

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-46 Endnotes	Last Reviewed: 8-9-10 Next Review: 7-1-12
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ENDNOTES

File: 11 Students

U.S. Constitution:

First Amendment - Guarantees all citizens freedom of speech.

Fourth Amendment – Guarantees that citizens will be free of unreasonable search and seizure.

Fourteenth Amendment – Guarantees equal protection under the law to all citizens residing within the borders of a state, and it guarantees due process of law.

West Virginia Constitution:

Article XII – Section 1 requires the legislature to provide a thorough and efficient system of free schools.
Section 2 provides for the supervision of schools.

West Virginia Codes:

<u>Code</u>	<u>Topic of the Code</u>
§ 15-5-22b.....	Student self-administration of asthma medication.
§ 16-3-4.....	Compulsory immunization.
§ 16-3C-1	Definitions: AIDS related medical testing and records.
§ 16-3C-9	Blood banks.
§ 16-3D-1 thru 16-3D-9	Testing for tuberculosis
§ 16-9A-3	Use of tobacco products by persons under the age of 18.
§ 16-9A-4	Use of tobacco products on school property.
§ 16-9A-9	Selling of bidis prohibited
§ 17A-1-1	Definitions: Motor vehicles.
§ 17B-2-3	What persons shall not be licensed; exceptions.
§ 17B-2-5	Qualifications, issuance and fee for instruction permits.
§ 18-2-5.....	Public schools entrance age.
§ 18-2-5c	Birth certificate required upon admission to public school.
§ 18-26a	Sale of healthy beverage and soft drinks in schools.
§ 18-2-7b.....	Programs in drug prevention and violence reduction.
§ 18-2-9.....	Required courses of study.
§ 18-2-13h.....	Provision of educational services for school-age juveniles placed in residential facilities for custody and treatment.
§ 18-2-33.....	Rules for antihazing.
§ 18-2C-1	Legislative findings.

- § 18-2C-2 Definitions (Harassment)
- § 18-2C-3 Policy prohibiting harassment, intimidation or bullying.
- § 18-2C-4 Immunity
- § 18-2K-1 thru 18-2K-3 Diabetes care plan act.
- § 18-5-1 Supervision and control of county school districts.
- § 18-5-13 Authority of boards generally.
- § 18-5-15 School term; ages of persons to whom schools are open.
- § 18-5-15d In-service training programs in the prevention, transmission, spread and treatment of AIDS
- § 18-5-15f Affirmation regarding the suspension or expulsion of a pupil from school.
- § 18-5-16 Transfer of pupils.
- § 18-5-16a Authorization to transfer pupils from one district to another.
- § 18-5-17 Compulsory preenrollment hearing, vision and speech and language testing.
- § 18-5-18 Kindergarten programs.
- § 18-5-18c Early childhood programs.
- § 18-5-19b Adult education classes and programs.
- § 18-5-21 Free textbooks.
- § 18-5-22 Medical and dental inspection; school nurses; specialized health procedures.
- § 18-5-22a Policy for the administration of medications.
- § 18-5-22b Self-administration of asthma medication.
- § 18-5-42 Countywide council on productive and safe schools.
- § 18-5-43 Duty of the county board to report the countywide productive and safe school plans to the WV Board of Education.
- § 18-8-1 Commencement and termination of compulsory school attendance
- § 18-8-1a Compulsory school attendance; public school entrance requirements; exceptions thereto.
- § 18-8-2 Offenses; penalties.
- § 18-8-3 Employment of county director of school attendance and assistants.
- § 18-8-4 Duties of attendance director.
- § 18-8-5 Duties of principal, administrative head or other chief administrator.
- § 18-8-7 Aiding or abetting violations of compulsory attendance.
- § 18-8-11 School attendance as condition of licensing for privilege of driving.
- § 18-8A-1 thru 18-8A-4 Attendance of homeless children.
- § 18-9A-14 Allowance for county transfers.
- § 18-9F-1 thru 18-9F-7 School access safety act
- § 18-20-1 Establishment of special programs and teaching services for exceptional children.
- § 18-20-1a Preschool programs for severely handicapped children.
- § 18-28-1 thru 18-19A-6 Private, parochial or church schools.
- § 18A-5-1 Authority of teachers and other school personnel.
- § 18A-5-1a Possessing deadly weapons on premises of educational facilities.
- § 18A-5-1b Alternative procedures for expulsion hearings by county boards.
- § 18A-5-8 Authority of certain aides to exercise control over pupils.
- § 21-6-3 thru 21-6-10 Child labor laws.
- § 49-5-17 Confidentiality of juvenile records; sharing with schools.
- § 60A-1-101 Definitions: Uniform controlled substance act.
- § 60A-2-212 Description of controlled substances.
- § 60A-10-7 Methamphetamine laboratory eradication act.
- § 61-2-9 Malicious or unlawful assault; assault; battery penalties.
- § 61-2-12 Robbery or attempted robbery.
- § 61-2-15 Assault, battery on school employees; penalties.

- § 61-3-1 Arson.
- § 61-3-11 Burglary.
- § 61-3-13 Grand and petit larceny.
- § 61-6-17 False reports concerning bombs or other explosive devices; penalties.
- § 61-7-2 Definitions (Weapons).
- § 61-7-11a Possessing deadly weapons on premises of educational facilities.
- § 61-8B-3 Sexual assault in the first degree.

