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<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-1 The Preston County Board of Education's Commitment to Educational Quality</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The Preston County Board of Education is committed to providing an equal educational opportunity to each and every student regardless of race, color, creed, national origin, political affiliation, religion, handicap or gender. The Board also believes that students are enrolled in Preston County Schools to secure the tools necessary to succeed in life. It is not enough to possess a skill, vocation, talent, or a profession. The program of studies must teach students respect for the rights of others as much as their own, and it must offer them the opportunity to acquire the values, attitudes, knowledge, and skills necessary to enable them to adapt to school and life. This Board believes students function best when:

- ❖ They have pleasant surroundings in which to learn;
- ❖ When they are aware of their responsibility and obligations, and are held accountable for their actions and reactions;
- ❖ They are emotionally, mentally, and physically well-adjusted; and
- ❖ They are aware that their parents, the school, and the community are interested in and concerned about their progress and their future.

Therefore, the Superintendent, with the assistance of appropriate professional and service personnel, shall establish reasonable regulations governing the conduct of students going to and returning from school and during the time that they are under the supervision of school personnel. The primary purpose of the policies and regulations contained in the follow pages shall be to ensure the safety of the students and to provide the students with guidelines for their conduct in order that the above stated goals can be met.

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Adopted: December 8, 2008
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-2 Persons to Whom the Schools are Open</p>	<p>Last Reviewed: 8-9-10 Next Review: 7-1-12</p>
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The Preston County Schools shall be open to all persons who meet the following criteria:

- ❖ Persons who meet the age requirements as determined by state law.
- ❖ Persons who are residents living with a parent, guardian or foster parent.
- ❖ Persons who have a legal domicile in the county. Legal domicile, as construed by the courts, implies the presumption that the individual has the intention of remaining in that location for an extended period of time. Such persons may be living with relatives, friends, alone or they may be residents of an institution located within the county.
- ❖ The Superintendent or his designee shall have the authority to request documentation to verify the residency of students who are residing with persons other than their parents. This verification process may include a conference with foster parents or legal guardians to review legal documents granting responsibility for and authority over the student.
- ❖ Non-residents as defined in *R 11-5-1 Out-of-County Students*.
- ❖ All students may remain in the Preston County Schools until they have graduated or attained the age of 21.
- ❖ Post-graduate students are eligible to attend those classes designated for adult education by the state and local school boards.
- ❖ Homeless children living in temporary shelters are eligible to attend school.
(WC §18-2-13h, §18-5-15, §18-5-18, §18-5-19b, §18-8-1, §18-8A-1 thru 4, §18-20-1 and §18-20-1a)

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Adopted: July 19, 1983
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION**FILE: 11 - STUDENTS****File: 11-3 School Entrance Requirements****Last Reviewed: 8-9-10****Next Review: 7-1-12**

The Superintendent shall have the responsibility for developing and implementing regulations to insure that students entering the Preston County School System meet the requirements of state law and the regulations of the State Board of Education and other agencies as they apply to the admission of students to the public schools of West Virginia.

R 11-3-1 Age and Immunization Requirements

Parents desiring to enroll their children in Preston County Schools must provide documentation of the following.

Age Requirements:

- ❖ Children enrolling in kindergarten must be at least five years of age prior to September 1 of the year of entrance;
- ❖ Children enrolling in the first grade must be six years of age prior to September 1 of the year of entrance;
- ❖ Children enrolling in pre-school programs must be four years of age prior to September 1 of the year of entrance.

Immunization Requirements:

- ❖ All children entering pre-kindergarten (Pre-k), kindergarten and a West Virginia public school for the first time shall have been successfully immunized against the following: diphtheria, polio, tetanus, rubeola, rubella and whooping cough;
- ❖ Exceptions to immunization:
 - An exception to immunization may be granted only if the parent has certification from a physician that immunization is impossible or improper.
 - Requests for exemption on the basis of religious beliefs cannot be granted;
- ❖ Transfer students who have been West Virginia residents must show proof of full immunization before admission into public schools.
- ❖ Transfer students enrolling from out-of-state and transferees from home schools or private schools in West Virginia may be provisionally enrolled under the minimum criteria established by the State Health Director. These minimum criteria include the requirement that at least one dose of each required vaccine has been taken.
- ❖ All students transferring from a school located outside this state or enrolling for the first time from outside the state shall furnish a certificate from a licensed physician stating that an approved tuberculin test has been conducted within four months prior to the beginning of the school year. If the student cannot produce certification from a physician as required by the law, then the student shall have an approved tuberculin skin test done with the result read and evaluated prior to admittance to school.

