for presentation to the West Virginia Division of Motor Vehicles (herein WVDMV) when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle.

5200 - ATTENDANCE

- B. In accordance with the provisions of WV Code 17B-2-3 and 17B-2-5, the WVDMV shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this State or any other state, or documentation that the person: a) is enrolled and making satisfactory progress in a course leading to a GED from a State-approved institution or organization, or has obtained such certificate; b) is enrolled in a secondary school of this State; c) is a West Virginia resident enrolled in an out-of-state school; d) is excused from such requirement due to circumstances beyond his/her control; or e) is enrolled in an institution of higher education as a full-time student in this State or any other state.
- C. No later than (5) days after following appropriate due process from the date of withdrawal, the Attendance Director or chief administrator of the school system shall notify the WVDMV of the withdrawal from school of any student fifteen (15) years of age, but less than eighteen (18) years of age, except as provided in WV Code 18-8-11(d).
- D. For the purposes of this section and pursuant to WV Code 18-8-11, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) days total, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. If suspended, the WVDMV may not reinstate a license before the end of the semester following that in which the withdrawal occurred.
- E. If a student's withdrawal from school is beyond the control of the student and such student is applying for a license, the Attendance Director or chief administrator of the school system shall provide the student with documentation to present to the WVDMV to excuse the student from the provisions of WV Code 18-8-11(d). The Superintendent (or the appropriate school official of any private secondary school), with the assistance of the County Attendance Director or any other staff or school personnel, shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.

The Superintendent shall develop administrative guidelines that:

- A. establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance records;
- B. establish a school session which is in conformity with the requirements of the rules of the West Virginia State Board of Education;
- C. governing the keeping of attendance records in accordance with the rules of the West Virginia State Board of Education;
- D. identify the habitual and chronic truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. provide students an opportunity to make-up work they missed and receive credit for the work, if completed;
- F. refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the school system's limit on excused absences to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate legislation or policy.

The Board certifies that prior to the most recent revision of this policy, input was sought from teachers, principals, the Attendance Director, parents/guardians, and community leaders. The Board also certifies that the most recent revision of this policy has been submitted to the West Virginia Department of Education for approval.

WV Code 17B-2-3 and 5, 18-8-2(d), 18-8-3 and 4, 18-2-5, 18-5-15, 18A-5-1

WV Code 18-8-6, 18-8-11

West Virginia State Board of Education policy 2510

West Virginia State Board of Education policy 4110

West Virginia State Board of Education policy 4373

42 U.S.C. 11431 et seq.

Revised 3/6/12, 6/17/13, 8/6/13, 11/6/14, 9/4/18

© NEOLA 2018

5230 - LATE ARRIVAL AND EARLY DISMISSAL

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the County.

The Board of Education recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this County, the Board shall require that the school be notified in advance of such absences by written and/or personal request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the principal or designee.

If one (1) parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the non-custodial parent. Absent such notice, the school will presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person approved by the parent(s) or legal guardian to accompany him/her.

No student shall be released to anyone who is not authorized by the parents or legal guardian.

West Virginia Board of Education Policy 4110

5330 - USE OF MEDICATIONS

The Board of Education shall not be responsible for the diagnosis and treatment of student illness, except as provided by this policy. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a licensed prescriber and any medication and food supplements that have been approved by the Food and Drug Administration and may be obtained over-the-counter (OTC) without a prescription from a licensed prescriber. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written statement from a licensed prescriber accompanied by the written authorization of the parent (see [Form 5330 F1](#) – Parent/Guardian Authorization for Prescribed Medication or Treatment, [Form 5330 F1a](#) – Authorization for Non-Prescribed Medication or Treatment (Secondary Version), and [Form 5330 F1b](#) – Authorization for Non-Prescribed Medication or Treatment (Elementary Version)). This document shall be kept on file in the office of the school nurse or principal, and made available to the persons designated by this policy as authorized to administer medication or treatment. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy [5530](#) – Substance Abuse Prevention and the Student Code of Conduct.

Only medication, if it is a prescription medication in its original container from the pharmacy; labeled with the date; the student's name; name of the medication; reason(s) for the medication (if to be given only for a specific symptom); exact dosage, time and route; reconstitution directions, if applicable; and the date the prescription and/or medication expires will be administered. The school administrator/principal shall determine a location in the building to store student medication, at the correct temperature in a secure, locked, clean cabinet or refrigerator as required. Schools shall maintain epinephrine auto injectors in a secure, unlocked location that is only accessible to school nurses, health care providers and authorized non-medical personnel and not by students.

Students may self-administer prescribed medication in an emergency or acute situation, such as but not limited to: epinephrine, insulin, asthma inhaler or ibuprofen when the prescription indicates that said student may maintain possession of the medication.

Only employees of the Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Board may administer prescription drugs to students in school.

Non-prescribed OTC medications shall be administered under the direction of the building level administrator/principal only after meeting the following requirements (registered nurses and licensed practical nurses cannot administer non-prescribed OTC medications without an order from a licensed prescriber):

- A. Medication authorization form is provided from the parent/guardian.
- B. The school administrator/principal has the authority to determine if the administration of the non-prescribed OTC medication may be safely delegated to the administrator's designee.
- C. The school administrator/principal has the authority to contact the parent/guardian or a licensed health care provider to clarify any questions about the medication being administered.

A special education employee hired on or after July 1, 1989 may be required to administer medications after receiving required training. Other school employees may elect to administer medications after receiving the required training.

5330 - USE OF MEDICATIONS

The following staff members are designated as being authorized to administer medication and treatment to students:

- A. principal
- B. teacher
- C. school nurse
- D. building secretary
- E. aide

Additionally, the Board shall permit the administration by a licensed nurse or other authorized staff member of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the nurse/staff member has completed any and all necessary training.

Students who may require administration of an emergency medication may have such medication, identified as aforementioned, stored in the designated protected area and administered in accord with this policy.

The Board shall provide a Fluoride Rinse Program for students in grades K-6. The administration of fluoride rinse shall be in accordance with the WVDHHR/BPH-Oral Health Program's Instruction for Conducting the Fluoride Rinse Program including record maintenance of parent/guardian permission forms and date/time of program administration including each student participating in the program.

The fluoride rinse program is exempt from the requirements of Cardiopulmonary Resuscitation ("CPR") with Automated External Defibrillation ("AED") certification, first aid training and the designated qualified personnel requirements of section 4.5 of West Virginia State Board of Education policy 2422.8. Board approved volunteers may assist with the administration of this program as approved by the school administrator/principal.

Emergency Medication

The West Virginia Board of Examiners for Registered Professional Nurses allow for the delegation of certain prescribed emergency medication. The following medications have been approved for school nurses to decide the ability to delegate, train and continuously supervise school personnel to administer when a diagnosis and order are in place and the school nurse or licensed practical nurse is not available to provide such care:

- A. Glucagon;
- B. Epinephrine;
- C. Rectal diazepam (i.e. Valium) can only be delegated to unlicensed school personnel if ordered by the student's physician and the certified school nurse provides the final determination to allow delegation; and
- D. Albuterol or other emergency asthma medication.

Medication administration steps must be followed exactly as outlined in West Virginia State Board of Education policy 2422.7. The following are provisions of the West Virginia State Board of Education policy 2422.7:

- A. Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.
- B. The school nurse is to be contacted immediately when a prescribed medication's appearance or dosage is questioned. The school nurse shall take the appropriate steps to assure the medication is safe to administer.
- C. The school nurse is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.
- D. When a student's medical condition requires a change in the medication dosage or schedule, the parent must provide a new written medication authorization form from a licensed prescriber and container, if applicable. This must be given to designated personnel within an appropriate time frame.
- E. Stock medications are not permitted in the school system unless the Board has adopted Policy [3165](#)/Policy [4165](#) and have voluntarily adopted WV Code 18-5-22c (stock epinephrine) as outlined in State Board policy 2422.8. Parents/guardians must provide all medication for students with previous medical diagnoses along with a medication authorization form.

To meet qualifications for administering medications whether prescribed or non-prescribed OTC medication the school administrator/principal shall provide scheduled time for designated school personnel to become CPR with AED certified as well as trained in first aid according to West Virginia State Board policy 2422.7.

The Board will provide for the inclusion of all students especially those with specialized health care needs to the ability to participate in curricular or co-curricular activities. If a student with specialized health care needs is participating in curricular or co-curricular activities advance notification to the certified school nurse and/or county school health services director to require out-of-state field trip destinations allow reciprocity and delegation of certain health care procedures by their state board of nursing laws and practice acts since the certified school nurse is only licensed to practice nursing in West Virginia.

5330 - USE OF MEDICATIONS

The school administrator/principal will coordinate development of procedures for the administration of medication during curricular or co-curricular events with classroom teachers, school nurses, parents/guardians, designated qualified personnel and administrator's designees. Designated qualified personnel who are providing medication administration for a one-time curricular or co-curricular event/field trip are exempt from the requirements of CPR with AED certification and first aid training.

Confidentiality Documentation and Reporting

Student information related to diagnosis, medications ordered and medications given must be maintained according to The Family Educational Rights and Privacy Act (FERPA) and in such a manner that no one could view these records without proper authorization as specified in West Virginia State Board of Education policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data.

The Board of Education shall not be responsible for the diagnosis and treatment of student illness, except as provided by this policy. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a licensed prescriber and any medication and food supplements that have been approved by the Food and Drug Administration and may be obtained over-the-counter (OTC) without a prescription from a licensed prescriber. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written statement from a licensed prescriber accompanied by the written authorization of the parent (see Form 5330 F1 – Parent/Guardian Authorization for Prescribed Medication or Treatment, Form 5330 F1a – Authorization for Non-Prescribed Medication or Treatment (Secondary Version), and Form 5330 F1b – Authorization for Non-Prescribed Medication or Treatment (Elementary Version). This document shall be kept on file in the office of the school nurse or principal, and made available to the persons designated by this policy as authorized to administer medication or treatment. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530

- Substance Abuse Prevention, Policy [5500](#) - Student Code of Conduct, and Policy [5600](#) – Student Discipline.

Only medication, if it is a prescription medication in its original container from the pharmacy; labeled with the date; the student's name; name of the medication; reason(s) for the medication (if to be given only for a specific symptom); exact dosage, time and route; reconstitution directions, if applicable; and the date the prescription and/or medication expires will be administered. The school administrator/principal shall determine a location in the building to store student medication, at the correct temperature in a secure, locked, clean cabinet or refrigerator as required. Schools shall maintain epinephrine auto injectors in a secure, unlocked location that is only accessible to school nurses, health care providers and authorized non-medical personnel and not by students.

Students may self-administer prescribed medication in an emergency or acute situation, such as but not limited to: epinephrine, insulin, asthma inhaler or ibuprofen when the prescription indicates that said student may maintain possession of the medication.

Only employees of the Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Board may administer prescription drugs to students in school.

Non-prescribed OTC medications shall be administered under the direction of the building level administrator/principal only after meeting the following requirements (registered nurses and licensed practical nurses cannot administer non-prescribed OTC medications without an order from a licensed prescriber):

- A. Medication authorization form is provided from the parent/guardian.
- B. The school administrator/principal has the authority to determine if the administration of the non-prescribed OTC medication may be safely delegated to the administrator's designee.
- C. The school administrator/principal has the authority to contact the parent/guardian or a licensed health care provider to clarify any questions about the medication being administered.

A special education employee hired on or after July 1, 1989 may be required to administer medications after receiving required training. Other school employees may elect to administer medications after receiving the required training.

The following staff members are designated as being authorized to administer medication and treatment to students:

- A. principal
- B. teacher
- C. school nurse
- D. building secretary
- E. aide

Additionally, the Board shall permit the administration by a licensed nurse or other authorized staff member of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the nurse/staff member has completed any and all necessary training.

Students who may require administration of an emergency medication may have such medication, identified as aforementioned, stored in the designated protected area and administered in accord with this policy.

5330 - USE OF MEDICATIONS

The Board shall provide a Fluoride Rinse Program for students in grades K-6. The administration of fluoride rinse shall be in accordance with the WVDHHR/BPH-Oral Health Program's Instruction for Conducting the Fluoride Rinse Program (www.dhhr.wv.gov/oralhealth) including record maintenance of parent/guardian permission forms and date/time of program administration including each student participating in the program.

The fluoride rinse program is exempt from the requirements of Cardiopulmonary Resuscitation ("CPR") with Automated External Defibrillation ("AED") certification, first aid training and the designated qualified personnel requirements of section 4.5 of West Virginia State Board of Education policy 2422.8. Board approved volunteers may assist with the administration of this program as approved by the school administrator/principal.

Emergency Medication

The West Virginia Board of Examiners for Registered Professional Nurses allow for the delegation of certain prescribed emergency medication. According to the BSHCP manual, there are emergency medications that can only be administered by licensed nurses such as intranasal midazolam, and naloxone. The following medications have been approved for school nurses to decide the ability to delegate, train and continuously supervise school personnel to administer when a diagnosis and order are in place and the school nurse or licensed practical nurse is not available to provide such care:

- A. Glucagon;
- B. Epinephrine;
- C. Rectal diazepam (i.e. Valium) can only be delegated to unlicensed school personnel if ordered by the student's physician and the certified school nurse provides the final determination to allow delegation;
- D. Albuterol or other emergency asthma medication.

Medication administration steps must be followed exactly as outlined in West Virginia State Board of Education policy 2422.7. The following are provisions of the West Virginia State Board of Education policy 2422.7:

- A. Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.
- B. The school nurse is to be contacted immediately when a prescribed medication's appearance or dosage is questioned. The school nurse shall take the appropriate steps to assure the medication is safe to administer.
- C. The school nurse is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.
- D. When a student's medical condition requires a change in the medication dosage or schedule, the parent must provide a new written medication authorization form from a licensed prescriber and container, if applicable. This must be given to designated personnel within an appropriate time frame.
- E. Schools may only stock medications as permitted by WV Code 18-5-22c (epinephrine) and WV Code 16-46-1 through 16-46-6 (naloxone) and if the Board of Education adopts a policy in accordance with West Virginia State Board of Education policy 2422.8. Schools are required to follow the School Board policy. The Board will follow the procedures and protocols for school health and school nursing as set forth in Chapter 18 of the West Virginia Code as outlined in West Virginia State Board of Education policy 2422.8.

To meet qualifications for administering medications whether prescribed or non-prescribed OTC medication the school administrator/principal shall provide scheduled time for designated school personnel to become CPR with AED certified as well as trained in first aid according to West Virginia State Board policy 2422.7.

The Board will provide for the inclusion of all students especially those with specialized health care needs to the ability to participate in curricular or co-curricular activities. If a student with specialized health care needs is participating in curricular or co-curricular activities advance notification to the certified school nurse and/or county school health services director to require out-of-state field trip destinations allow reciprocity and delegation of certain health care procedures by their state board of nursing laws and practice acts since the certified school nurse is only licensed to practice nursing in West Virginia.

The school administrator/principal will coordinate development of procedures for the administration of medication during curricular or co-curricular events with classroom teachers, school nurses, parents/guardians, designated qualified personnel and administrator's designees. Designated qualified personnel who are providing medication administration for a one-time curricular or co-curricular event/field trip are exempt from the requirements of CPR with AED certification and first aid training.

Confidentiality Documentation and Reporting

Student information related to diagnosis, medications ordered and medications given must be maintained according to The Family Educational Rights and Privacy Act (FERPA) and in such a manner that no one could view these records without proper authorization as specified in West Virginia State Board of Education policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data.

Documentation of medication administration shall include the following information:

- A. student name;
- B. medication(s) name;
- C. dosage, time and route of medication(s) administration;
- D. reaction(s) or untoward effects;
- E. reason(s) the medication was not administered; and
- F. date and signature of person administering medication.
- G. Receiving and documenting of verbal orders from a licensed prescriber is allowable by the school nurse or the licensed health care provider. The verbal order shall be confirmed with a new written medication authorization form within a reasonable timeframe.
- H. Report medication incidents (e.g., wrong dose, incorrect medication administered, other medication errors, etc.) and medication overdoses to the West Virginia Poison Center at 1-800-222-1222.

5330 - USE OF MEDICATIONS

If a student violates the policy regarding medication administration, action will be based upon West Virginia Board of Education policy 4373, Expected Behavior in Safe and Supportive Schools and local Policy 5600 – Student Discipline.