State Board Policy:

- SBP 2315 Guidance and Counseling
- SBP 2320 Performance Based Accreditation System
- SBP 2418 Alternative Education Programs for Disruptive Students
- SBP 2419 Education of Exceptional Students
- SBP 2421 Harassment
- SBP 2422.4 AIDS Education
- SBP 2422.5 Substance Abuse and Tobacco Control
- SBP 2422.7 Standards for Health Care Procedure
- SBP 2422.8 Medication Administration Policy
- SBP 2423 Communicable Disease Control Policy
- SBP 2436.10 Participation in Extracurricular Activities
- SBP 2444.01 Graduation Requirements
- SBP 2444.4 High School Equivalent Diplomas
- SBP 2510 Assuring Quality of Education
- SBP 4110 Attendance Policy
- SBP 4350 Collection, Maintenance and Disclosure of Student Data
- SBP 4372 Student Rights and Responsibilities
- SBP 4373 Student Code of Conduct
- SBP 4374 School Uniforms
- SBP 7200 Intercounty Transfer Arrangements
- SBP 7212 Intercounty Transfer Appeal

Federal Legislation

Family Educational Rights and Privacy Act – Protects the confidentiality of student records.
 H.R.1, Title IX, Part, E, Subpart 2 (9531) – No Child Left Behind

Relevant Court Cases

Bethel v. Fraser, 106 S. Ct. 3159 (1986) – School may prohibit the use of vulgar and offensive language in public discourse, i.e., school assembly.

Blessing v. Mason Co. Board of Education, 341 S.E.2d 407 (1985) – Boards of education most adopt reasonable rules and regulations to accommodate children whose fifth birthday falls later than September 1.

Board of Education v. Mergens, 110 S. Ct. 2356 (1990) – Public high schools that accept federal aid must treat student religious groups on the same basis as other extracurricular clubs.

Cathe A. v. Board of Education, 490 S.E.2d 340 (1997) – School systems must provide an alternative educational program for students who have been expelled from school.

Cornfield v. Consolidated School District, 991 F.2d 1316 (1993) – A strip search of a student suspected of hiding drugs on his person was ruled constitutionally acceptable.

Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1999) – School officials are responsible for dealing with student-to-student sexual harassment.

Doe v. Kingery, 203 S.E.2d 358 (1974) – It is not essential that a child have a legal domicile in a school district to attend its public schools.

Engle v. Vitale, 82 S. Ct. 1261 (1962) – A state prescribed prayer in public school violates the First Amendment (religious neutrality).

Galford v. Mark Anthony B., 433 S.E.2d 41 (1993) – A strip search conducted to find stolen money was ruled to be excessive and unreasonable in scope.

Goss v. Lopez, 95 S. Ct. 729 (1975) – Students are entitled to hearing prior to any out-of-school suspension.

Hazelwood v. Kuhlmeir, 108 S. Ct. 592 (1988) – School officials may restrict speech in school publications when those publications are a part of the school curriculum.

Horton v. Goose Creek, 690 F.2d 470 (1982) – Drug sniffing dogs may search lockers, cars, desks, etc., but using them to sniff students without a reasonable suspicion that they have contraband on their person constitutes an illegal search.

J.M. v. Webster County Bd. of Educ. (2000) - Under W. Va. Code § 18A-5-1a (1996), both a principal and the members of a county board of education may examine the facts surrounding an alleged violation of the statute, at their respective hearings. Both principals and members of the board of education have the authority and discretion to end expulsion proceedings if either determines that a student has not violated the statute.

Lee v. Weisman, 112 S. Ct. 2649 (1992) – Public school inclusion of nonsectarian prayer delivered by a member of the clergy constitutes an impermissible establishment of religion under the First Amendment establishment clause.

Martinez v. Bynum, 103 S. Ct. 1838 (1983) – States may refuse to admit students who come there solely for the purpose of attending their schools.

New Jersey v. TLO, 105 S. Ct. 733 (1985) – School officials may conduct searches on the basis of reasonable suspicion.

Plyer v. Doe, 102 S. Ct. 2382 (1982) – State may not deny admission of alien children to their schools.

Randolph County v. Adams, 467 S.E.2d 150 (1995) – Textbooks and other materials necessary for use in the required curriculum must be furnished free of charge.

Tinker v. Des Moines, 89 S. Ct. 733 (1969) – Students have the constitutional right to peaceable protest that does not cause substantial and material school disruption.

White v. Linkinogger, 344 S.E.2d 633 (1986) – A principal may not deny admission to a student previously admitted to West Virginia schools even though immunization records were not present when the student appeared for admission.

State v. Joseph T., 366 S.E.2d 728 (1985) – Search of student locker by school administrator based upon reasonable grounds does not violate Fourth Amendment rights.

Vernonia v. Acton, 115 S. Ct. 2386 (1995) – School districts may randomly test student athletes for drug use.

West Virginia v. Barnette, 63 S. Ct. 1178 (1943) – Schools may not compel students to pledge allegiance to or salute the flag.

Wisconsin v. Yoder, 92 S. Ct. 2105 (1972) – Amish children do not have to attend school beyond the eighth grade.

[Home](#)