- ❖ Students having a positive reaction to the tuberculin skin test must be immediately evaluated by a physician and, if medically indicated, x-rayed. Such students will receive periodic x-rays thereafter when medically indicated. The Preston County Health Department or the school health nurse will be responsible for arranging proper follow-up for students who are unable to obtain physician evaluation for a positive tuberculin skin test.

State Board of Education *Policy 2423 – Communicable Disease Control* also strongly recommends that students entering grades six and nine receive adolescent immunizations as defined by the United States Department of Health and Human Services (USDHHS), Centers for Disease Control and Prevention (CDC) and WVDHHR State Health Officer. The immunization record for each student in grades six and nine shall be entered into the West Virginia Education Information System (WVEIS) in order to ensure that updated immunization information is readily available to health officials in the event of a communicable disease outbreak that presents an imminent danger to students or other members of the community.

(WVC §16-3-4; §16-3D-3; §18-5-15; SBP 2423)

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R 11-3-2 General Enrollment Requirements

- ❖ All students entering school for the first time must undergo hearing, speech and language and vision screening;
- ❖ No student shall be admitted for the first time to any school in Preston County unless the person enrolling the student presents a copy of the student's original birth record certified by the State register of vital statistics confirming the student's identity, age, and state file number of the original birth record.
 - If a certified copy of the student's birth record cannot be obtained, the person so enrolling the student shall submit an affidavit explaining the inability to produce a certified copy of the birth record. The principal shall report the failure to produce a proper birth certificate to local law enforcement officials.
 - Within 14 days after enrolling a transferred student, the principal of the receiving school shall request that the principal or his/her designee of the school in which the student was previously enrolled transfer a certified copy of the student's birth record.
 - Military personnel who are in transit owing to military orders may be granted a three week extension to submit birth records.
- ❖ Children desiring to enter the first grade are required to have successfully completed a public or privately supported state-approved kindergarten or Montessori kindergarten program or have successfully completed the Metropolitan Test of Basic Readiness Skills.
- ❖ An entrance examination shall be administered in lieu of kindergarten attendance only under the extraordinary circumstances listed below:
 - Serious illness verified by a physician's statement;
 - Instruction in the home, provided permission for such instruction has been granted by the Preston County Board of Education pursuant to the State School Code;
 - Hazardous conditions as verified by the appropriate school board personnel.

- ❖ Parents of students who have requested an exception to kindergarten attendance for one of the extraordinary circumstances will be notified of the time, place, and date of the readiness examination and shall be required to bring their child to a designated school to be tested.
- ❖ Students who achieve a composite stanine score of three or more on the Metropolitan Test of Basic Readiness Skills shall be recommended for placement in the first grade in lieu of successfully completing an approved kindergarten program. Parents of students whose composite score is less than three may request further testing to assure the proper placement of their child.
- ❖ A child (under the age of six) may be removed from a kindergarten program when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance. The principal shall make the final determination with regard to compulsory school attendance;
- ❖ A student is officially enrolled when one of the following conditions occurs:
 - Student was enrolled the previous year;
 - Student appears at school to enroll with or without a parent/guardian; or
 - Student and/or parent/guardian appear at school to enroll with or without records.
- ❖ The provisions of this policy shall not prevent a student from another state from transferring and enrolling in a school in Preston County in such grade as the student was enrolled at the school from which he transferred.
(WVC §18-2-5, §18-2-5c, §18-5-17, §18-5-18, and §18-8-1a)

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R 11-3-3 Early Entrance into Kindergarten

The Preston County Board of Education recognizes that children grow and mature as individuals and at different rates. Therefore, it shall be the policy of this Board to test, upon parental request, those four year old children whose Birth date falls between September 1 and September 15 to determine if they have the social, emotional and intellectual maturity to warrant advance placement or early entrance into kindergarten.