Failure of school personnel to comply with this policy and West Virginia State Board of Education policy 2422.8 may result in disciplinary action or identified as a deficiency in accordance with West Virginia State Board of Education policy 5310, Performance Evaluation of School Personnel.

The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.

Revised 8/5/14

Revised 11/17/15

© Neola 2017

5330.02 - SELF-ADMINISTERED MEDICATION AND EPINEPHRINE USE

A student may carry and self-administer a metered dose inhaler, epinephrine auto injector, prescribed pancreatic enzyme supplement and/or may carry diabetic supplies and equipment to manage and care for their diabetes provided the student's parent or guardian provides the following:

- A. For self-administration of a metered dose inhaler, the parent or guardian must provide the school with a written authorization that is signed and dated by both the parent or guardian and licensed provider. The written approval by the physician must include:
 1. student's name;
 2. name of the medication in the metered dose inhaler;
 3. the prescribed dosage;
 4. the time(s) and route(s) or the special circumstances under which the medication is to be administered; and
 5. intended effect of the medication;
 6. allergies;
 7. other medication(s) taken by the student; and
 8. any other special related information regarding the administration of the metered dose inhaler.
- B. For self-administration of an epinephrine auto-injector, the parent or guardian must provide the school with a written authorization that is signed and dated by both the parent or guardian and the licensed prescriber. The written approval by the physician must include:
 1. student's name;
 2. name of the medication in the metered dose inhaler;
 3. the prescribed dosage;
 4. the time(s) or route(s) the special circumstances under which the medication is to be administered; and
 5. intended effect of the medication;
 6. allergies;
 7. other medication(s) taken by the student; and
 8. any other special related information regarding the administration of the epinephrine auto-injected.
- C. For self-administration of prescribed pancreatic enzyme supplements, the parent or guardian must provide the school with a written authorization that is signed and dated and provide the prescription label containing the following:
 1. student's name
 2. name of the medication in the metered dose inhaler
 3. the prescribed dosage
 4. the time(s) or route(s) the special circumstances under which the medication is to be administered
 5. intended effect of the medication
 6. allergies
 7. other medication(s) taken by the student
 8. any other special related information regarding the administration of the medicine
- D. For the use of diabetic supplies and equipment, the parent or guardian must submit written authorization from the student's physician, containing the following:
 1. an identification of the diabetic supplies and equipment the student is authorized to carry
 2. a description of which activities the child is capable of performing without assistance
 3. student's name

5330.02 - SELF-ADMINISTERED MEDICATION AND EPINEPHRINE USE

4. name of the medication in the metered dose inhaler
5. the prescribed dosage
6. the time(s) or route(s) the special circumstances under which the medication is to be administered
7. intended effect of the medication
8. allergies
9. other medication(s) taken by the student
10. any other special related information regarding the administration of the medication

The student must demonstrate the ability and understanding to self-administer medication by passing an assessment by the school nurse evaluating the student's technique of self-administration and level of understanding of the appropriate use of the medication.

The parents or guardians of the student must acknowledge in writing that they have read and understand a notice provided by the county board or nonpublic school that:

- A. the school, county school board and its employees and agents are exempt from any liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by the student; and
- B. the parents or guardians indemnify and hold harmless the school, the county board of education and its employees or guardians and agents against any claims arising out of the self-administration of the medication by the student.

Emergency Allergy Treatment Educational Training Programs

Educational training programs in the County pertaining to emergency allergy treatment required by State law must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the Department of Health and Human Resources. The curriculum must include at a minimum:

- A. recognition of the symptoms of systemic reactions to food, insect stings, and other allergens; and
- B. the proper administration of a subcutaneous injection of epinephrine auto-injector.

Epinephrine Use and Supply

School principals may request and be granted permission by the Superintendent to maintain a supply of epinephrine auto-injectors for use in emergency medical care or treatment of student or school personnel for an anaphylactic reaction. The epinephrine auto-injectors shall be stored in accordance with the epinephrine auto-injector's instructions. The school shall designate employees or agents who are trained to be responsible for the storage, maintenance and general oversight of epinephrine auto-injectors. Epinephrine auto-injectors shall be maintained by the school in a secure unlocked location that is only accessible to school nurses, health care providers and designated, trained, and authorized nonmedical personnel and not by students.

A school nurse or individual designated, trained, and authorized, pursuant to State law may, on the premises of or regarding the school, use epinephrine auto-injectors to:

- A. provide an epinephrine auto-injector to a person who the designated, trained and authorized individual in good faith believes is experiencing a severe allergic reaction for that person's immediate self-administration, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; or
- B. administer an epinephrine auto-injector to a person who the designated, trained and authorized individual in good faith believes is experiencing a severe allergic reaction, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

Prior notice to the parents of a student of the administration of the epinephrine auto-injector is not required. Immediately following the administration of the epinephrine auto-injector, the school shall provide a comprehensive notification to the parent of a student who received an auto-injection. The comprehensive notification should include date and the approximate time the incident occurred, symptoms observed, who administered the injection, the rationale for administering the injection, the response to the epinephrine administration, the dose of epinephrine administered, the current location of the student and other necessary elements to make the student's parents fully aware of the circumstances surrounding the administration of the injection.

All schools are required to report each reaction resulting in the administration of epinephrine injections in their county. The incident will be reported to the West Virginia Poison Center by calling 800 222-1222 after emergency medical services have transported the student or staff member to acute care. The notification should include:

- A. the name of the student;
- B. the student's age and gender;

5330.02 - SELF-ADMINISTERED MEDICATION AND EPINEPHRINE USE

- C. date and the approximate time the incident occurred;
- D. symptoms observed;
- E. who administered the injection;
- F. the name of the school the student attends;
- G. a contact telephone number;
- H. the rationale for administering the injection;
- I. the response to the epinephrine administration;
- J. the dose of epinephrine administered; and
- K. any other necessary elements to provide a complete report for the individual situation.

The West Virginia Poison Center will provide the data upon request to the public schools, local boards of education and annually to the State Superintendent of Schools.

A designated, trained, and authorized employee of the Board who administers or provides an epinephrine auto-injection to a person is immune from liability for any civil action arising out of an act or omission resulting from the administration of the epinephrine auto-injection unless the act or omission was the result of the individual's gross negligence or willful misconduct.

The Board may participate in free or discounted drug programs from pharmaceutical manufacturers to provide epinephrine auto-injectors to its schools.

The documents related to the self-administration of medication provided to the school shall be kept on file in the office of the school nurse or, in the absence of a school nurse, in the office of the school administrator and shall become part of the student's health record.

Permission for a student to self-administer medication is effective for the school year for which it is granted and shall be renewed each subsequent school year if the requirements of this section are met.

Permission to self-administer medication may be revoked if the school nurse or the administrative head of the school finds that the student's technique of self-administration and understanding of the use of the medication is not appropriate or is willfully disregarded.

A student with who has met the requirements of this policy may possess and use medication:

- A. in school;
- B. at a school-sponsored activity;
- C. under the supervision of school personnel; or
- D. before or after normal school activities, such as before school or after school care on school operated property.

WV Code 18-5-22b
West Virginia State Board of Education policy 2422.8; Revised 11/17/15; © Neola 2015

5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions may be provided pursuant to a Section 504 Plan, as needed ([Form 2260.01 F13](#)).

Chronic health conditions, for the purposes of this policy, shall include, but not limited to:

- A. "peanut" and other food allergies;
- B. allergies;
- C. asthma;
- D. diabetes;
- E. seizures, heart conditions and other conditions documented by a physician/parent.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy [8330](#) and Policy [8350](#).

5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

The County will coordinate school health practices for management of a chronic health condition and shall provide for:

- A. identification of individuals with chronic health conditions;
 - B. development of individual health care action plans;
 - C. communication between school nurse and staff who interact with children with chronic health conditions.
-

5341 - EMERGENCY MEDICAL AUTHORIZATION

The County will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form/Card. In the event emergency medical treatment for a student is necessary, the County will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form/Card will be kept in a separate, easily accessible file in each school building during the school year. This information shall be maintained on the WVEIS system and should be updated annually at the beginning of each school year. Data for new students entering throughout the school year shall be entered upon enrollment.

Any time a student or a group of students is taken out of the County to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms/Card for those students. This includes, but is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in the West Virginia Health Care Procedures Manual and Superintendent's Administrative Guidelines unless superseded by EMS staff members are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

5410 - PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION

The Board of Education recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development. Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when s/he has:

- A. completed the course and State-mandated requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;
- D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

A student may be accelerated when his/her demonstrated achievement, as well as measured ability, significantly exceeds that of his/her grade level peers. Consideration may be given to promoting him/her to a grade other than the next succeeding one, or permitting him/her to enroll in a course other than the next one in the academic sequence. A student will be accelerated in this manner when s/he has:

- A. achieved the grade/course objectives and State-mandated requirements, if applicable, for the grade/course in which s/he is presently enrolled as well as for the grades(s)/course(s) that will be skipped;
- B. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the grade/course to which s/he will be promoted or enrolled.

However, following sound principles of child development, the Board discourages the skipping of grades.

A student may be retained at his/her current grade level when s/he has in the opinion of the professional staff, failed to achieve the instructional objectives set forth at the current grade level that are requisite for success at the succeeding grade level.

In primary and middle grades no child may be retained more than once in any grade level without the approval of the Superintendent.

5410 - PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION

The Superintendent shall develop administrative guidelines for promotion, acceleration, placement, and retention of students that:

- A. require the recommendation of the relevant staff members for promotion, acceleration, placement, or retention;
- B. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- C. require that the parent(s) give their consent to the acceleration of their child;
- D. assure that efforts will be made to remediate the student's difficulties before s/he is retained;
- E. assign to the principal the final responsibility for determining the promotion, acceleration, placement, or retention of each student;
- F. provide parents the opportunity to appeal the decision about their child's acceleration, assignment, or retention.

West Virginia Board of Education Policy **2510**

5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the graduation requirements of the State and District by the awarding of a diploma at fitting graduation ceremonies.

The Board shall award a regular high school diploma to every student enrolled in this District who has completed the standard graduation requirements. An eligible student with disabilities who has been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional modifications, to meet State and District standard graduation requirements, may receive a modified diploma. Students with disabilities receiving modified diplomas shall be allowed to participate in graduation ceremonies with their same grade classmates and continue with special education eligibility services.

The State Board shall provide for the awarding of a high school diploma to a deceased student, at the request of the parent, guardian, or custodian, if the student:

- A. was enrolled in a public school in this State at the time of death;
- B. was academically eligible, or on track to complete the requirements for graduation at the time of death; and
- C. died after the completion of the eleventh grade.

An Institutional Education Program operated by the West Virginia Department of Education will transfer graduation credits to a school for the awarding of the high school diploma. An eligible student with disabilities who meets the criteria for instruction based on modified standards may pursue either a standard or modified diploma. These decisions are specified on the student's IEP. The Board is required to accept the transferred credit.

A person who administers a program of secondary education at a public, private or home school may issue a diploma or other appropriate credential to a person who has completed the program of secondary education. Such diploma or credential is legally sufficient to demonstrate that the person meets the definition of having a high school diploma or its equivalent. No State agency or institution of higher learning in this State may reject or otherwise treat a person differently solely on the grounds of the source of such a diploma or credential. However, a State agency or institution of higher learning is not prohibited by State law from inquiring into the substance or content of the program to assess the content thereof for the purposes of determining whether a person meets other specific requirements.

The requirements for graduation from high school include earning necessary units of credit in grades 9 through 12 as established in State law and West Virginia State Board of Education policy 2510 sets forth with specificity the graduation requirements for students enrolled in school year 2016 - 2017 and thereafter or as specified. In addition to these State requirements, the Board of Education requires the following:

For students entering grade 9 in the school year 2016 - 2017 and thereafter 2 unit(s) as specified below:

- A. Business Computer Applications I
- B. Introduction to the Career Majors
- C. one (1) math credit per year

The minimum credits required for graduation will be the total credits possible for an individual student in grades 9-12 minus five (5).

All West Virginia High School students shall be scheduled in the defined high school curriculum, college courses, career and technical programs, credit recovery, Option Pathway, experiential learning, or virtual school courses for the full instructional day for all four (4) years.

The Board shall develop and implement within their attendance policy procedures which shall be approved by the West Virginia State Board of Education that defines the compelling circumstances under which students may attend school for fewer than four (4) full years and/or may be scheduled for courses for less than the full instructional day.

5460 - GRADUATION REQUIREMENTS

Alternative Means to Earn High School Credit

- A. Any student who successfully completes a high school level course (one meeting the high school approved content standards and taught by a content certified teacher) prior to grade 9 shall receive full credit for that course toward graduation requirements. The student's permanent record for grades 9 through 12 shall indicate completion of the courses. The grade for any credit-bearing course taken prior to grade 9 becomes part of the student's permanent record and is calculated in the student's grade point average (hereinafter GPA).
- B. The Board shall allow students to earn credit for completion of college courses and other advanced courses outside the school setting as authorized by West Virginia State Board of Education policy 2510. (See West Virginia Board of Education *Approval of District Dual Credit Policy* Form) If these courses, including dual credit courses, are used to meet graduation requirements, this policy and alignment documentation must be reviewed and approved by the West Virginia Department of Education and the West Virginia State Board of Education.

A dual credit course must meet both the specified course content standards and objectives for secondary offering and the college course requirements. Dual credit courses may be delivered at the high school, on the college campus, another site not located at the high school or college campus, in a virtual environment, or through a combination of these delivery methods. (West Virginia Higher Education Policy Commission Series 19, <http://files.k12.wv.us/npr/oc001/mp0inhm4ovks4o/Series-19--4-27-10-%20-20-.pdf>)

A course, where a student will earn dual credit, must provide for 180 days of instruction, provide for student assignments on dates when the college may not be in session, and how a missed day of class or instruction at the secondary level will be handled when the college is in session.

If dual credit is not earned, a student may earn high school credit through credit recovery and/or proving proficiency through assessment.

The college grading scale will be utilized to award grades for dual credit courses.

The tuition and cost of college text books and materials will be paid by the Board and/or student.

- C. Students who fail high school courses shall be provided with an opportunity to recover credit for such failed courses. Research-based successful credit recovery programs that require students to successfully master content rather than repeat an entire course shall be made available to allow students to recover credit for failed high school courses.
- D. West Virginia Virtual School (WVVS) - Pursuant to State law, the WVVS was created to assure consistent high quality education for West Virginia students while utilizing technology delivered courses. In order for students to receive credit for an online or virtual course, s/he must be enrolled as a full or part-time student in a West Virginia public school.
- E. To ensure student success as productive citizens upon exiting juvenile facilities, students must be provided with marketable job skills equal to those in nonresidential settings. Personalized learning options for students enrolled in Office of Institutional Education Programs (hereinafter OIEP) schools are intended to be rigorous in delivery yet flexible in terms of graduation requirements. Career Integrated Experiential Learning (hereinafter CIEL) is a CTE concentration that provides opportunities for students to test for multiple nationally recognized certifications while earning credit for relevant job-readiness skills, helping students to be career- and college ready. CIEL can only be initiated at the OIEP schools. CIEL concentration credits will transfer to the receiving high school allowing for the continued enrollment for concentration and graduation credit for those who are unable to complete the concentration while in the juvenile setting. These CTE courses may be delivered in a traditional classroom setting or a virtual environment.

Exceptions may be made for compelling medical/health reasons or extreme hardship due to child rearing responsibilities as recommended by the principal and approved by the Superintendent or for special education students as may be required by their I.E.P.

If the college or university awards the grade, the scale may differ from West Virginia State Board of Education policy 2510 and expectations and scale detailed in the Board Policy 5421 - Grading. The Board shall work with the college or university to conform the grade awarded to the provisions of West Virginia State Board of Education policy 2510 - Uniform Grading and the expectations and scale detailed in Board Policy 5421 - Grading prior to the student enrolling in the course. Therefore, the final grade would count toward the student's final grade point average and class rank.

Credit may be earned at an accredited postsecondary institution with prior approval.

A student who transfers into a West Virginia school that has higher graduation requirements may not be able to complete these requirements. In such cases, the student's credits shall be evaluated to determine if one or more District and/or State requirements will be waived by the District or State Superintendent.