The following regulations shall be followed in testing for pre-kindergarten age children whose fifth birthday falls between September 1 and September 15 to determine their readiness for early entrance into kindergarten:

- ❖ The parent(s) must submit a written request for early entrance screening. The request shall be submitted to the Director of Curriculum and Instruction and shall consist of the following information;
 - The child's full name;
 - Birth date;

- Parents' full name (Both); and
- Family address and telephone.
- ❖ The screening will be conducted by trained Preston County professional staff members;
- ❖ Deadline for screening completion;
 - Current county residents – Last Friday in April of the current year;
 - Out-of-county families moving to Preston County – July 1 of the current year.
- ❖ The testing battery will consist of the following:
 - Battelle Development Inventory (BDI) is a standardized assessment of key developmental skills of children from birth to eight years of age. The following **five** domains regarding child development shall be addressed:
 - Personal – Social;
 - Adaptive;
 - Motor (Gross and Fine);
 - Communication (Receptive and Expressive); and
 - Cognitive.
 - To qualify for early admission to the kindergarten program, a child must score **six** months or greater above his/her chronological age in **each** of the domains.
(WVC §18-5-18 and Blessing v. Mason County Board of Education)

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Adopted: June 19, 1984
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION**FILE: 11 - STUDENTS****File: 11-4 Home Schooling****Last Reviewed: 8-9-10****Next Review: 7-1-12**

The Preston County Board of Education recognizes the right of parents to choose the option of home instruction or private schooling for their children. West Virginia Code §18-8-1(c)(2) grants parents the legal status to home school their children once they have met the requirements outlined in the code. This policy will address that exemption to public school attendance.

R 11-4-1 Home Instruction under §18-8-1 (c) (2)**Requirements to be met by the Person Providing Home Instruction:**

- ❖ The parents must annually submit to the Superintendent or the Preston County Board of Education “The Notice of Intent to Provide Home Instruction” form (county developed) containing the name, age, grade level and address of any child of compulsory school age to be instructed. Such notice shall be given at least two weeks prior to the withdrawal of any child who is enrolled in a public school;
- ❖ The persons providing home instruction must submit satisfactory evidence of at least a high school diploma or equivalent;
- ❖ The persons providing home instruction must submit an annual plan of instruction; and
- ❖ The parent/guardian must notify the county Attendance Coordinator should home instruction be terminated in Preston County or the family moves from the county.
- ❖ The Superintendent may seek a court order denying home instruction only if s/he can show clear and convincing evidence that the child will suffer neglect in its education or that there are other compelling reasons to deny home instruction.

Academic Assessment of the Students:

On or before June 30 annually the person or persons providing home instruction shall obtain an academic assessment of the child for the previous school year and submit the results to the Superintendent. The parent or legal guardian shall pay the cost of the assessment if it takes place outside the Preston County Schools. The assessment requirement shall be satisfied in one of the following ways, as per WVC §18-8-1:

- ❖ The child receiving instruction in the home takes a nationally normed standardized test, to be administered under standardized conditions as set forth by the published instructions of the selected test in the subjects of reading, language, mathematics, science and social studies. The parent or the legal guardian may not administer the test. The publishing date of the test may not be more than 10 years from the date the test is administered. The child shall be considered to have made acceptable progress when the mean of his/her test results in the required subject areas for any single year meets or exceeds the 50th percentile or, if it is below the 50th percentile, shows improvement from the previous year’s results; or
- ❖ The child participates in the testing program currently in use in the Preston County Schools. The test shall be administered at a public school within the county at the scheduled time for testing in that school. Determination of acceptable progress will be based on current guidelines of the state-testing program; or