If a student has been enrolled continuously in grades 9-12, the student shall be expected to meet the graduation requirements that were in effect when s/he entered 9th grade) unless amended by West Virginia State Board of Education policy.

If a student has enrolled after dropping out of school, the requirements that a student must meet depend upon the length of time s/he has been out of school. If the student has been out of school less than one (1) year, s/he would be expected to complete the graduation requirements that were in effect when s/he entered grade

5460 - GRADUATION REQUIREMENTS

9 for the first time. If the student has been out of school one year or more, s/he would be expected to complete the graduation requirements in effect upon re-enrollment.

Students may receive credit for courses by successfully completing a test to demonstrate mastery of the content standards and objectives of a course. The Board of Education may adopt tests based on, but not limited to, the content standards and objectives which will allow a student to test out of specific required units or prerequisite electives.

Every high school may permit students below the ninth grade to take advance work for credit. This work shall count toward the graduation requirements and high school GPA if it was both:

- A. taught by a content certified teacher;
- B. a high school level course (one meeting the high school approved content standards and objectives).

Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school Principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

The Board also shall grant a diploma of adult education to all District residents over the age of twenty-one (21) who meet the requirements established by the West Virginia State Board of Education.

The Option Pathway is a blend of the Career and Technical Education (CTE) Pathway and the High School Equivalency Assessment. This pathway provides an opportunity for the high school students behind their ninth-grade cohorts a second opportunity to graduate on time rather than dropping out of school.

Evaluating Credit for Transfer Students

From Other States

Students who transfer into West Virginia from schools approved by other state systems may not always have completed the required credits needed for graduation in West Virginia. In most instances, there will be credit for an area of study which is quite similar to one of the required credits, and credit can be awarded for the work completed. If the student who transfers in can be scheduled into any additional subjects needed to complete the West Virginia requirements, this should be done. In the cases of seniors and some juniors, such scheduling may not be feasible or possible. In such cases, the school may appeal to the State Superintendent of Schools for permission to use a substitute for the requirement or to waive the requirement. To waive graduation requirements of the Mineral County Board of Education that are above and beyond State requirements, the school may appeal to the County Superintendent of Schools for permission to use a substitute for the requirement(s) or to waive the requirement(s).

From Other West Virginia Counties

Students who transfer into Mineral County from another West Virginia county may not be able to complete Mineral County requirements for graduation. In such cases, the student's credits shall be evaluated to determine if one or more requirements will be waived. To waive graduation requirements of the Mineral County Board of Education that are above and beyond State requirements, the school may appeal to the County Superintendent of Schools for permission to use a substitute for the requirement(s) or to waive the requirement(s).

Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

The Board also shall grant a diploma of adult education to all County residents over the age of twenty-one (21) who meet the requirements established by the State Board of Education.

The Option Pathway is a blend of the Career and Technical Education (CTE) Pathway and the High School Equivalency Assessment. This pathway provides an opportunity for the high school students behind their ninth grade cohorts a second opportunity to graduate on time rather than dropping out of school.

Students Who Do Not Complete Requirements in Four (4) Years

- A. Continuous Enrollment

If a student has been enrolled continuously for four (4) years in grades 9-12 but has not accumulated the required number of credits, the student shall be expected to meet the graduation requirements which were in effect when s/he entered the ninth grade. Since the student has previously attended four (4) full years, s/he would not be required to attend the full day.

- B. Re-Enrollment

If a student has re-enrolled after dropping out of school, the requirements that a student must meet depends upon the length of time s/he has been out of school. If the student has been out of school less than one (1) year, s/he would be expected to complete the graduation requirements which were in effect when s/he entered grade nine. If the student has been out of school one (1) year or more, s/he would be expected to complete the current graduation requirements.

5460 - GRADUATION REQUIREMENTS

Credit Recovery

Students who fail high school courses shall be provided with an opportunity to recover credit for such failed courses. Researched-based successful credit recovery programs require students to successfully obtain mastery of content rather than repeat an entire course shall be made available to allow students to recover credit for failed high school courses.

Senior Project

All students shall complete a senior project to add rigor and relevance to the senior year. The senior project shall be an integrated culminating project related to the student's program of study which requires knowledge, skills, and concepts from the student's total school experience. A quality senior project should be comprised of a research paper, a product, a portfolio, and a presentation.

The Superintendent shall establish whatever administrative guidelines are necessary to comply with State rules and regulations.

WV Code 18-2-39; 18-2E-9, 18-8-6, 18-8-12, 18-2-32, 18-8-32
West Virginia State Board of Education policy 2510

Revised 3/6/12, 8/6/13, 11/6/14, 11/17/15, 8/1/17

© NEOLA 2017

5500 - STUDENT CODE OF CONDUCT

The purpose of this policy is to classify inappropriate student behavior and to identify appropriate and meaningful interventions and consequences for violations. School administrators are encouraged to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student to instructional materials and information necessary to maintain academic progress. Out-of-school suspension is not a recommended consequence or intervention for level 1 behaviors, however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. Any out-of-school suspension shall also result in a suspension in relation to extra-curricular activities for the duration of the out-of-school suspension, provided, however, additional consequences for violation of extra-curricular guidelines may be imposed if warranted.

When administering interventions and consequences, it is required to determine if a student warrants protection under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), West Virginia Board of Education (WVBE) policy 2419, Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (Section 504) or Board Policy 5605 – Discipline for Special Education Students.

Student Code of Conduct

Pursuant to State Board policy 4373, the following behaviors have been identified and defined as those that will disrupt the educational process.

Level 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others

A. Cheating

A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.

B. Deceit

A student will not deliberately conceal or misrepresent the truth, deceive another, or cause another to be deceived by false or misleading information.

C. Disruptive/Disrespectful Conduct

A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process, or that is discourteous, impolite, bad mannered, and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

D. Failure to Serve Detention

A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.

E. Falsifying Identity

A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.

5500 - STUDENT CODE OF CONDUCT

F. Inappropriate Appearance

A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.

G. Inappropriate Display of Affection

Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.

H. Inappropriate Language

A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).

I. Possession of Inappropriate Personal Property

A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.

J. Skipping Class*

In accordance with WVBE policy 4110 - Attendance, a student will not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent/guardian.

K. Tardiness*

A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.

L. Vehicle Parking Violation

A student will not engage in improper parking of a motor vehicle on school property.

Level 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

[NOTE: A County Board may reclassify a level 2 inappropriate behaviors, depending on the severity and repetition of behaviors, provided the reclassification assures the treatment of inappropriate behavior is consistent with State law.]

A. Gang Related Activity

A student will not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the County's educational mission. Gang activity includes:

1. wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang;
2. using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang;
3. gathering of two (2) or more persons for purposes of engaging in activities or discussions promoting gangs;
4. recruiting student(s) for gangs.

B. Habitual Violation of School Rule or Policies

A student will not persistently, as defined by the County, refuse to obey the reasonable and proper orders or directions of school employees, school rules, or policies.

C. Insubordination

A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test, or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.

D. Leaving School without Permission

A student will not leave the school building, campus, or school activity for which the student is enrolled without permission from authorized school personnel.

5500 - STUDENT CODE OF CONDUCT

E. Physical Fight without Injury

A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person(s).

F. Possession of Imitation Weapon

A student will not possess any object fashioned to imitate or look like a weapon.

G. Possession of Knife not Meeting Dangerous Weapon Definition (WV Code 61-7-2)

A student will not possess a knife or knife-like implement under three and one-half (3 1/2) inches in length. WV Code 61-7-2 clarifies that a pocket knife with a blade of three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

H. Profane Language/Obscene Gesture/Indecent Act toward an Employee or a Student

A student will not direct profane language, obscene gestures, or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to verbal, writing, electronic, and/or illustrative communications intended to offend and/or humiliate.

I. Technology Misuse

A student will not violate the terms of WVBE policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.

Level 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code 18A-5-1a, subsections (b) through (h)

A. Battery Against a Student

A student will not unlawfully and intentionally injure another student.

B. Defacing School Property/Vandalism

A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.

C. False Fire Alarm

A student will not knowingly and willingly set off a fire alarm without cause.

D. Fraud/Forgery

A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.

E. Gambling

A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

F. Hazing

A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any activity or organization, including both co-curricular and extra-curricular activities (see County Policy [5516](#)).

G. Improper or Negligent Operation of a Motor Vehicle

A student will not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health, or welfare of others.

H. Larceny

A student will not, without permission, take another person's property or have another person's property in his/her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with WV Code 61-3-13.

5500 - STUDENT CODE OF CONDUCT

I. Sexual Misconduct

A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.

J. Threat of Injury/Assault against an Employee or a Student

A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in WV Code 61-2-15.)

K. Trespassing

A student will not enter upon the premises of the County school system property, other than to the location to which the student is assigned, without authorized from proper school authorities.

L. Harassment/Bullying/Intimidation

A student will not bully/intimidate/harass another student. According to WV Code 18-2C-2, "harassment, intimidate, or bullying" means any intentional gesture, or any intentional electronic, writing, verbal, or physical act, communication, transmission, or threat that:

1. a reasonable person under the circumstances should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his/her person, and/or placing a student in reasonable fear of damage to his/her property;
2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or
3. disrupts or interferes with the orderly operation of the school.

An electronic act, communication, transmission, or threat includes but is not limited to one (1) 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.

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one (1) or more of these characteristics, shall be reported using the following list: race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, mental/physical/developmental/sensory disability, or other characteristic (see County Policy 5517.01).

When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:

1. Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - b. 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
 - c. creating an intimidating, hostile, or offensive employment or educational environment.
2. Amorous relationships between County Board employees and students are prohibited.
3. **Sexual harassment** may include but is not limited to:
 - a. verbal harassment of a sexual nature or abuse;
 - b. pressure for sexual activity;
 - c. inappropriate or unwelcome patting, pinching, or physical contact;
 - d. sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
 - e. behavior, verbal, or written words or symbols directed at an individual because of gender; or
 - f. 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/culture, or opportunities.
4. **Racial harassment** consists of physical, verbal, or written conduct relating to an individual's race when the conduct:
 - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c. otherwise adversely affects individual's employment or academic opportunities.

5500 - STUDENT CODE OF CONDUCT

5. **Religious/Ethnic harassment** consists of physical, verbal, or written conduct which is related to an individual's religion or ethnic background when the conduct:
 - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c. otherwise adversely affects an individual's employment or academic opportunities.
6. **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. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or
 - e. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
7. **Racial violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
8. **Religious/Ethnic violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

M. Imitation Drugs: Possession, Use, Distribution, or Sale

A student will not possess, use, distribute, or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance.

N. Inhalant Abuse

A student will not deliberately inhale or sniff common products found in homes, schools, and communities with the purpose of "getting high". The action may be referred to as huffing, sniffing, dusting, and/or bagging.

O. Possession/Use of Substance Containing Tobacco and/or Nicotine

A student will not unlawfully possess, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a County school system, including all activities or events sponsored by the County.

Special considerations according to WV Code 16-9A-4:

1. No person (student, staff member, or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events.
2. Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.
3. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, Superintendent and County Board address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a and paraphrased in Chapter 3, Sections 4 and 5 of policy 4373.

A. Battery Against a School Employee

A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in WV Code 61-2-15(b).

B. Felony

A student will not commit an act or engage in conduct that would constitute a felony under the laws of this State if committed by an adult as outlined in WV Code 18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (WV Code 61-3-1), malicious wounding and unlawful wounding (WV Code 61-2-9), bomb threat (WV Code 61-6-17), sexual assault (WV Code 61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (WV Code 61-6-24), and grand larceny (WV Code 61-3-13).

C. Illegal Substance Related Behaviors

A student will not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in WV Code 60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a County

5500 - STUDENT CODE OF CONDUCT

school system, including all activities or events sponsored by the County. This includes violations of WVBE policy 2422.8 - Medication Administration and instances of prescription drug abuse.

D. Possession and/or Use of Dangerous Weapon

According to WV Code 18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in WV Code 61-7-11a.

As defined in WV Code 61-7-2, a "dangerous weapon" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon include, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but which is connected to activities sanctioned or managed by the Board or its personnel or incidents that have occurred on property owned or controlled by the Board. Such discipline shall be consistent in all respects with the form and procedure for disciplining students set forth in Policy **5600** – Student Discipline and State Board policy 4373, referenced above.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. The County shall review this policy pursuant to the requirements of State Board policy for compliance with Federal and State law. The County shall assess the effectiveness of this policy annually. This review shall include:

- A. summary data for incidents of inappropriate behavior and intervention responses to incidents;
- B. required LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within County and school strategic plans; and impact data from training and staff development offered by the County, RESA and/or WVDE.

State Board policy 4373

Revised 3/6/12; Revised 6/27/12

© Neola 2012

5511 - DRESS AND GROOMING

The Board of Education recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program and process of the schools. The Board authorizes the Superintendent to establish a reasonable dress code in order to promote a safe and healthy school setting and to enhance the educational movement. The dress code shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such dress and grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

- A. present a hazard to the health, safety or welfare of the student himself/herself or to others in the school;
- B. materially interfere with school work, create disorder, or disrupt the educational process;
- C. distracts or is indecent to the extent that it interferes with the teaching and learning process;
- D. displays or promotes drug, alcohol or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles and at all school-affiliated functions;
- E. cause excessive wear or damage to school property;
- F. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such guidelines, shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Mineral County Schools at a public event.

The Superintendent shall develop administrative guidelines to implement this policy which:

- A. designate the principal as the arbiter of student dress and grooming in his/her building;
- B. invite the participation of staff, parents, and students;
- C. instruct staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- D. ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

WV State Board Policy 4373

5512 - USE OF TOBACCO BY STUDENTS

The Board of Education is committed to providing students, staff, and visitors with tobacco and smoke-free environment. The negative health effects of tobacco use for both the users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with responsibilities of teachers and staff to be positive role models for our students.

"Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco that is intended for human consumption whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means. Products include, but are not limited to cigarettes, cigars, cigarillos, little cigars, snus, snuff, chewing tobacco, smokeless tobacco, pipe tobacco, or other common tobacco-containing products.

A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products, and vapor products. "Tobacco product" or "tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco-derived product or substitutes, including cigarettes, cigars, cigarillos, little cigars, pipe tobacco, chewing tobacco, snuff, snus, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

A student will not unlawfully possess, use, or be under the influence of any substance containing tobacco, tobacco derived product, and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the County School District.

An exception shall be made by the Superintendent to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia State Board of Education policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Individuals supervising students are prohibited from distributing or using any tobacco product while in the presence of students or at any time while engaged in any activities directly involving students. If the Board discovers that an employee has sold or furnished tobacco products or tobacco-derived products to minors, the Board may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in termination from employment.

The Board shall enforce the consequences and/or interventions that are consistent with the levels specified in West Virginia State Board of Education policy 4373, or local Board Policy [5600](#), to address violations. The specific procedures to be followed when any staff member observes any violations outlined in this tobacco control policy is found in West Virginia State Board of Education policy 4373 and County Policy [5600](#) - Student Discipline. Any student violating the provisions of this policy shall be referred to magistrate court and for the first violation be fined \$50 and be required to serve eight (8) hours of community service; for a second violation, the person shall be fined \$100 and be required to serve sixteen (16) hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve twenty-four (24) hours of community service.

The Board shall maintain a list of providers to make referral to voluntary support programs (such as local mental health provider or tobacco cessation program or hotline programs) that address the physical, psychological and social issues associated with addiction; provide on-going support and reinforcement necessary for desired behavior change; and provide information about available programs to all 4th through 12th grade students and staff on a regular basis.

This policy shall be provided to students, school staff, parents or families, visitors and the community-at-large through:

- A. staff development;
- B. employee and student handbooks;
- C. parent/guardian notification;
- D. general public notification (e.g., signs, announcements); and
- E. attaching a summary of this policy on to all requests for school facility use.

5512 - USE OF TOBACCO BY STUDENTS

Additionally, this policy shall be available to the public in electronic format.

School Partnership Development

Each school will establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in West Virginia State Board of Education policy 4373. If a formal partnership between community service agencies and a school is established, the Board must approve the partnership.

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

School Implementation Plan

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

At a minimum, schools shall:

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

The County shall review its tobacco control policy at least every two (2) years and make appropriate modifications as necessary pursuant to State Board policy and State law. The administrator holding the position of Assistant Director of Curriculum and Instruction shall be responsible for instituting such review and reporting to the Superintendent within ten (10) days of instituting such review.