- ❖ The Superintendent is provided a written narrative indicating that a portfolio of samples of the child's work has been reviewed and that the child's academic progress for the year is in accordance with the child's abilities. If the narrative indicates that the child's academic progress for the year is in accordance with his/her abilities, s/he shall be considered to have made acceptable progress. A certified teacher whose certification number shall be provided shall prepare this narrative. The narrative shall include a statement about the child's progress in the areas of reading, language, mathematics, science and social studies and shall note any areas, which, in the professional opinion of the reviewer, show need for improvement or remediation; or
- ❖ The child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the Superintendent. The same parties shall agree upon criteria for acceptable progress.
- ❖ When the annual assessment fails to show acceptable progress as defined under the assessment options defined above, the person or persons providing home instruction shall initiate a remedial program to foster acceptable progress.
- ❖ The Preston County Board of Education shall notify the parents or legal guardian, in writing of the services available to assist in the assessment of the child's eligibility for special education services.
- ❖ The identification of a disability shall not preclude the continuation of home schooling.
- ❖ In the event a child fails to achieve acceptable progress for a second consecutive year, the person or persons providing instruction shall submit to the Superintendent additional evidence that appropriate instruction is being provided.

Providing County Assistance to Home School:

- ❖ The Superintendent or his/her designee shall offer such assistance, including instructional resources, other teaching materials and available resources, as may assist the person or persons providing home instruction subject to their availability
- ❖ Any child receiving home instruction may upon approval by the Board exercise the option to attend any class offered by the Preston County Schools that the person or persons providing home instruction may consider appropriate subject to normal registration and attendance requirements.
 - For the purpose of course enrollment, some core courses may have established prerequisite courses that must be completed prior to enrollment in advanced classes;
 - Home-school students may not enroll in public school courses until all public school students have been enrolled;
 - A home-schooled student's enrollment in Preston County Schools shall not exceed 50% of the instructional day. Home-schooled students who wish to enroll for more than 50% of the instructional day will be considered full-time Preston County students who must be enrolled in the core academic courses and making progress toward promotion to the next grade level or completing graduation requirements for grades 9-12; and
 - Home-schooled students enrolled in public school courses will be graded with the same grading scale used for regular public school students.

- ❖ Home schooled students may not be permitted to enroll in public school classes if their enrollment would cause the desired elementary grade level class to exceed the state mandated pupil-teacher-ratio or crowded conditions in a high school class.

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R 11-4-2 Admission of Students from Home Schooling and Private Schools

Students previously enrolled in home schools or private schools may apply for admission to the public schools of Preston County under the conditions set forth in the following procedures.

Students will be admitted at the semester change. Parents are to contact the Attendance Coordinator who will provide a county application form and discuss the scheduling of a placement meeting. Three weeks must be allowed from the time the county application form is received by the Attendance Coordinator and the time the students enter the public school system. Additional time must be allowed if application is made during summer months. Such admission shall be made upon meeting the following requirements:

Enrollment Requirements:

- ❖ Satisfactorily meet all residency requirements;
- ❖ Satisfactorily document that the requirements of *File: 11-2 Persons to Whom the Schools are Open*; *R 11-3-1 Age and Immunization Requirements* and *R 11-3-2 General Enrollment Requirements* have been met; and
- ❖ Satisfactorily meet all academic requirements.

Academic Requirements for County and/or State Residents:

- ❖ Students previously enrolled in private schools, located within West Virginia shall be considered for grade level placement based upon the following criteria:
 - A review of the private school's achievement records including academic assessments which have been conducted;
 - Students who enter Preston County Schools from accredited private schools shall have their records accepted at face value. Students entering from unaccredited private schools shall be required to "test out" to demonstrate a sufficient level of mastery for the grade level or course work being sought.
 - Interviews with the students and/or parents; and
 - The recommendation of the private school.

- ❖ Home schools operating under Exemption §18-8-1(c)(2) shall have appropriate grade level placement for students determined by the educational staff of Preston County Schools. While home school documents regarding credits earned may be useful in determining the appropriate grade placement for home schooled students in the public schools of Preston County, they will not be automatically accepted as the criteria for student placement. The determination of the appropriate placement for these students may include review of home school achievement records, administering academic assessments and interviews with the students and/or parents.
- ❖ Students previously enrolled in home schools or private schools located outside of Preston County, or receiving an education through any other legal exemption, shall have appropriate grade level placement determined by the educational staff of Preston County Schools. This determination may include review of home school or private school achievement records, academic achievement measurements which have been administered, and interviews with the students and/or parents.
(WVC §18-8-1 and §18-28-1thru 6)

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Adopted: August 9, 2010
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-5 Inter-County/State Student Transfers; Exchange Students</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The purpose of this policy is to reaffirm the Preston County Board of Education’s commitment to provide the best and most appropriate educational opportunity for all school-aged children residing within the county, and in some cases, those residing in other counties. The Board has a long history of accepting transfers of students from neighboring counties and approving transfers of Preston County students to neighboring county schools when it has been presented logical and rational reasons for such requests.