The County will assess the effectiveness of this policy annually. Such review shall occur in the month of June each year. The administrator holding the position of Assistant Director of Curriculum and Instruction shall be responsible for instituting such review and reporting to the Superintendent within ten (10) days of instituting such review. Data to be considered in the review include disciplinary referrals.

This policy, along with all other policies that encompass the requirements of West Virginia State Board of Education policy 4373, shall be submitted to the State Superintendent of Schools. Any revision must also be submitted to the State Superintendent of Schools.

WV Code 16-9A-2, 16-9A-3, 16-9A-4
20 U.S.C. 6081 et seq., 20 U.S.C. 7182
West Virginia State Board of Education policy 4373

Revised 6/27/12
Revised 11/6/14
Revised 8/18/15

© Neola 2015

5513 - CARE OF SCHOOL PROPERTY

The Board of Education believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the principal of each school to demand full payment from those responsible for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings. If payment is not forthcoming as demanded, the principal is authorized to seek judicial assistance in obtaining payment.

The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.

The Superintendent shall develop administrative guidelines to implement this policy.

West Virginia Department of Education Policy 1224.1

5515 - USE OF MOTOR VEHICLES

The Board of Education regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students - a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others – and an assumption of liability on the part of those students and their parent(s). The Mineral County Board of Education requires all "transported" students to use transportation provided by the school system unless special and specific permission is granted. (Parents may, of course, transport their children.)

The Superintendent shall develop administrative guidelines for the operation and parking of motor vehicles by students which shall include the requirement that students are licensed drivers, have adequate liability insurance, do not park improperly on school property and display parking permits in a visible location.

The Board shall not be responsible for motor vehicles which are lost, stolen, or damaged while on school property.

West Virginia Department of Education Policy 4373

5517 - ANTI-HARASSMENT AND VIOLENCE

General Statement

Racial, sexual, and religious/ethnic harassment is a form of discrimination which violates Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq., and WV Code 5-11-1, et seq., the West Virginia Human Rights Act.

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment and violence.

This policy applies to any student, staff member or member of the public during any school related activity or during any education sponsored event whether in a building or other property used or operated by the Board or in any other facility being used by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School County community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School County community" means students, administrators, and professional and classified staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

5517 - ANTI-HARASSMENT AND VIOLENCE

The Board will act promptly and confidentially to investigate all harassment and violence complaints, formal or informal, verbal or written, and will take appropriate disciplinary action based upon the results of the investigation.

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Furthermore, the Board is committed to providing an educational setting that is safe, secure, and free from harassment and bullying for all of its students and school employees. Policy 5517.01 Bullying addresses those instances of bullying and harassment which do not rise to the level of legally protected harassment under Federal law, but are, nonetheless, behaviors that may occur on school grounds, at school-sponsored events, on school buses, at school bus stops and through school computer networks and through other electronic communication or transmission that will not be tolerated and must be appropriately identified, reported, investigated, and, when substantiated, be the subject of appropriate disciplinary action. 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.

Definitions

- A. **Sexual harassment** – Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 1. submission to the conduct or communication is made a term or condition either explicitly or implicitly of obtaining or retaining employment, or of obtaining an education;
 2. 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;
 3. creating an intimidating, hostile or offensive or educational environment.

Sexual harassment may include, but is not limited to:

1. verbal or written harassment of a sexual nature or abuse;
2. pressure for sexual activity;
3. inappropriate or unwelcome sexually motivated or inappropriate patting, pinching, or physical conduct;
4. sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
5. unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;
6. 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;

7. unwelcome sexual flirtations, advances, or propositions from a member of the same or opposite sex;
8. verbal abuse of a sexual nature, without regard to whether the verbal abuse specifically refers to sexual characteristics at whom the verbal abuse is directed;
9. verbal or written comments about an individual's body;
10. sexually degrading word(s) or actions used to intimidate, describe an individual or to refer to some aspect of the individual's behavior, appearance, attitude, or conduct;
11. the display, use or dissemination of sexually suggestive gestures, objects, pictures, and/or jokes by any means, including, but not limited to, printed materials and materials displayed by electronic means, sex based labeling or stereotyping with respect to mental, physical, or other abilities, talents, occupational or life goals, etc.;
12. nonsexual conduct, including words or actions, directed toward a person because of their gender that tends to ridicule, criticize, discriminate, or otherwise makes it more difficult for that person to perform their job and/or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free of all types of sexual harassment. Any sexual harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as sexual harassment under this policy.

NOTE: Sexual conduct/relationships with students by County employees or any other adult member of the County community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual abuse or sexual assault as set forth in Article 8B, Chapter 61 of the West Virginia Code. The issue of consent may be irrelevant in regard to such criminal charge. In addition, under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the Board shall comply with the provisions of law for reporting such abuse.

- B. **Racial Harassment** – Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:
1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;
 3. otherwise adversely affects an individual's employment or academic opportunities;
 4. racial harassment includes racially degrading word(s) or actions used to intimidate, describe an individual or to refer to some aspect of the individual's behavior, appearance, attitude, or conduct;
 5. the display, use, or dissemination of racially motivated gestures, objects, pictures, and/or jokes by any means, including, but not limited to, printed materials displayed by electronic means;
 6. race based labeling or stereotyping with respect to mental, physical, or other abilities, talents, occupational or life goals, etc.;

5517 - ANTI-HARASSMENT AND VIOLENCE

7. unwelcome behavior, verbal or written words or symbols, directed at an individual because of race;
8. conduct, including word(s) or actions, directed toward a person because of their race that tends to distract or otherwise make it more difficult to perform their job and/or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free of all types of racial harassment. Any racial harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as racial harassment under this policy.

C. **Religious/Ethnic Harassment** – Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;
3. otherwise adversely affects an individual's employment or academic opportunities;
4. religious/ethnic degrading word(s) or actions used to intimidate, describe an individual or refer to some aspect of the individual's behavior, appearance, attitude or conduct;
5. the display, use or dissemination of degrading religious/ethnic suggestive gestures, objects, pictures, and/or jokes by any means including, but not limited to, printed materials and materials displayed by electronic means;
6. religious/ethnic based labeling or stereotyping with respect to mental, physical or other abilities, talents, occupational or life goals, etc.;
7. conduct, including word(s) or actions, directed toward a person because of their religion or ethnicity that tends to distract or otherwise make it more difficult to perform their job and/or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free of all types of religious/ethnic harassment. Any religious/ethnic harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as religious/ethnic harassment under this policy.

D. **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.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;

5517 - ANTI-HARASSMENT AND VIOLENCE

- 3. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
 - 4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;
 - 5. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
- E. **Racial Violence** - Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- F. **Religious/Ethnic Violence** - Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.
- G. **Assault** - Assault is defined as an act done with intent to cause fear in another of immediate bodily harm or death; or the threat to do bodily harm to another with present ability to carry out the threat.

Reports and Complaints of Harassing Conduct

Members of the School County community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor, or other School County official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School County community or third parties who believe they have been unlawfully harassed by another member of the School County community or a third party are entitled to utilize the Board's complaint process that is set forth below.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the principal shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegations in accordance with this policy. While the compliance Officer investigates the allegation, the principal shall suspend his/her 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the principal informed of the status of the 5517 investigation and provide him/her with a copy of the resulting written report.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the County School (hereinafter referred to as the "COs").

Susan Vance
Coordinator of Special Education

One Baker Place, Keyser, WV 26726
304-788-4218
scvance@k12.wv.us

Dwight Williams
Assistant Superintendent
Director of Special Education

One Baker Place, Keyser, WV 26726
304-788-4218
dewilliams@k12.wv.us

The names, titles, and contact information of these individuals will be published annually on the School County's web site and in the employee directory.

The COs will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School County community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

COs shall accept complaints of unlawful harassment directly from any member of the School County community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the CO will designate a specific individual to conduct such a process. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School County community must report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

5517 - ANTI-HARASSMENT AND VIOLENCE

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the CO, or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Board's intent to investigate the alleged misconduct, including the obligation of the CO or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Reporting Procedures

- A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of racial, sexual, or religious/ethnic harassment or violence at the building level. Upon receipt of a report of student conduct, the principal must notify the School County's Anti-Harassment Compliance Officer promptly, and shall commence investigation of the complaint. No later than ten (10) school days of receiving the complaint, a written report will be forwarded to the School County's Anti-Harassment Compliance Officer and to the Superintendent.

If the report alleges employee misconduct, the building principal must promptly notify the School County's Anti-Harassment Compliance Officer who will initiate, or direct, an investigation of the complaint. This investigation may be conducted by school officials or third parties designated by the Superintendent. Within ten (10) school days of receiving the complaint, the investigating party shall provide a written status report to the Superintendent.

Anytime the report is given to the building principal verbally, the principal shall reduce it to written form before the close of the next working day. If the complaint involves the building principal, the complaint shall be made directly to the School County's Anti-Harassment Compliance Officer.

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

- B. County-Wide. The Board hereby designates its Title IX Coordinator as the School County's Anti-Harassment Compliance Officer to receive reports or complaints of racial, sexual, or religious/ethnic harassment or violence from any individual, employee or victim of racial, sexual or religious/ethnic harassment or violence and also from the building principals as outlined above. If the complaint involves the School County's Anti-Harassment Compliance Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in the Investigation and Recommendation section of this policy. The name of the School County's Anti-Harassment Compliance Officer, including a 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.
- C. Submission of a complaint or report of racial, sexual, or religious/ethnic harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.
- D. Use of formal reporting forms is not mandatory.
- E. All alleged incidents of harassment or violence observed by faculty, staff, or other employees of the Board must report the incident to either the building principal or the School County's Anti-Harassment Compliance Officer within twenty-four (24) hours of observing the incident.

The Board's investigation of racial, sexual or religious/ethnic harassment or violence complaints will be conducted with maximum effort to protect the confidentiality of all those involved in the complaint or investigative process and to facilitate prompt resolution of the complaint. School officials may, in their discretion, take immediate steps to protect individual privacy and safety pending resolution.

Investigation and Recommendation

The individual(s) designated by this policy to investigate, shall, upon receipt of a report or complaint alleging racial, sexual, or religious/ethnic harassment or violence, immediately undertake to authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school officials if necessary. The investigating party shall provide a written report of the result of the investigation and a recommendation of discipline within ten (10) school days to

5517 - ANTI-HARASSMENT AND VIOLENCE

the Superintendent and to the School County's Anti-Harassment Compliance Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the School County's Anti-Harassment Compliance Officer and to the President of the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

In determining whether alleged conduct constitutes racial, sexual, or religious/ethnic harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the conduct involved, 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 complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods, documents, and review of circumstances deemed pertinent by the investigator(s).

Confidentiality

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint, and of any action taken as a result of such complaints is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may, itself, be grounds for disciplinary action.

Results of the Investigation

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and his/her legal guardian by the Superintendent, or, if the Superintendent is the subject of the complaint, by the President of the Board.

Discipline and Other Actions

In determining the appropriate response and/or punishment, the appropriate school official shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.

- A. Upon receipt of a finding that the complaint is substantiated, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed in State Board of Education policy 4373 and local Policy [5600](#). Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.
- B. The appropriate school official shall also initiate such other action as is appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy.
- C. The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.

Nothing in this policy shall prohibit contacting law enforcement or other personnel, including the Human Rights Commission, regarding the actions of any party subject to a complaint.

Retaliation

The Board will discipline, as appropriate, any individual who retaliates against any person who reports allegations of racial, sexual, or religious/ethnic harassment or violence, or any person who cooperates, testifies, assists, or participates in any racial, sexual, or religious/ethnic harassment or violence investigation, proceeding, or hearing. "Retaliation" includes, but is not limited to, any form of retaliation or intimidation, reprisal, coercion, provocation, or harassment. The Board will also discipline, as appropriate, any person who falsely reports religious/ethnic, racial or sexual harassment.

Student-Employee Relationships Prohibited

Amorous relationships between employees of the Board and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties and disciplinary action defined herein.

5517 - ANTI-HARASSMENT AND VIOLENCE

Non-Harassment

The Board recognizes that not every advance, conduct, or interaction of a racial, sexual or religious/ethnic or violent nature constitutes harassment. Whether a particular act, conduct, interaction, or incident is a personal, consensual, welcome interaction or social relationship without discriminatory motivation or effect on employment or education status will be determined based upon consideration of all facts and surrounding circumstances.

The Board recognizes that not all reports of allegations of sexual, racial, and/or religious/ethnic harassment will result in findings that such an incident has occurred. However, the Board encourages all persons who believe that they are a victim of such harassment to come forward and affirms its policy that no adverse action will be taken upon the filing of a complaint under this policy, unless it is shown, through investigation, that the complaint is patently false.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the 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, filing charges with the Federal Equal Employment Opportunity Commission, or initiating civil or criminal action under State and/or Federal law.

Sexual Harassment as Abuse

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the School County and its employees shall comply with the provisions of law for reporting such abuse.

Dissemination of the Policy

This policy or a summary shall be conspicuously posted throughout each school or facility of the Board in areas accessible to students and staff members.

This policy shall appear in the Student and Staff Handbooks and, if no handbook is available, a copy shall be distributed to all students, faculty, and staff.

The students and staff of the Board shall be trained on these regulations and on means for effectively promoting the goals of this policy.

The Board policy shall be reviewed at least bi-annually to assure compliance with State and Federal law and with State Board of Education policy.

Groups and persons utilizing school properties for curricular and extra-curricular activities shall be provided a copy of this policy prior to the use of any Board facility. Failure to comply with this policy by a non-student group will result in the immediate forfeiture of the group's use of the school properties.

Education and Training

The School County's Anti-Harassment Compliance Officer shall develop a program designed to raise the awareness of the different types of harassment, how it manifests itself, and its emotional, educational, and legal consequences. Multi-cultural education programs must be established to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

The School County's Anti-Harassment Compliance Officer shall present written and verbal information to all faculty, staff, and students at least once annually. Dissemination of written and verbal information may be made by a designee(s) of the School County's Anti-Harassment Compliance Officer as appropriate, and such presentation must be age-appropriate for students K-4, 5-8, and 9-12.

West Virginia State Board of Education policy 4373

WV Code 18-2-7b and 49-6A-2

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq.

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information and Nondiscrimination Act

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

Revised 3/6/12, 6/27/12, 11/6/14, 1/10/17

© Neola 2014

5517.01 - BULLYING

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying, including cyberbullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. The Board will not tolerate any gestures, comments, threats, or actions that cause or threaten to cause bodily harm or personal degradation. This policy applies to all school activities in the County, including school activities on and off of school property at any school-sponsored, school-approved or school-related activity or function, such as a field trip or athletic event where students are under the school's control, or where an employee is engaged in school business in monitoring student activity. This policy shall also apply to students while on a school bus and at a school bus stop. Students' off-campus misconduct that might reasonably be expected to cause disruption in the school may constitute a violation of this policy and cause the student to be subject to discipline at school. Such off-campus misconduct would include, but is in no manner limited to, blogs and social media postings and/or other electronic communications created for the purpose of inviting others to participate in disruptive, hateful, or otherwise prohibited misconduct towards a student, staff member, or other member of the school community.

This policy has been developed in consultation with parents/guardians, school employees, school volunteers, students, and community members as prescribed in WV Code 18-2C-3.

Bullying, " includes harassment, intimidation, or bullying, and cyberbullying as defined by WV Code 18-2C-2 and is defined as any intentional gesture and intentional written, verbal, or physical acts or threats, or any intentional electronic communication, transmission or threat that a reasonable person under the circumstances should know will have the effect of physically harming a student; damaging a student's property; placing a student in reasonable fear of harm to his/her person; or placing a student in reasonable fear of damage to his/her property; or is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student or disrupts or interferes with the orderly operation of the school.

"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.

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristics.

Any student or student's parent/guardian who believes the student has been or is the victim of bullying should immediately report the situation to the building principal or assistant principal. The student may also report concerns to a teacher, counselor or staff member with whom the student feels comfortable who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying directed toward a student. Failure of a faculty member or staff member to report an observed or reported incident of bullying shall result in disciplinary action.

Reports may be made to those identified above. Parents or guardians of any student alleged to have been the perpetrator or victim of bullying shall be notified of the same.