R 11-5-1 Out-of-County Students Requesting Transfer into Preston County

First-time Out-of-County Residents Requesting Transfer In

- ❖ Requests for a transfer must be processed through the office of the Coordinator of Attendance;
- ❖ In general, out-of-county students will be accepted into Preston County Schools with the following exceptions and requirements:
 - A student who has been expelled/suspended from school in another county or state may not be enrolled.
 - A student who would cause a particular class in the school to exceed the legal limits established by law, requiring the cost of additional staff may not be enrolled.
 - All transfers of students from neighboring counties are subject to the written approval of both boards of education.
- ❖ The student and his/her parent must supply transportation to school or an existing Preston County school bus route;
- ❖ Should the enrollment exceed the legal limits for class size during the school term requiring the cost of additional staff, the permission to attend Preston County Schools will be rescinded;
- ❖ If more than one student, who is a non-resident of Preston County, is in the class that exceeds the legal size limits, the student who last received permission to attend shall be the student whose permission is rescinded.

Out-of-County Students Currently Attending Preston County Schools

These students shall be subject to the following regulations:

- ❖ The student and his/her parent must supply transportation to school or an existing Preston County school bus route;
- ❖ Once granted permission to attend school in Preston County, the students must request permission of the Preston County Board of Education to return to school each year. Legal class size limits may be a determining factor

- ❖ If more than one student, who is a non-resident of Preston County, is in the class that exceeds the legal size limits, the student who last received permission to attend shall be the student whose permission is rescinded.

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R 11-5-2 Preston County Student Requests to Transfer to Neighboring County

Parental requests to transfer their student(s) to a neighboring county school will be reviewed and acted upon on a case-by-case basis. The Board's decision will be based upon the clarity and rationality of the reasons given by the parents for making the requests.

Procedural Steps

- ❖ The parent/guardian must send a letter to the Preston County Coordinator of Attendance requesting an "Out-of-County Transfer Request Form" explaining the reasons for the request for a transfer;
- ❖ The "out-of-County Transfer Request Form" shall be returned to the Coordinator of Attendance by January 15 in order to be eligible for a transfer for the following school year;
- ❖ Upon the Preston County Board of Education's temporary approval, the parent/guardian will also send a letter to the receiving county requesting a transfer.
- ❖ The letter of approval from the receiving county must be sent to the Preston County Coordinator of Attendance.
- ❖ The requests for transfers will be presented to the Preston County Board of Education at its second meeting in February for final action.
- ❖ The Preston County Coordinator of Attendance will send a final notice to the parent/guardian communicating the Preston County Board of Education's approval or non-approval of the request for transfer.

Preston County students who have been granted permission by official action of both boards of education to attend an out-of-county school shall be subject to the following regulations:

- ❖ Transportation must be worked out between the parent/guardian and the receiving county school system.
- ❖ Once granted initial permission to attend an out-of-county school, the student does not need to request an annual renewal, unless the receiving county requires it.
- ❖ Should the enrollment exceed the legal limits for class size, the permission to attend an out-of-county school may be denied, at the discretion of the out-of-county Board of Education, as per that county's Board Policy.

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R 11-5-3 Transfer Student's Suspension and/or Expulsion Status

Immediately before starting registration procedures for the admission of a student to any public school in Preston County, the school principal, acting as the Superintendent's agent, shall require the student's parent(s), guardian(s) or custodian(s) to provide, upon registration, a sworn statement or affirmation indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in West Virginia or another state. Any person willfully making a materially false statement or affirmation shall be guilty of a misdemeanor and, upon conviction, the penalty shall be the same as provided for "false swearing" pursuant to WVC §61-3-5-3.

The principal his/her designee shall consult the WVEIS (West Virginia Education Information System) to determine whether the pupil requesting admission is, at the time of the request for admission, serving a suspension or expulsion from another public school in West Virginia.

The WVEIS system has been programmed to disallow the recording of the enrollment of any pupil who is, at the time of attempted enrollment, serving a suspension or expulsion from another public school in West Virginia, and the system will notify the user who has attempted to record such enrollment that the pupil may not be enrolled, and to notify that user of the reason for the suspension or expulsion.

Any student who has been suspended or expelled from school pursuant to WVC §18A-5-1, or who has been suspended or expelled from a public or private school in another state, due to actions described in WVC §18A-5-1, may not be admitted to any public school within the state of West Virginia until the period of suspension or expulsion has expired.
(WVC §18A-5-1)

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R 11-5-4 Admission of Exchange Students

Preston County Schools will accept a limited number of students from other nations who come to the county via exchange programs. These programs must seek and receive official recognition by the Preston County Board of Education prior to acceptance of the exchange student.

Students accepted for enrollment, and their sponsoring families, must comply with all local, state, and federal rules, regulations, and policies. A letter of agreement shall be prepared by the high school principal and must be signed by the school principal, the sponsoring family and the student. This letter will include information regarding immunization requirements prior to enrollment, responsibilities for school cost and fees, and responsibilities of sponsoring family regarding attendance and other policy requirements.

Exchange students will receive a "class audit review" of their work in each class for which they are enrolled. This narrative information, along with an assigned letter and number grade, will be given to the student and sponsoring family, and forwarded to the student's home school. In order for students to be granted high school credit they shall be enrolled in a Preston County School for at least two full years, have submitted a complete academic record from their home school, and have their planned program of study approved by the school principal, the student, and the sponsoring family.

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R 11-5-5 Appeals Process

- ❖ Students whose applications for transfer from one county to another have been denied by either the sending or receiving county may file an appeal with the State Superintendent of Schools who shall have the authority to require the county school board to approve the transfer.
- ❖ Such appeals must be made within 30 days of the county board of education's denial of the transfer request.
- ❖ Hearings will be conducted according to State Board policy.
- ❖ Parents filing the appeal must demonstrate to the satisfaction of the State Superintendent that the proposed transfer is based upon sound educational grounds and is in the best interest of the student.
- ❖ The State Superintendent's decision must be rendered within 30 days following the hearing.
- ❖ The State Superintendent's decision is final.
- ❖ An approved transfer shall remain in effect until and unless the parents make proper application to both the sending and receiving county boards of education to revoke the transfer prior to January 1 for the following school year.
- ❖ The county is not responsible for transportation costs unless the county initiates the transfer process.
(WVC §18-2-5; §18-5-13; §18-5-16; §18-5-16a; §18-9A-14; §18A-4-8i; SBP 7200 & SBP 7212)

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Adopted: July 19, 1983
Amended/Revised: May 26, 1987; July 12, 1999; August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-6 Intra-County Student Transfers</p>	<p>Last Reviewed: 8-9-10 Next Review: 7-1-12</p>
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Students may transfer from one school to another within the county because of a change in residence, or they may transfer with written consent from the Superintendent's office. When transfers within the county take place, all necessary student records shall be transferred. However, in all cases the school from which a student transfers shall maintain adequate and permanent records to identify the student and to show his or her grade classification at the time of the transfer, the reason for transfer and the school to which the student is transferred.

Parental Request for Transfer

Decisions to grant permission to transfer are based on class size at both the student's school of residence and the receiving school. Parental requests will be granted only under extenuating circumstances. Once denied, the student remains in the school of residence for the entire year. Once approved, the parent must understand that the student may be returned to the school of residence at any time within the school year should the class size at the receiving school exceed limits set by state law. Parental requests for transfer must be submitted annually to the Preston County Coordinator of Attendance.

Change in County Residence

A student whose parent or guardian changes residence during the school year from one school attendance area to another school attendance area in the county may continue in the school in which the student is presently enrolled for the remainder of the current school year if the parent or guardian so desires. Written consent from the Superintendent is required.