All complaints about bullying that may violate this policy shall be promptly investigated and that investigation shall be completed as soon as practicable. The building principal, or appropriate administrator, or a third party shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including transgender status, change of sex, or gender identity or expression), creed or religion, genetic information, disability, marital status, citizenship status, veteran status, military service, national origin, ancestry, socioeconomic status, academic status; physical appearance; sexual orientation; mental/physical/developmental sensory disability, or any other characteristic protected by law (collectively, "Protected Classes") in its educational programs or activities, the principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Employee investigators may take immediate steps, at their discretion, to protect the complainant, pupils, teachers, administrators or other personnel pending completion of an investigation of alleged bullying. The investigation must at a minimum consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. The investigators shall determine whether the alleged conduct constitutes a violation of this policy. In determining the appropriate response and/or punishment, the school or facility administrator should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

If the investigation finds an instance of bullying has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students up to discharge for employee, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

5517.01 - BULLYING

If a student or other individual believes there has been bullying, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Complaints

Students and/or their parents/guardians may file reports regarding suspected bullying. Such reports should attempt to provide the following information: person(s) involved, number of times and places of the alleged conduct, the target of suspected bullying, and the names of any potential student or staff witnesses. However, any report filed with any school staff member or administrator shall be promptly forwarded to the building principal for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal complaints of conduct that they consider to be bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints should attempt to provide the following information: person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal for review, investigation, and appropriate action.

Students who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint, unless such confidence would violate any mandatory reporting requirements pursuant to State and Federal law. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, when appropriate, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

Right To Alternative Complaint Procedures

This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the State criminal statutes and/or Federal law.

Confidentiality

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators as per WV Code 18-2C-3 will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. In such circumstances, those involved shall make only those disclosures absolutely necessary to the final resolution of the complaint and completion of the investigation.

Strategies to Protect Victims

When responding to verified acts of bullying, the administration shall consider appropriate strategies to protect victims from additional bullying, and from retaliation following a report. Available strategies include, but are not limited to:

- A. supervising and disciplining offending students fairly and consistently;
- B. providing adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;
- C. maintaining contact with parents and guardians of all involved parties;
- D. providing counseling for the victim if assessed that it is needed;
- E. informing school personnel of the incident and instructing them to monitor the victim and the offending party for indications of bullying behavior; instructing personnel to intervene when prohibited behaviors are witnessed;
- F. checking with the victim daily to ensure that there have been no incidents of bullying or retaliation from the offender(s).

Reporting Requirement

The Board shall input incidents of bullying into the West Virginia Educational Information System [WVEIS] and compile an annual report regarding the means of bullying that have been reported to it, and the reasons therefore, if known.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. County board personnel shall cooperate with investigations by such agencies.

Immunity

A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

- A. in good faith promptly reports an incident of bullying;

5517.01 - BULLYING

- B. makes the report to the appropriate school official as designated by policy; and
- C. makes the report in compliance with the procedures as specified in policy.

Notification

Notice of this policy shall appear annually in any student handbook and in any Board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school. The same shall be circulated to and posted in conspicuous locations in all school buildings and departments within the County and discussed with students. If no handbook is available, a copy will be distributed to all students, faculty, and the staff. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Policy Training and Education

The Board will provide training, to the extent State or Federal funds are appropriated, on the bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.

The schools will form bullying prevention programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

Training will be developed and implemented for students and staff on these regulations, their implications and on means for effectively promoting the goals of this policy. The training, at a minimum must: raise awareness of the different types of bullying, including cyberbullying, or "sexting", how it manifests itself, the devastating emotional and educational consequences, and its legal consequences. In addition, multicultural education programs must be developed and implemented for faculty, staff and students to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.

Information regarding this policy against bullying shall be incorporated into each school's current employee training program.

Liability

Except as provided in this section of this policy or under WV Code 18-2C-4, nothing in this policy prohibits a victim from seeking redress under any other provision of civil or criminal law.

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

West Virginia State Board of Education policy 4373
WV Code 18-2C-1 through 6

Revised 3/6/12; Revised 6/27/12; Revised 11/6/14

© Neola 2014

5517.03 - ANTI-HARASSMENT OF PERSONS WITH A DISABILITY

It is the policy of the Board of Education to maintain an education and work environment which is free from harassment and violence of person with a mental, physical, developmental, or sensory disability. This commitment applies to all Board operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting disability harassment and violence. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

Furthermore, the Board is committed to providing an educational setting that is safe, secure, and free from harassment, intimidation and bullying for all of its students and school employees. See Policy 5517.01 - Bullying for those instances addressing bullying which do not rise to the level of legally protected harassment under Federal law, but are, nonetheless, behaviors that may occur on school grounds, at school-sponsored events, on school buses, at school bus stops and through school computer networks and through other electronic communications or transmissions that will not be tolerated and must be appropriately identified, reported, investigated, and, when substantiated, be the subject of appropriate disciplinary action. 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.

The Board will vigorously enforce its prohibition against harassment and violence based on a disability and encourages those within the County School System community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and violence and in those cases where unlawful harassment and violence is substantiated, the Board will take immediate steps to end the harassment and violence. Individuals who are found to have engaged in unlawful harassment and violence will be subject to appropriate disciplinary action.

For purposes of this policy, "County School System community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

5517.03 - ANTI-HARASSMENT OF PERSONS WITH A DISABILITY

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

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when:

- A. the conduct has the purpose or effect of interfering with the individual's or educational performance;
- B. creates an intimidating, hostile, or offense working and/or learning environment; or of
- C. interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reporting Procedures

- A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of disability harassment or violence at the building level. Upon receipt of a report of student conduct, the principal must notify the Human Rights Officer promptly, and shall commence investigation of the complaint. Upon completing the investigation, and in most cases, not later than ten (10) working days of receiving the complaint, a written report will be forwarded to the Human Rights Officer and to the Superintendent.

If the report alleges employee misconduct, the building principal must promptly notify the Human Rights Officer who will initiate, or direct, an investigation of the complaint. This investigation may be conducted by school officials or third parties designated by the Superintendent. Within ten (10) working days of receiving the complaint, the investigating party shall provide a written status report to the Superintendent.

Anytime the report is given to the building principal verbally, the principal shall reduce it to written form before the close of the next working day. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights Officer.

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

- B. County-wide. The Board hereby designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of Disability harassment or violence from any individual, employee or victim of disability harassment or violence 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 the Investigation and Recommendation section of this policy. The name of the Human Rights Officer, including a 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.
- C. Submission of a complaint or report of disability harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.
- D. Use of formal reporting forms is not mandatory.
- E. All alleged incidents of harassment or violence observed by faculty, staff or other employees of the Board must report the incident to either the building principal or the Human Rights Officer within twenty-four (24) hours of observing the incident.

The Board's investigation of disability harassment or violence complaints will be conducted with maximum effort to protect the confidentiality of all those involved in the complaint or investigative process and to facilitate prompt resolution of the complaint. School officials, may in their discretion, take immediate steps to protect individual privacy and safety pending resolution.

Investigation and Recommendation

The individual(s) designated by this policy to investigate, shall, upon receipt of a report or complaint alleging disability harassment or violence, immediately will authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school officials if necessary. The investigating party shall provide a written report of the result of the investigation and a recommendation of discipline within ten (10) working days to the Superintendent and to the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Human Rights Officer and to the President of the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

In determining whether alleged conduct constitutes disability harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the conduct involved, 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 complainant, the individual(s) against whom the complaint is filed, and other who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods, documents, and review of circumstances deemed pertinent by the investigator(s).

5517.03 - ANTI-HARASSMENT OF PERSONS WITH A DISABILITY

Confidentiality

Confidentiality of the filing of complaints, the identity of subject and witnesses of any complaint, and of any action taken as a result of such complaints is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subject, witnesses, and investigators will be vigorously protected and violations of such confidentiality may, itself, be grounds for disciplinary action.

Results of the Investigation

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and his/her legal guardian by the Superintendent, or, if the Superintendent is the subject of the complaint, by the President of the Board.

Discipline and Other Actions

In determining the appropriate response and/or punishment, the Board shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.

- A. Upon receipt of a recommendation that the complaint is valid, the Board will take such action as appropriate based on the results of the investigation. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, termination, and revocation of license.
- B. The Board shall also initiate such other action as is appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy.
- C. The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.
- D. **Student Discipline**

In the event the building principal recommends that a student be expelled from school, the student shall be suspended for a period of time not to exceed ten (10) days. The principal shall notify the student's parents, in writing of the recommendation. The principal shall notify the Superintendent, in writing, of his/her decision.

Upon receipt of the principal's recommendation, the Superintendent shall review the allegations contained in the complaint and the investigative report and recommendation. If the allegations in the complaint have been substantiated, the Superintendent shall recommend to the Board that the student be expelled for a period not to exceed one (1) school year.

The principal shall notify the parent of the student, in writing, of the recommendation prior to presenting any evidence to the Board.

Upon notice of the right to be present before the Board at the hearing, the administration shall present evidence in support of its recommendation. If the Board finds, by a preponderance of the evidence, that the provisions of this policy have been violated, the Board shall a) expel the student for up to one (1) school year, or b) expel the student for such other time, up to one (1) school year, as the Board deems just.

The student shall have the opportunity to present evidence to the Board at the hearing, including calling witnesses and cross-examining those of the administration. Nothing in this policy shall prevent the student from being represented by counsel, at his/her expense, nor shall the student be compelled to present any evidence that may tend to incriminate himself/herself.

In the event the student who is accused of committing the act is a student who receives special education and related services, no disciplinary action can be taken until and unless the student's individualized committee has determined that the student's actions did not arise as a result of his/her disability.

- E. **Faculty and Staff Discipline**

If a faculty or staff person is accused of a violation of this policy, the disciplinary procedures found in the regulations regarding disciplinary action shall apply.

- F. **Discipline of Non-School Related Personnel**

Should any person that is not an employee or student of the Board be found to have violated this policy, that person shall, forthwith, be prohibited from entering any school building, facility, or property.

Nothing in this policy shall prohibit contacting law enforcement or other personnel, including the Human Rights Commission, regarding the actions of any party subject to a complaint.

5517.03 - ANTI-HARASSMENT OF PERSONS WITH A DISABILITY

Reprisal

The Board will discipline, as appropriate, any individual who retaliates against any person who reports allegations of disability harassment or violence, or any person who cooperates, testifies, assists, or participates in any disability harassment or violence investigation, proceeding, or hearing. "Retaliation" includes, but is not limited to, any form of retaliation or intimidation, reprisal, coercion, provocation, or harassment. The Board will also discipline, as appropriate, any person who falsely reports disability harassment.

Non-Harassment

The Board recognizes that not all reports of allegations of disability harassment will result in findings that such an incident has occurred. However, the Board encourages all persons who believe that they are a victim of such harassment to come forward and affirms its policy that no adverse action will be taken upon the filing of a complaint under this policy, unless it is shown, through investigation, that the complaint is patently false.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the filing of 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, filing charges with the Federal Equal Employment Opportunity Commission, or initiating civil or criminal action under State and/or Federal law.

Dissemination of the Policy

This policy or a summary shall be conspicuously posted throughout each school or facility of the Board in areas accessible to students and staff members.

This policy shall appear in the Student and Staff Handbooks and, if no handbook is available, a copy shall be distributed to all students, faculty, and staff.

The students and staff of the Board shall be trained on these regulations and on means for effectively promoting the goals of this policy.

The Board policy shall be reviewed at least bi-annually to assure compliance with State and Federal law and with State Board of Education policy.

Groups and person utilizing school properties for curricular and extra-curricular activities shall be provided a copy of this policy prior to the use of any Board facility. Failure to comply with this policy by a non-student group will result in the immediate forfeiture of the group's use of the school properties.

Implementation and Education

The Human Rights Officer shall develop a program designed to raise the awareness of the different types of harassment, how it manifests itself, its emotional, educational and legal consequences.

The Human Rights Officer shall present written and verbal information to all faculty, staff and students at least once annually. Dissemination of written and verbal information may be made by a designee(s) of the Human Rights Officer as appropriate, and such presentation must be age-appropriate for students K-4, 5-8, and 9-12.

West Virginia State Board of Education policy 4373

Revised 3/6/12
Revised 6/27/12
Revised 11/17/15

© Neola 2015

5530 - SUBSTANCE ABUSE PREVENTION

The Board of Education recognizes that the misuse of drugs, including alcohol, is a serious problem with legal, physical, and social implications for the whole school community.

As the educational institutions of this community, the schools should strive to prevent drug abuse and help drug abusers by educational means, where practicable.

5530 - SUBSTANCE ABUSE PREVENTION

For purposes of this policy, "drugs" shall mean:

- A. all controlled substances as so designated and prohibited by West Virginia statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids (as defined by State law);
- F. any substance that is a "look-alike" to any of the above;
- G. any "bogus" drugs.

Under the Student Code of Conduct, the Board prohibits being under the influence, the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, in school vehicles, or at any school-sponsored event.

The Superintendent shall prepare guidelines to address prohibited drug use in the schools under this policy. Such guidelines shall:

- A. emphasize preventative measures;
- B. require implementation of the substance abuse and tobacco control portions of State Board of Education policy 4373 at the school level;
- C. provide clear procedures for identification, intervention, and referral of students with substance abuse problems;
- D. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
 - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
 - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
 - 3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
 - 4. promotes positive emotional health, self-esteem, and respect for one's body;
 - 5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;
- E. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- F. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity, noting the same are prohibited by the Student Code of Conduct;
- G. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- H. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- I. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- J. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- K. provide an annual review of the Board's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- L. with respect to student substance abuse/addiction, the following actions will be taken:
 - 1. conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services; and
 - 2. referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
- M. include procedures for communicating the terms of these guidelines to students, school staff, parents or families, visitors and the community at-large through reasonable means, such as:
 - 1. staff development,
 - 2. employee and student handbooks,
 - 3. parent/guardian notification,
 - 4. general public notification (e.g., signs, announcements),

5530 - SUBSTANCE ABUSE PREVENTION

5. attaching a summary of this policy on all requests for school facility use;

N. include a plan for implementing required kindergarten through 12th grade preventive education, as outlined in West Virginia State Board of Education policy 2520.5, and shall be coordinated with Safe and Drug-Free School (Goals and Objectives) to provide a comprehensive kindergarten through 12th grade substance abuse prevention curriculum for all children;

School administrators, Local School Improvement Councils and school curriculum teams shall assure that prevention education are comprehensive, coordinated, and age appropriate. Examples include: developmental guidance, advisor-advisee, peer involvement, after school programs and integration into instructional objectives.

O. explain the manner in which the Board plans to provide or make referral to voluntary support programs (such as a local mental health provider or tobacco cessation program or hotline programs): address the physical, psychological and social issues associated with addiction; provide on-going support and reinforcement necessary for desired behavior change; and provide information about available programs to all 4th through 12th grade students and staff on a regular basis and:

1. contain enforcement provisions for the public, which may include, but are not limited to: request to stop use or leave premises, deny access to school property and/or police notification;
2. shall in taking action against a student for violation of this policy, provide for appropriate due process procedures;

If the student is an Eligible Disabled Student according W. Va. 126CSR16, West Virginia State Board of Education policy 2419: Regulations for the Education of Exceptional Students, (hereinafter policy 2419), any action taken against the student must comply with, and must not be in violation of policy 2419. All disciplinary action taken against the student shall be in accordance with local, State and Federal law.

3. identify responses and/or interventions that are consistent with the levels specified in West Virginia State Board of Education policy 4373 to address violations.

The specific procedures to be followed when any staff member observes any violations outlines in this policy shall be outlined in county/school policies and procedures.

P. contain enforcement provisions for students which may include, but are not limited to: counseling, school/community service, voluntary cessation programs, parent/guardians notification, mandatory education sessions, alternative to suspension programs, plan for behavior improvement, policy notification, and/or prosecution;

Q. establish procedures for addressing students suspected of drug use or suspected of possession or distributing drugs in school and ensure that the Board's policy and administrative guidelines on Search and Seizure (Policy [5771](#) and AG [5771](#)), Suspension and Expulsion (Policy [5610](#) and AG [5610](#)), are complied with fully.

The Superintendent shall establish administrative guidelines necessary to implement this policy.

Pursuant to State Board policy 4373, substance abuse will be handled in accordance with Policy [5600](#) - Student Discipline.

The Board shall review this policy in accordance with West Virginia State Board of Education policy 4373 and State law.

WV Code 18-2-7b

West Virginia State Board of Education policy 4373

Revised 6/27/12

Revised 11/17/15

© Neola 2015

[5530.01 STUDENT DRUG TESTING POLICY](#)

STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, and staff desire that every student in Mineral County Schools refrain from using or possessing illegal drugs, school officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in certain interscholastic extra-curricular activities, those who wish to drive and park on school property, and those whose parent or guardian elects to include the student in the random student drug testing selection process. The sanctions imposed for violations of this policy include, but are not limited to, limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in interscholastic extra-curricular activities or drive to school. This policy supplements and complements all other policies, rules, and regulations of Mineral County Schools regarding possession or use of illegal drugs.

Participation in school-sponsored interscholastic extra-curricular activities and permission to drive to school and park on a Mineral County Schools campus is a privilege. Students who participate in interscholastic extra-curricular activities are respected by the student body and are representing the School District and the community. Accordingly, these students carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs. Students who elect to drive a privately owned vehicle to and from school and park on school property also carry an added accountability for the safe operation of a vehicle while on school property.

The purposes of this policy are six-fold:

- A. To educate students on the serious physical, mental and emotional harm caused by illegal drug use.

5530.01 STUDENT DRUG TESTING POLICY

- B. To alert students with possible substance abuse problems, and their parent/guardian, of the potential harms that drug use poses for their physical, mental and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
- C. To ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
- D. To prevent injury, illness, and harm to students that may arise as a result of using illegal and performance-enhancing drugs.
- E. To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.
- F. To assure the safe operation of student-driven vehicles on campus.

Illegal and performance-enhancing drug use of any kind is not compatible with the physical, mental, and emotional demands placed upon participants in interscholastic extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of Mineral County Schools. For the safety, health and well being of students who are permitted to drive to school and/or participate in interscholastic extra-curricular activities, and/or voluntarily choose to participate, the Mineral County Board has adopted this policy for use by all participants in interscholastic extra-curricular activities, and/or drive and park on school property, and/or voluntarily choose to participate in the drug testing will begin with grades 9 - 12 in the 2009-2010 school year.

The administration shall adopt necessary regulations to implement this policy.

DEFINITIONS

- A. "**Activity Student**" means a student of any Mineral County high school who is a member of any extra-curricular or co-curricular organization which participates in interscholastic competition, including but not limited to: academic teams, band, chorus, FFA, and athletics, including managers, score-keepers, and other student support personnel.
- B. "**Driving Student**" means any student who is permitted to drive to school and is issued parking privileges on school property. A student may become a Driving Student Participant at any time during the school year.
- C. "**Drug use test**" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine.
- D. "**Illegal drugs**" means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.
- E. "**Opt-in Participant**" means any student, less than eighteen (18) years of age, in grades 9 - 12 beginning in 2009-2010 and any student in grades 6 - 8 beginning in 2010-2011 whose parent or guardian elects to include the student in the random selection for drug testing. A student may become an Opt-in Participant at any time during the school year.
- F. "**Participating Student**" means all students included in the random testing pool.
- G. "**Performance-enhancing drugs**" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased over-the-counter.
- H. "**Positive**" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing service administering the drug use test.
- I. "**Random Selection Basis**" means a mechanism for selecting participating students for drug testing that:
 - 1. Results in an equal probability that any Participating Student from the total pool of Activity Students, Driving Students, and Opt-in Participants subject to the selection mechanism will be selected; and
 - 2. Does not give the School District discretion to waive the selection of any Participating Student selected under the random selection mechanism.
- J. "**Reasonable suspicion**" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of a Participating Student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a Participating Student supplied to school officials by other staff members.

5530.01 STUDENT DRUG TESTING POLICY

IMPLEMENTATION GUIDELINES

- A. **Consent Forms.** By September 1st of each school year each Activity Student and Driving Student shall be provided with a copy of the "**Student Drug Testing Consent Form**" which shall be read, signed and dated by the student, parent or custodial guardian and coach/sponsor before such student shall be eligible to practice or participate in any extra-curricular activities or before issuance of a driving/parking pass. The Opt-in Participant and parent or custodial guardian shall also consent to read and sign a consent form. This consent requires the Activity Student, Driving Student, and Opt-in Participant to provide a urine sample as follows:
1. When the Activity Student, Driving Student, or Opt-in Participant is selected by the random selection basis to provide a urine sample; and
 2. At any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs.

No student shall be allowed to practice or participate in any extra-curricular activities involving interscholastic competition or drive to school unless the student has returned the properly signed "Student Drug Testing Consent Form".

Any middle school student who participates in high school pre-season conditioning activities must be enrolled in the drug testing program prior to participation.

- B. **Opting Out.** Once a student has been enrolled in the drug testing program, he/she shall remain in the program until he/she either:
1. Graduates
 2. Submits a written statement to the principal from a parent or guardian requesting an opt out of the program
 3. Opts out of the program upon written request if he/she is 18 years of age or older
- Once a student opts out of the program, he/she will not be permitted to participate in extra-curricular, co-curricular, or driving activities until the next enrollment cycle (September 1).

- C. **Orientation Session.** Prior to the commencement of drug testing each year, an orientation session shall be held with each Activity Student, Driving Student and Opt-in Participant to educate them of the sample collection process, privacy arrangements, drug testing procedures and other information which may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process. A mandatory training session will be held annually for principals, head coaches, and sponsors to review this policy.

The orientation session will also be conducted at the beginning of the second semester for students who, at that time, want to become participating students. Their parents/guardians must also attend this orientation session.

- D. **Distribution of this Policy.** Each Activity Student, Driving Student, Opt-in Participant, and parent/guardian shall receive a copy of the *Student Drug Testing Policy*. The principal, head coach or sponsor shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.
- E. **Random Sample.** Drug use testing for Participating Students shall be done monthly on a random selection basis from a list of all Participating Students who are involved in off-season or in-season activities, driving, or an opt-in participant. Mineral County Schools shall select a minimum of two percent (2%), up to sixty (60) student names, of all participating students' names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs. Testing shall be done monthly on a random basis. Testing for performance-enhancing drugs shall be done on a random basis.
- F. **Reasonable Suspicion Sample.** In addition to the drug tests required above, any Activity Student, Driving Student or Opt-in Participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.
- G. **Drug Testing Service.** Any drug use test shall be administered by or at the direction of a drug testing service chosen by the Mineral County Board of Education. The drug testing service shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper drug testing service control and scientific testing. The drug testing service shall provide all collection containers used in the drug testing process.
- H. **Privacy.** All aspects of the drug use testing program, including the taking of specimens, shall be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.

5530.01 STUDENT DRUG TESTING POLICY

- I. **Obtaining Samples.** The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen shall be collected in a restroom or other facility behind a closed stall/door. The drug testing service shall provide an employee to collect the samples subject to drug testing. This individual will also monitor the collection of samples. If deemed necessary, the representative of the drug testing service may request that the school administrator provide personnel to assist with monitoring as samples are collected. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall/restroom to listen for normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen.

Any eligible student selected randomly for urine drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate urine specimen at testing time will be unable to participate or park until proper specimen is provided.

1. **Tampering.** If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal or designee who will then determine if a new sample should be obtained.
2. **List of Medications Taken.** In the event of a positive test result, the Medical Review Officer (MRO) of the drug testing service shall contact the parent/guardian of the student and be provided with an opportunity to provide documentation of medications legally prescribed for the student. Based on the documentation provided by the parent, the MRO will determine the status of the test result. The communication between the parent/guardian and the MRO regarding medications prescribed to the student will strictly be confidential and not shared with school personnel.

Note: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards and WVSSAC Athletic Participation Forms.

- J. **Positive Tests.** In the event of a positive test result, the parent/guardian may challenge the positive test result. The procedure would consist of a second test of the same specimen and would be conducted at the parent's/guardian's expense.

CONFIDENTIALITY

- A. **Notification by Drug Testing Service.** The drug testing service shall notify the Superintendent or designee of any positive test.
- B. **Notification to Student, Principal, Head Coach/Sponsor, and His/Her Parent/Guardian.** In order to keep the positive test results confidential, the Superintendent or designee shall provide notification only to the principal, who will provide notification only to:
 1. **For Activity Students:** the student, the head coach/sponsor, and the parent or custodial guardian of the student.
 2. **For Driving Students:** the student and the parent or custodial guardian of the student.
 3. **For the Opt-in Participants:** the student and the parent or custodial guardian of the student. The principal or designee shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal or designee or to the lab. Mineral County Schools will rely on the opinion of the drug testing service which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.
- C. **Record of Test Results.** Test results shall be kept in the files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and shall not be turned over to any law enforcement authorities unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent from the parent, guardian, or student. Records of positive test results maintained at the school shall be destroyed upon the student's graduation from high school.

APPEAL

Procedure for Appeal. A Participating Student who has been determined by the principal/athletic director to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such a request for a review must be submitted to the Superintendent in writing within five (5) working days of notice of the positive test. A student requesting a review shall remain eligible to participate in any extra-curricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision shall be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

5530.01 STUDENT DRUG TESTING POLICY

CONSEQUENCES

- A. **Restrictions on Activity Students:** Any Activity Student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:
1. **First Offense.** Suspension from participation in all activities covered under this policy for five (5) calendar days, and successful completion of four (4) hours of counseling with a licensed psychologist or licensed professional counselor. The student shall not participate in any meetings, practices, scrimmages or competitions during this period. After the parent/guardian has been notified of a positive result by the Medical Review Officer, a meeting shall then be set up with the student, parent/guardian, and principal concerning the positive drug test. Additionally, the student must voluntarily submit to a second drug test to be administered within the next drug testing cycle in accordance with the testing provisions of this policy. The parent/guardian may be responsible for the cost of this drug test.

If parent/guardian and student agree to these provisions, the student may continue to participate in the activity. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for activity students shall be imposed.
 2. **Second Offense.** Suspension from participation in all activities covered under this policy for fourteen (14) calendar days, and successful completion of eight (8) hours of counseling with a licensed psychologist or licensed professional counselor. The student shall not participate in any meetings, practices, scrimmages or competitions during this period. The student shall be tested during each testing cycle for the remainder of the school year. The time and date will be unknown to the student and determined by the principal or designee.
 - a. These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed within five (5) working days following receipt of a positive test.
 - b. Should the parent/student not agree to these provisions, the consequences listed in this policy for the third offense for activity students shall be imposed.
 - c. Provided, however, a student who, on his/her own volition, informs (self-refers) the athletic director, principal, or coach/sponsor of usage before being notified to submit to a drug test shall be considered to have committed his/her first offense under the policy, and shall be required to re-test as would a student who has tested positive.
 - d. Additionally, the student will not be eligible for any interscholastic activity honors or awards given by the school and/or county.
 3. **Third Offense, and each offense thereafter.** Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for one (1) calendar year. A negative drug screen from an approved provider is required before the student can participate.
- B. **Restrictions on Driving Students:** Any Driving Student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:
1. **First Offense.** After the parent/guardian has been notified of a positive result by the Medical Review Officer, a meeting shall then be set up with the student, parent/guardian, and principal concerning the positive drug test. Driving privileges shall be immediately suspended until the parent or guardian submits proof that the student has received four (4) hours of counseling from a licensed psychologist or licensed professional counselor. Additionally, the student must voluntarily submit to a second drug test to be administered within the next drug testing cycle in accordance with the testing provisions in this policy. The parent/guardian may be responsible for the costs of this drug test.
 - a. If the parent/guardian and student agree to these provisions, the student may resume driving to school upon proof of participation in drug counseling as specified.
 - b. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for driving students shall be imposed.
 2. **Second Offense.** All privileges to drive and/or park at school shall be revoked for a minimum of ninety (90) school days. Reinstatement of these privileges, after ninety (90) days or more, shall require the student to submit to another drug test performed under the procedures stated in this policy with a negative result at the student's expense and successful completion of eight (8) hours of counseling from a licensed psychologist or licensed professional counselor.

5530.01 STUDENT DRUG TESTING POLICY

3. **Third Offense.** All Privileges to drive and/or park at school shall be revoked for one (1) calendar year. A negative drug screen from an approved provider is required prior to driving privileges being restored to student.
- C. **Restrictions for Opt-in Participants:** The parent/guardian and student shall be contacted immediately and a private conference shall be scheduled to present the positive test results.
- D. A violation of this policy is NOT a violation of the *Student Code of Conduct Policy*. Any Participating Student who tests positive in a drug test under this policy shall, as a result thereof, be subject to the restrictions described under this section labeled CONSEQUENCES only; notwithstanding any provision of the *Student Code of Conduct Policy*. Furthermore, consequences labeled under this policy shall not create a double jeopardy for participants who are subject to any student athletic handbook. When school district employees charged with the administration of this drug testing policy are made aware of drug use by an Activity Student, Driving Student, or Opt-in Participant, solely as a result of drug testing under this policy, that Activity Student, Driving Student, or Opt-in Participant shall NOT be disciplined under the *Student Code of Conduct Policy* or of their drug use so discovered.

REFUSAL TO SUBMIT TO DRUG USE TEST

Ineligibility to Participate or Drive and Park at School

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances, and competitions or drive and park on school property for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school and/or county.

IMPORTANT NOTE ON CONSEQUENCES

Notwithstanding, any student who violates the *Student Code of Conduct Policy* and West Virginia law by the illegal use of medications or drugs of any kind while on school grounds; or is under the influence of medications or illegal drugs on school grounds; the student is subject to disciplinary action as outlined in the *Student Code of Conduct Policy*, up to and including expulsion.

ADVISORY COUNCIL

In order to monitor policy effectiveness, the Superintendent shall appoint an advisory council to review the local data and make recommendations to the Board of Education regarding policy effectiveness. This advisory council shall include but not be limited to a school counselor from the high school, a school nurse, and a community agency representative involved professionally with drug use prevention and treatments programs.

POSTSCRIPT

The Mineral County Board of Education and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Mineral County Board of Education believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

Revised 7/17/12; 4/16/13

5600 - STUDENT DISCIPLINE

The Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment that is conducive to learning. The Board believes further, that schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. Schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

This policy sets forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. The school system must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

All school employees are responsible for providing a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by or reported to school staff and substantiated, the behavior shall be addressed consistently in accordance with the Interventions and Consequences outlined in this policy and with the school implementation plan.

The expectations outlined in this policy apply during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the Board, Regional Education Service Agency (RESA), West Virginia Department of Education (WVDE), or in another facility or upon any other property being used by any of these agencies.

5600 - STUDENT DISCIPLINE

These expectations apply to students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

- A. Students will be subject to the interventions and consequences in this policy.
- B. School staff will be subject to disciplinary and/or licensure action in accordance with WV Code 18A-2-8, 18A-3-2a, 18A-3-3 and 18A-3-6 and in Board Policy 3139 - Staff Discipline and Policy 4130 – Staff Discipline.
- C. Public guests in the schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.
- D. This policy does not supersede any rights granted to special education students by Federal or State law or other West Virginia State Board of Education policies.

Students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

For definitions of behaviors see Board Policy 5500 - Student Code of Conduct.

Behaviors/ Interventions and Consequences

This policy classifies inappropriate student behavior in four (4) levels as specified in State Board policy 4373.

School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors. However, the determination of interventions and consequences is at the discretion of the school administrator for offenses that are classified as levels 1, 2 and 3 behaviors. It is critical that level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

In order to create consistency among all schools in the application of out-of-school suspension and expulsion as they relate to inter-scholastic extra-curricular activities, any student suspended or expelled from school is also suspended from extra-curricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the Individuals with Disabilities in Education Act of 1997 Amendments (IDEA), State Board policy 2419 and/or Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (Section 504), and Board Policy 5605– Discipline for Special Education Students.

The following are the offenses as delineated in State Board policy 4373, and the Board shall train staff regarding the following behaviors & appropriate interventions and consequences.

LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others

A. Behaviors

The following list of behaviors may include any or all of the interventions and consequences listed in item B.

1. Cheating
2. Deceit
3. Disruptive/Disrespectful Conduct
4. Failure to Serve Detention
5. Falsifying Identity
6. Inappropriate Appearance
7. Inappropriate Display of Affection
8. Inappropriate Language
9. Possession of Inappropriate Personal Property
10. Skipping Class*
11. Tardiness*
12. Vehicle Parking Violation

B. Interventions and Consequences

Any or all of the items listed below may be used for any of the listed behaviors listed in item A.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
4. Counseling referrals and conference to support staff or agencies.
5. Daily/Weekly progress reports.
6. Behavioral contracts.