Transfers from Seriously Impaired School:

When a school is determined to be seriously impaired and fails to improve its status within one year, following state intervention in the operation of the school to correct the impairment, any student attending the school may transfer once to the nearest fully accredited school in the county, subject to approval of the fully accredited school and at the expense of the school from which the student transferred.

Transportation

The parent or guardian has the responsibility for the transportation of a student attending a school other than the one that normally serves the student's school attendance area. If school bus transportation can be arranged without cost to the school system, the Superintendent may approve such arrangements. Such arrangements must include an alternate drop location.

Appeals Process:

Any aggrieved person may appeal the decision of the Superintendent to the Board of Education. The decision of the Board shall be final.
(WVC §18-2-5 and §18-5-16)

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Adopted: July 19, 1983
Amended/Revised: May 26, 1987; July 12, 1999; August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-7 Student Rights and Responsibilities</p>	<p>Last Reviewed: 8-9-10 Next Review: 7-1-12</p>
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Rights and responsibilities go hand in hand. Citizens of the United States have a right to equal protection under the law, and they have the responsibility to obey the laws of our nation, state and municipalities. Students have the responsibility to join with other members of the school community in respecting the rights and responsibilities of others in that community and in establishing a climate for learning within the school. Students have the responsibility to live by the rule of law and they have a responsibility to obey policies and regulations and school authorities who enforce them.

Every elementary and secondary student in the school district will be accorded all the applicable rights provided by the constitutions of the United States and the State of West Virginia. Students may express their opinions as long as no evidence exists that they are interfering with appropriate discipline in the operation of the school and are not colliding with the rights of others.

Students are expected to conduct themselves in a business-like, purposeful manner while engaged in all school activities on or off the school grounds. Student movement between classes and rooms shall be done in a safe, efficient manner. Running, loitering, and excessive noise in the hallways shall be prohibited. Conduct of individuals which is in any way disruptive of the ongoing program will not be tolerated.

The Board supports the concept of equal educational opportunity for all students as being essential to education in the public schools of the county. Consistent with federal mandates, the Board reaffirms its commitment to provide appropriate educational opportunities to the enrolled student body irrespective of gender, race, color, religion, handicapping condition, or national origin. All course offerings are to be available to both female and male students.

Students who are 18 years of age or older shall be accorded all the rights of an adult. However, having adult status does not exempt a student from compliance with school policies and regulations.
(SBP 4372 Student Handbook – Student Rights and Responsibilities)

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R 11-7-1 Married Students

Married students of school age who desire to continue their education may be enrolled in the county schools. These students shall be accorded the same rights and shall assume the same responsibilities as other students. Teachers, principals, and guidance counselors will make every attempt to insure the availability of a regular high school education to all students under similar rules, regulations and requirements
(SBP 4372 Student Handbook – Student Rights and Responsibilities)

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R 11-7-2 Pregnant Students

Pregnant students shall be encouraged to continue their education. Pregnancy does not exempt female students from school attendance. Students who become pregnant may continue to attend their regular school program until delivery, unless their physician recommends a change from that regular program because of complications with the pregnancy.

In the event of complications with the pregnancy, a Homebound Instruction Program will be provided for the pregnant student who cannot attend the regular school program before the delivery date. The specific complications must be verified in writing by a physician. The Homebound Instructional program may continue a maximum of six weeks after delivery.

When the student returns to school she must present a statement from her physician stating that she is physically capable of returning to school.

A student who has terminated a pregnancy may be readmitted to school upon presentation of a doctor's certificate that she is physically able to attend.
(SBP 4372 Student Rights and Responsibilities)

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R 11-7-3 Student Dress and Appearance

The Board recognizes that choice of attire and grooming are matters of expression and are subject to fashion and current fads, nevertheless, the Board expects certain things of a student and that starts with appearance – “School is a place of learning.” The administration and faculty must create a school climate wherein excellence is the understood goal.