5600 - STUDENT DISCIPLINE

7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item.
10. Revocation of privileges.
11. Restitution/Restoration.
12. Detention (lunch, before, and/or after school).
13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code 18A-5-1). (see Board Policy **5610**)
15. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
16. In-school suspension.
17. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
18. While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.
19. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

[NOTE: Local County policy may reclassify Level 2 inappropriate behaviors, depending on the severity and the repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]

LEVEL 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

A. Behaviors

The following list of behaviors may include any or all of the interventions and consequences listed in item B.

1. Gang Related Activity.
2. Habitual Violation of School Rules or Policies.
3. Insubordination.
4. Leaving School Without Permission.
5. Physical Fight Without Injury.
6. Possession of Imitation Weapon
7. Possession of Knife not Meeting Dangerous Weapon Definition (WV Code 61-7-2)
8. Profane Language/Obscene Gesture/Indecent Act Toward an Employee or a Student
9. Technology Misuse

B. Interventions and Consequences

Any or all of the items listed below may be used for any of the listed behaviors listed in item A.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Daily/Weekly progress reports.
5. Behavioral contracts.
6. Change in the student's class schedule.
7. School service assignment.
8. Confiscation of inappropriate item.
9. Revocation of privileges.
10. Restitution/Restoration.
11. Before and/or after-school detention.
12. Denial of participation in class and/or school activities.
13. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code 18A-5-1). (see Board Policy **5610**)
14. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
15. In-school suspension.
16. Out-of-school suspension with a recommended maximum of five (5) days (see Board Policy **5610**).
17. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
18. The principal and/or Superintendent may recommended placement in an alternative education program.
19. Expulsion.
20. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

5600 - STUDENT DISCIPLINE

[NOTE: Local County policy may reclassify Level 3 inappropriate behaviors depending on the severity and repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]

LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code 18A-5-1a, subsection (b) through (h)

A. Behavior

Battery Against a Student
Defacing School Property/Vandalism
False Fire Alarm
Fraud/Forgery
Gambling
Hazing
Improper or Negligent Operation of a Motor Vehicle
Larceny
Sexual Misconduct
Threats of Injury/Assault Against an Employee or a Student
Trespassing

Intervention and Consequences

Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention that may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer, or actual arrest.

In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to:

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Notification of appropriate Health and Human Resources.
5. Daily/Weekly progress reports.
6. Behavioral contracts.
7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item(s).
10. Revocation of privileges.
11. Restitution/Restoration.
12. Before and/or after-school detention.
13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code 18A-5-1).
15. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
16. In-school suspension.
17. Out-of-school suspension for up to ten (10) days.
18. The principal and/or Superintendent may recommend placement in an alternative education program.
19. Expulsion.

B. Behavior

Harassment/Bullying/Intimidation

Intervention and Consequences

Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment, or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, and/or notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school-sponsored functions, and/or notification of law enforcement and/or human services.

C. Behavior

Imitation Drugs: Possession, Use, Distribution, or Sale

Inhalant Abuse

Possession/Use of Substance Containing Tobacco and/or Nicotine

5600 - STUDENT DISCIPLINE

Intervention and Consequences

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, superintendent and County Board address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.

A. Behavior

Battery Against a School Employee

Interventions and Consequences

If a student has been suspended for battery on a school employee pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **shall** expel the student.

B. Behavior

Felony

Interventions and Consequences

Pursuant to WV Code 18A-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this State if committed by an adult on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal or designee **may** request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **may** expel the student.

C. Behavior

Possession and/or Use of Dangerous Weapon

Interventions and Consequences

If a student has been suspended for possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a, the principal or designee **shall**, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent **shall** recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **shall** expel the student.

D. Behavior

Illegal Substance Related Behaviors

Interventions and Consequences

A student will not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol and over-the-counter drugs. Pursuant to State Board policy 4373, illegal substance related behaviors include violations of State Board policy 2422.8 - Medication Administration and instances of prescription drug abuse.

1. Alcohol

A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, possessed alcohol in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

5600 - STUDENT DISCIPLINE

2. Possession of a Controlled Substance

Pursuant to WV Code 18A-5-1a(b), if a student has been suspended for unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in WV Code 60A-1-101 et seq., the principal or designee **may** request that the Superintendent recommend to the Board that the student be expelled.

3. Sale of a Narcotic Drug

If a student has been suspended for the sale of a narcotic drug pursuant to WV Code 18A-5-1a, the principal or designee **shall**, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent **shall** recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **shall** expel the student.

Nothing in this Student Code of Conduct may be construed to be in conflict with the Federal provisions of the IDEA (Public Law 105-17), or with WV Code 126CSR16, West Virginia Board of Education policy 2419, Regulations for the Education of Exceptional Students.

Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed or known by school staff, the behavior shall be addressed consistently in accordance with West Virginia Board of Education policy 4373 and this policy.

Students shall report any observed violation of Policy **5500**, Student Code of Conduct, to a school employee.

All violations of the Student Code of Conduct observed by school employees or reported to them by students or others shall be reported to the principal or designee. Appropriate action shall be taken as specified in this policy by the principal or designee.

Employee failure to report a violation or responding in a manner that does not promote understanding and respect shall be addressed in their evaluation and may subject them to disciplinary action.

All inappropriate behaviors observed by public guests must be reported to a school employee.

Any person who believes s/he has been the victim of a Student Code of Conduct violation or any person with knowledge or belief of conduct which may constitute a violation of the Student Code of Conduct shall report the alleged acts immediately to a teacher, bus operator or principal or designee as appropriate.

Nothing in this policy shall prevent any person from reporting violations directly to the County Superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency, or initiating civil action or seeking redress under the State criminal statutes and/or Federal law.

Any student who falsely reports violations of this policy will be subject to Level 2 disciplinary action.

Any administrator or other school personnel who falsely reports violations of this policy will be subject to disciplinary action, up to and including dismissal.

[NOTE: Pursuant to State Board policy 4373, a County Board shall develop a process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy. The Board may identify false reporting as either a level 1 or level 2 behavior.]

Procedures for Investigating Allegations of Inappropriate Behavior

The individual(s) designated by the school to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system, in accordance with this policy and procedures.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When any student is to be interviewed in connection with an investigation pursuant to a level 3 or level 4 violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at level 2 and discretionary at level 1.

The principal shall immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.

5600 - STUDENT DISCIPLINE

The investigation shall be completed as soon as practicable but no later than ten (10) school days following the reported violation. The investigator shall make a report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

The result 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 principal or his/her designee.

Upon completion of the investigation, the principal shall determine whether the alleged conduct constitutes a violation of this policy, State Board of Education policy 4373 or WV Code 18A-5-1a.

In determining the appropriate response and/or punishment for a level 1 offense, level 2 offense, level 3 offense or an alcohol or over-the-counter violation pursuant to level 4, the principal, Superintendent or Board should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

County Board of Education Action and Reporting

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns.

Upon receipt of a report substantiated by staff observation or by the investigation, the principal, Superintendent or Board will take appropriate action against those found to have violated the Student Code of Conduct. (see Policy **5500** - Student Code of Conduct)

In addition to registering informational incidents of inappropriate behavior at the classroom level on the West Virginia Education Information System (WVEIS), these reports, including the action taken against the violators of the Student Code of Conduct, shall be filed in:

- A. the permanent record of the student housed at the
 1. school
 2. central office
- B. a separate file (paper or electronic) maintained for each student investigation housed at the
 1. school
 2. central office
- C. an "investigations" file (paper or electronic) maintained by the
 1. principal
 2. Superintendent's designee

The principal or Superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the Student Code of Conduct. (see Policy **5500** - Student Code of Conduct)

The principal and/or other authorized staff shall promptly enter all teacher level documentation as well as additional entry for administrative disciplinary actions into WVEIS. The teacher level documentation shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. The Superintendent and/or other authorized staff shall promptly enter the data of the Board's action resulting from expulsion hearings WVEIS.

Reprisal

Any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations shall be in violation of the Student Code of Conduct and a level 2 offense as classified by the Board. An employee who retaliates against any person named above will be subject to disciplinary action up to and including dismissal. Reprisal includes, but is not limited to, any form of intimidation, retaliation or harassment.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or Federal law.

5600 - STUDENT DISCIPLINE

Appeals Procedures

If someone believes the Board has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE policy 7211 - Appeals Procedures for Citizens and local Board Policy 9135. The procedures set forth in policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

County Partnership Development

The Board may establish county agency and organization partnerships with the purpose of providing the County's schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in State Board policy 4373. At the County Board level, memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements should clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e., funding, space, staff, and data).

County Policy Dissemination and Training

The Board shall develop and implement an ongoing awareness campaign to provide that all students, staff, and parents/guardians understand this Board policy and State Board policy 4373.

The Board shall require that all schools provide appropriate policy training.

This policy shall be made readily available to the public in written or electronic format.

The school bus operator shall display the major concepts of policy 4373 as per State Board policy 4336 in his/her school bus.

County Implementation Plan

The Board shall address within the Student Support Goal of their strategic plan objectives for policy implementation that ensures each school incorporates the following:

- A. Use of pro-active strategies to develop and support positive behavior in students.
- B. Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in positive school climate/culture.
- C. Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to schools through the County's formal and informal partnership agreements.

County Evaluation of Effectiveness

The County shall review this policy in compliance with Federal and State law and State Board policy 4373 and other applicable State Board policies.

To assess the effectiveness of this policy annually with a review of the following data will be conducted:

- A. summary data for incidents of inappropriate behavior and intervention responses to incidents;
- B. require LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within county and school strategic plans; and
- E. impact data from training and staff development offered by the county, RESA and/or WVDE.

School Partnership Development

Each school will establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in State Board policy 4373. Formal partnerships between community service agencies must be approved by the Board.

5600 - STUDENT DISCIPLINE

School Policy Dissemination and Training

To ensure understanding of this policy and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

This policy shall appear in the student and staff handbooks and if no handbook is available, a copy will be distributed to all students, parents, faculty, and staff.

This policy or a summary shall be conspicuously posted throughout the Board's facilities in areas accessible to students and staff members.

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

School Implementation Plan

Plans for the implementation of State Board policy 4373 and this policy should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the County's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

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

School Evaluation of Effectiveness

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

- A. progress toward implementation plan goals and objectives;
- B. evidence of school climate/culture improvement efforts;
- C. required LSIC reports (WV Code 18-5A-2);
- D. trend analysis from school climate/culture survey tools (as available);
- E. summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- F. evaluation data from training and staff development provided by the County, RESA and or WVDE.

This policy shall be submitted to the State Superintendent of Schools by July 1, 2012. Thereafter, any revision must be submitted to the State Superintendent of Schools.

State Board policy 4150 and policy 4373
Revised 6/27/12

© Neola 2012

5610.03 - EMERGENCY REMOVAL OF STUDENTS

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on school premises, then the Superintendent, principal or assistant principal may remove the student from curricular activities or from the school premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. A hearing shall be heard as soon as practicable after the removal.

Telephonic notice, if possible, of the informal hearing and the reason for the removal will be given to the student and his/her parent(s) guardian(s) or custodian(s) as soon as practicable prior to the hearing. At the commencement of the informal hearing, the principal shall inquire of the student as to whether s/he admits or denies the charges. If the student does not admit the charges, s/he shall be given an explanation of the evidence possessed by the principal and an opportunity to present his/her version of the occurrence. At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the student for a maximum of ten (10) school days, including the time prior to the hearing for which the student has been excluded from school.

The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the County Superintendent and to the faculty senate of the school at the next meeting after the suspension. If the student is recommended for expulsion by the principal, the County Board shall cause a written notice which states the charges and the recommended disposition to be served upon the student and his/her parent(s), guardian(s) or custodian(s). The notice shall state clearly whether the Board will attempt at hearing to establish the student as a dangerous student. A "dangerous student" means a student who is substantially likely to cause serious bodily injury to himself/herself or another individual within that student's educational environment, which may include any alternative education environment, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense. The notice also shall include any evidence upon which the Board will rely in asserting its claim that the student is a dangerous student. The notice shall set forth a date and time at which the hearing shall be held, the right to be represented by counsel, the right to call his/her own witnesses to verify his/her version of the incident and that the student may confront and cross-examine witnesses supporting the charge against him/her. The date shall be within the ten (10) day period of suspension imposed by the principal.

The County Board shall hold the scheduled hearing to determine if the student should be reinstated or should be expelled from school. If the County Board determines that the student should or must be expelled from school, it may also determine whether the student is a dangerous student. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter. The hearing may be postponed for good cause by the student but s/he shall remain under suspension until after the hearing. At the conclusion of the hearing the County Board shall either:

- A. order the student reinstated immediately or at the end of his/her initial suspension;
- B. suspend the student for a further designated number of days; or
- C. expel the student from the public schools of the County.

If the Board did not intend prior to a hearing to assert a dangerous student claim, did not notify the student prior to the hearing that such a determination, would be considered and, if the Board determines through the course of the hearing that the student may be a dangerous student, it shall schedule a second hearing within ten (10) days to decide the issue. The hearing may be postponed for good cause shown by the student, but s/he remains under suspension until after the hearing.

If the Board expels a student, and finds that the student is a dangerous student, it may refuse to provide alternative education. When the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three (3) months after the refusal by the Board to provide alternative education to re-examine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. A hearing for the purpose of re-examining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three (3) months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the Board may consider the history of the student's conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearing that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

The Superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents, upon his/her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination, before a County Board. Upon the written request of any other party, the Superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding

related to a recommended student expulsion or dangerous student determination before a County Board. If the authority to subpoena is granted, the Superintendent shall subpoena the witnesses, documents or both requested by the other party. Furthermore, if the authority to subpoena is granted, it shall be exercised in accordance with the provisions of WV Code (29A-5-1).

Any hearing conducted pursuant to this subsection may be postponed:

- A. for good cause shown by the student;
- B. when proceedings to compel a subpoenaed witness to appear must be instituted; or
- C. when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness.

5610.03 - EMERGENCY REMOVAL OF STUDENTS

A student remains under suspension until after the hearing in any case where a postponement occurs.

Students may be expelled for a period not to exceed one (1) school year; except that if a student is determined to have committed a battery against a school employee including a student teacher, possessed any firearm or a deadly weapon on school property or at any school-sponsored function, or sold a narcotic drug the student shall be expelled for a period of not less than twelve (12) consecutive months. The County Superintendent may lessen the mandatory period of twelve (12) consecutive months for the expulsion of the student if the circumstances of the student's case demonstrably warrant. Upon the reduction of the period of expulsion, the County Superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The County Superintendent shall submit the statement to the County Board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled. The County Superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve (12) month expulsion the:

- A. extent of the student's malicious intent;
- B. outcome of the student's misconduct;
- C. student's past behavior history; and
- D. likelihood the student's repeated misconduct.

Nothing in this policy may be construed to be in conflict with the Federal provisions of the Individuals with Disabilities Education Act of 1990 (P.L. 101-476).

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension or expulsion.

18A-1-1, 18A-5-1, 18A-5-1a, Code of West Virginia
WV State Board of Education Policy 4373

5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS

Students riding on a school bus or other vehicles approved by the Board of Education are under the authority of and directly responsible to the school bus/school vehicle operator "operator". The operator has the authority to enforce the established regulations for school bus/vehicle conduct and the duty to report student violations of the Student Code of Conduct. Each operator shall immediately notify the school principal when any transported student has violated State Board policy 4373. Written notification to the principal shall be completed by the operator as soon as possible. If the principal finds that disciplinary action is warranted, s/he shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s).

A student may be disciplined for any violation of established rules/regulations for proper school bus conduct and/or for violations of the Expected Behavior in Safe and Supportive Schools (State Board policy 4373) occurring on the school bus/vehicle. Discipline for such misconduct shall be consistent with the provisions of the Student Code of Conduct. A student's school bus/vehicle riding privileges may be suspended by the principal.

Exclusion from bus by bus operator

An operator may exclude from the school bus/vehicle any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee.

Once a student is excluded from the school bus/school vehicle, the student shall be placed under the control of the principal of the school or a designee. The principal or designee shall take appropriate disciplinary action and notify the parent/guardian of the student in writing of the disciplinary action taken.

The student to be excluded from the bus shall be notified by the operator. The parents/guardians of the student shall be notified by the school principal/designee.

All students shall be transported until the parent/guardian has been properly notified about the exclusion.

An excluded student shall be readmitted to the school bus only after the principal/designee provides a written certification to the operator that the student may be readmitted and specifies the type of disciplinary action, if any, that was taken. The length of the student's exclusion from the school bus shall be determined by the principal/designee in his/her sole and exclusive judgment. Parents/Guardians will also be notified by the school principal/designee when their son/daughter may resume riding the school bus.

When a student is excluded from a school bus two (2) times in one (1) semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the school bus only after the principal, the operator and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the operator and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the operator's request, the principal may, to the extent feasible, transfer the student to another bus.

5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS

Each operator shall display the following in his/her school bus:

- A. All students enrolled in West Virginia public schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.
- B. Students shall help create an atmosphere free from bullying, intimidation and harassment.
- C. Students shall demonstrate honesty and trustworthiness.
- D. Students shall treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.
- E. Students shall demonstrate responsibility, use self-control and be self-disciplined.
- F. Students shall demonstrate fairness, play by the rules, and will not take advantage of others.
- G. Students shall demonstrate compassion and caring.
- H. Students shall demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

State Board policy 4336 and policy 4373
WV Code 18A-5-1

Revised 6/27/12

© Neola 2012

5611 - DISCIPLINE - STUDENT DUE PROCESS RIGHTS

The Board of Education recognizes that students have certain Due Process rights, regarding the administration of discipline while students are at school, on school grounds, or at school affiliated functions.

Accordingly, the Board established the following procedures;

- A. Students Subject to suspension:

When a student is being considered for an out-of-school suspension by the principal, or other administrator:

1. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended. If the student does not admit the charges, s/he shall be given an explanation of the evidence possessed by the principal. If the principal believes that the continued presence of the student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student shall be suspended immediately and an informal hearing shall be held as soon as practicable after the suspension.
2. The student and his/her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the charges made against the student which constitute the grounds for the proposed suspension of the student.
3. At this informal hearing, the principal shall explain the charges against the student. If the student does not admit the charges, the principal will provide the student with an explanation of the evidence possessed by the principal. Thereafter, the student must be given an opportunity to explain his/her version of the occurrence.
4. At the conclusion of the informal hearing, or upon the failure of the noticed student to appear for the informal hearing, the principal may suspend the student for a maximum of ten (10) school days, including any days prior to the hearing, if any, for which the student has been excluded from school.
5. The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The notice will include the reasons for the suspension.
6. The suspension also shall be reported to the County Superintendent the same day and to the faculty senate of the School at the next meeting after the suspension.
7. The suspension imposed upon a student shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) by the principal within twenty-four (24) hours of the imposition of the suspension. Each record of a suspension shall include the student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension.

5611 - DISCIPLINE - STUDENT DUE PROCESS RIGHTS

8. A student may not participate in any school-sponsored activities, or be permitted on school grounds during the period of suspension.

B. Students subject to expulsion:

When a student is being considered for expulsion by the Board:

1. The Superintendent shall cause a written notice, by certified mail, return receipt requested, to be served upon the student and his/her parent(s), guardian(s) or custodian(s), as the case may be which states the:
 - a. charges and the recommended disposition;
 - b. date and time at which the hearing shall be held;
 - c. right of the student to be represented by counsel;
 - d. right of the student to call his/her own witnesses to verify his/her version of the incident and;
 - e. right to confront and cross-examine witnesses supporting the charge against him/her;
 - f. notice shall state clearly whether the Board will attempt at hearing to establish the student as a dangerous student and also shall include any evidence upon which the Board will rely in asserting its claim that the student is a dangerous student.
2. The hearing before the Board shall be within the ten (10) day period of suspension imposed by the principal.
3. The hearing shall be held in executive session unless the student requests an open hearing.
4. The County Board shall hold the scheduled hearing to determine if the student should be reinstated or should or, must be expelled from school. If the County Board determines that the student should or must be expelled from school, it may also determine whether the student is a dangerous student, if proper notice of the charge has been provided as set forth in 1.f. immediately above.

If notice has not been given that the Board may find the student is a dangerous student and the Board determines through the course of the hearing that the student may be a dangerous, the Board must make such determination at a separate hearing to be scheduled within ten (10) days of the first hearing, upon full notification to the student and his/her parent(s), guardian(s) or custodian(s).

The hearing(s) shall be recorded by mechanical means unless recorded by a certified court reporter.

The hearing may be postponed for good cause shown by the student but s/he shall remain under suspension until after the hearing.

The Superintendent may apply to a circuit judge or magistrate for authority to subpoena witness and documents, upon his/her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination. Upon the written request of any other party, the Superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding related to a recommended student expulsion or dangerous student determination. If the authority to subpoena is granted, the Superintendent shall subpoena the witnesses, documents or both requested by the other party. If the authority to subpoena is granted, it shall be exercised in accordance with the provisions of WV Code 29A-5-1.

The hearing may be postponed for: (1) good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. However, a student shall remain under suspension until after the hearing in any case where a postponement occurs.

At the conclusion of the hearing the County Board shall either:

- a. order the student reinstated immediately or at the end of his/her initial suspension;
- b. suspend the student for a further designated number of days; or
- c. expel the student from the public schools of the County.

5. The Superintendent shall notify the student, parent(s), or guardian(s), by certified mail, return receipt requested, of the disposition of the hearing.
6. The expulsion imposed upon a student shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) by the principal within twenty-four (24) hours of the imposition of the expulsion. Each record of an expulsion shall include the student's name and identification number, the reason for the suspension or expulsion and the beginning and ending dates of the expulsion.

C. Students subject to emergency removal:

If the principal believes that the continued presence of the student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, even before the informal hearing is held, such student shall be suspended immediately and a hearing held as soon as practicable after the suspension.

D. Students subject to suspension from bus riding/transportation privileges:

A bus driver may exclude from a bus any student who: is guilty of disorderly conduct; interferes with an orderly education process; threatens, abuses, intimidates or attempts to intimidate a school employee or student; willfully disobeys a school employee; or uses profane or abusive language toward a school employee. Once a student is excluded from the bus, the student must be referred to the appropriate administrator who will take disciplinary action, notify the parent/guardian in writing of the disciplinary action taken, and provide a copy to the bus driver before the student is readmitted to the bus.

5611 - DISCIPLINE - STUDENT DUE PROCESS RIGHTS

The Superintendent shall ensure that all members of the staff use the above procedures when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one (1) served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extra-curricular activities.

The application of this policy shall comply with the requirements of the Individuals with Disabilities Education Act.

18A-5-1a, Code of West Virginia
WV State Board of Education policy 4373
Revised 4/16/13; Revised 11/6/14

© Neola 2014

5772 - WEAPONS

The Board of Education hereby finds that the safety and welfare of the citizens of this District are inextricable dependent upon assurances of safety for children attending, and the persons employed by, schools in this District.

The Board prohibits students from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon or any object fashioned to look like a weapon or a knife with a blade of three and one-half (3-1/2) inches or less on any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle. Any student violating this policy shall be subject to disciplinary action, up to and including expulsion.

The term "deadly weapon" means an instrument which is designated to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to the following:

- A. "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a billy club, sand club, sandbag or slapjack.
- B. "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- C. "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- D. "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- E. "Nunchaka" means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.
- F. "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- G. "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- I. Explosive, chemical, biological and radiological materials.

5772 - WEAPONS

The term "deadly weapon" does not include any item or material owned by the school or Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

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

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

Exceptions to this policy include:

- A. a law enforcement officer employed by a Federal, State, county, or municipal law enforcement agency;
- B. Any probation officer in the performance of his/her duties;
- C. a retired law enforcement officer who:
 - 1. is employed by a State, county, or municipal law enforcement agency;
 - 2. is covered for liability purposes by his/her employer;
 - 3. is authorized by the Board of Education and the school principal to serve as security for a school;
 - 4. meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Act of 2004, as amended, pursuant to 18 U.S.C. 926C(c); and
 - 5. meets all of the requirements for handling and using a firearm established by his/her employer, and has qualified with his/her firearm to those requirements;
- D. persons with written approval from the Board or the building principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved);
- E. programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe;
- F. official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- G. official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- H. starter pistols, incapable of expelling a projectile by action of explosion, when used in appropriate sporting events.

Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, and through administrative guidelines.

The Superintendent is authorized to establish instructional programs on the weapons and the requirement that students immediately report knowledge of weapons and threats of violence by students and/or staff to the building principal. Failure to report such knowledge may subject the student to discipline.

The Superintendent will refer any student who violates this policy to the student's parent(s) or guardian(s) and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Any court which adjudicates a person who is fourteen (14) years of age or older as delinquent for possessing a weapon may, in its discretion, order the division of motor vehicles to suspend any driver's license or instruction permit issued to such person for such period of time as the court may deem appropriate, such suspension, however, not to exceed beyond such person's nineteenth birthday; or, where such person has not been issued a driver's license or instruction permit by this State, order the division of motor vehicles to deny such person's application for the same for such period of time as the court may deem appropriate, such denial, however, not to extend beyond such person's nineteenth birthday.

It shall be the duty of the principal of each school to report the possession of a weapon to the State Superintendent of Schools as soon as possible after such violation.

In addition, it shall be the duty of the principal of each school to report any student possessing a weapon discovered by such principal to the appropriate local office of the division of public safety (West Virginia State Police) as soon as possible after such violation occurs.

5772 - WEAPONS

Possession of Knife with a blade 3 1/2 inches in length or less

A student will not possess a knife or knife-like implement with a blade of 3 1/2 inches in length or less. A student possessing a knife with a blade 3 1/2 inches in length or less, not knowingly used or intended to be used to produce serious bodily injury or death, shall be subject to discipline in accordance with Policy 5600.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

WV Code 18A-5-1a, 61-7-2, 61-7-11a
18 U.S.C. 921, 20 U.S.C. 8922, 20 U.S.C. 7151
West Virginia Board of Education policy 4373 (126 CSR 99)

Revised 7/17/12, Revised 8/6/13, Revised 8/1/17

© NEOLA 2017

5780 - STUDENT/PARENT RIGHTS

The Board of Education recognizes that students possess not only the right to an education but many of the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the Board shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. At the same time, the Board recognizes that no student may be deprived of the basic right to equal access to the educational program, and his/her constitutional right to due process and free expression and association as appropriate for the school environment.

Attendant to the rights afforded to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the County.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

Parents also have rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies. Those rights may be exercised consistent with the provisions of West Virginia Board of Education Policy 4350 and other pertinent State and Federal law and regulation.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing the right of parents as described herein and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials.

This policy shall not supersede any rights under the Family Education Rights and Privacy Act.

20 U.S.C. 1232h
West Virginia Board of Education Policy 4350

Complete Listing of Bylaws and Policies for Students, which are available at:

<http://www.boarddocs.com/wv/min/Board.nsf/Public?open&id=policies>

- 5111 Eligibility of Resident/Nonresident Students for Enrollment
- 5111.01 Homeless Students
- 5111.02 Educational Opportunity for Military Children
- 5111.03 Children and Youth in Foster Care
- 5112 Entrance Requirements
- 5113 Intra-State Enrollment
- 5113.02 School Choice Options Provided by the No Child Left Behind Act
- 5114 Nonimmigrant Students and Foreign-Exchange Programs
- 5120 School Attendance Areas
- 5130 Withdrawal from School
- 5131 Student Transfers (Athletic Eligibility)
- 5136 Personal Communication Devices
- 5136.01 Technology Resources and Other Electronic Equipment
- 5140 Student Driver Eligibility Certificate
- 5200 Attendance
- 5215 Missing and Absent Children
- 5223 Absences for Religious Instruction
- 5230 Late Arrival and Early Dismissal
- 5310 Health Services
- 5320 Immunization
- 5321 Tuberculin Skin Test
- 5330 Use of Medications
- 5330.02 Self-Administered Medication and Epinephrine Use
- 5331 Use of Naloxone
- 5335 Care of Students with Chronic Health Conditions
- 5335.01 Diet Modifications
- 5340 Student Accidents
- 5341 Emergency Medical Authorization
- 5350 Student Suicide
- 5410 Promotion, Acceleration, Placement, and Retention
- 5420 Reporting Student Progress (Report Cards)
- 5421 Grading
- 5430 Class Rank
- 5451 Student Recognition
- 5460 Graduation Requirements
- 5460.01 Earned Credit Through Testing Out
- 5461 Certificate of Proficiency
- 5500 Student Code of Conduct
- 5511 Dress and Grooming
- 5512 Use of Tobacco by Students
- 5513 Care of School Property
- 5515 Use of Motor Vehicles
- 5516 Student Hazing
- 5517 Anti-Harassment and Violence

- 5517.01 Bullying
- 5517.02 Sexual Violence
- 5517.03 Anti-Harassment of Persons with a Disability
- 5530 Substance Abuse Prevention
- 5530.01 Student Drug Testing Policy Statement of Purpose and Intent
- 5530.02 Career Technical Education and Work Place Simulation Drug Free Policy
- 5531 Student Assistance Programs
- 5540 The Schools and Community Agencies
- 5600 Student Discipline
- 5605 Discipline for Special Education Students
- 5610 Exclusion from Classroom or School Bus, Suspension and Expulsion of Students
- 5610.03 Emergency Removal of Students
- 5610.04 Suspension of School Transportation Privileges and Exclusion from School Bus
- 5611 Discipline – Student Due Process Rights
- 5630 Corporal Punishment
- 5630.01 Use of Restraint and Seclusion with Students
- 5722 School-Sponsored Publications and Productions
- 5724 Voter Registration
- 5771 Search and Seizure
- 5772 Weapons
- 5780 Student/Parent Rights
- 5820 Student Government
- 5830 Student Fund-Raising
- 5855 Student Attendance at School Events
- 5880 Public Performances by Students
- 5885 Sounding of Taps at Funeral for Veterans
- 5895 Student Employment

Equal Employment Opportunity Statement

The Mineral County Board of Education does not discriminate in the employment of staff on the basis of Protected Classes of race, religion, color, national origin, ethnicity, ancestry, sex (including transgender status, change of sex or gender identity), pregnancy, age, blindness, disability, veteran status, military status, genetic information, socioeconomic status, physical appearance, sexual orientation, mental/physical/developmental/sensory disability or any other characteristic protected by law (collectively, "Protected Classes") in its employment practices. (See West Virginia State Board of Education policy 4373.)

STUDENT DRUG TESTING POLICY: 5530.01

Section to be Filled Out by Activity Student, Driving Student or Opt-in Participant

MUST BE COMPLETED AND RETURNED TO SCHOOL BY September 1 OR THE 1ST DAY OF THE SECOND SEMESTER.

Please Print or Type:

Student's Last Name: _____ First Name: _____ MI: _____

Student ID: _____ Grade: _____ Gender: _____

I, the above named student, after having read the ***Student Drug Testing Policy*** and "Student Drug Testing Consent Form" understand that, out of care for my safety and health, Mineral County Schools enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of a Mineral County Schools interscholastic extra-curricular activity or one who drives and parks on school property, or an Opt-in participant, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal or performance-enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of illegal or performance-enhancing drugs any time while I am involved in in-season or off-season activities or driving, I understand upon determination of that violation I will be subject to the restrictions as outlined in the Policy.

Check all that apply: **Activity Student**
 Driving Student

OR

Opt-in Participant

Signature of Student

Date

Section to be Filled Out by Parent/Guardian and Principal/Coach/Sponsor

We have read and understand the Mineral County Schools ***Student Drug Testing Policy*** and "Student Drug Testing Consent Form." ***We voluntarily agree on behalf of the student named above that, in order to participate in interscholastic extra-curricular activities; and/or to be granted permission to drive to and park on property of Mineral County Schools; and/or by electing to have him/her included in the testing pool as an Opt-in Participant, the student must submit to drug testing and must also agree to be subject to the terms of Mineral County Schools' drug testing policy.*** We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing, and results as provided in this program.

Signature of Parent/Custodial Guardian

Date

Signature of Principal/Coach/Sponsor

Date