Students are encouraged to dress and groom themselves neatly and in good taste. State Board Policy 4373 forbids students dressing or grooming in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. Students may 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 any drug, alcohol, or tobacco-related product that is prohibited in school buildings, on school grounds, in school leased or owned vehicles and at school affiliated functions. Micro-mini skirts, spandex clothing, hats, halter tops, tank tops, jewelry or clothing that can be used as a weapon may not be worn. Students may not wear or display any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.

Students dressed in such a manner that they disrupt classroom decorum will be referred to the principal and possibly sent home for a change of clothing. Students may be required to wear protective clothing or to remove certain items of clothing in order to protect their health and safety in certain instructional environments such as workshops and science labs.

The school administrator will make the final determination of what is appropriate.

School Uniforms

Recent legislation grants the Preston County Board of Education the discretionary authority to implement a dress code requiring students to wear school uniforms. Should the Board decide to implement such a dress code, State Board Policy mandates that the following procedural steps be followed:

- ❖ The uniforms may be required for either the entire school district, or for any certain school within the district.
- ❖ The Board shall create an advisory committee consisting of parents, school employees and students.
- ❖ The advisory committee shall:
 - Consider whether the county board should adopt a dress code requiring school uniforms for students in the district, or
 - Consider whether the Board should adopt a dress code requiring school uniforms for students in any certain school within the district.
- ❖ If the advisory committee recommends to the Board that a dress code requiring school uniforms for students be adopted, either for the district or for any certain school within the district, the advisory committee shall make recommendations on alternative methods of paying for the school uniforms. However, nothing in the legislation or State Board Policy requires any level of funding from the Legislature, state or county boards of education, or any other agency of the government.
- ❖ If the advisory committee recommends to the Board that a dress code requiring school uniforms for students be adopted, and if the advisory committee reports its recommendations on alternative methods of paying for the school uniforms to the Board, then the Board may adopt a dress code requiring school uniforms for students.

Nothing in the legislation or State Board Policy requires that a county board of education adopt a dress code requiring students to wear school uniforms.

(WVC §18-2-5; §18-2-35; SBP 4372, 4373 and 4374.1; 1st Amendment of the U.S. Constitution)

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R 11-7-4 Search and Seizure

The Preston County Board of Education recognizes that the United States and West Virginia Constitutions guarantee protection for all citizens from unreasonable searches and seizures. However, the Board has an obligation to assure its constituents that school property such as desks and lockers are not used to harbor pilfered property, weapons, or harmful substances. Therefore, the Superintendent shall establish guidelines under which school authorities and legal authorities may conduct searches of lockers, desks, and other school property that has been rented or loaned to the students. S/he shall also define the procedures to be followed when personal searches of students become necessary. Strip searches are forbidden.

(SBP 4372; 4th Amendment of U.S. Constitution and New Jersey v. T.L.O.)

Search and Seizure Guidelines

School authorities retain the right to conduct reasonable inspections of school lockers and desks at any time. Generally, school authorities will not search personal property stored in school lockers and/or desks. However, if school authorities have a "reasonable suspicion" that the property contains stolen articles, illegal items or other contraband as defined by law or by the Board, a search will be conducted. Such searches must always be reasonable from their inception and in their scope.

Search of Lockers and Other School Property by School Authorities

- ❖ The students should be informed in advance that their school lockers and other school property are held secure from everyone but school officials or their designees who have the right to search them.
- ❖ School officials who conduct reasonable searches do not need search warrants.
- ❖ Lockers and other school property will not be searched unless appropriate school officials consider a search necessary to maintain the proper school environment and to protect other students.
- ❖ School officials should limit their inspections of enclosures such as lockers and desks to those instances when s/he has "reasonable suspicion" to believe that contraband -- i.e., weapons, stolen property, alcoholic beverages, drugs which the student is not authorized to possess, or other items forbidden by rules duly adopted by school authorities -- may be contained therein.
- ❖ Personnel must endeavor to avoid causing embarrassment to any student.
- ❖ There should always be a responsible adult witness in the case of any action of search and seizure taken by school personnel.
- ❖ In order to maintain good principal-student relations, the student should be present whenever a search of his/her locker is undertaken; and an attempt should be made to secure his/her consent.
- ❖ School personnel ordinarily should not conduct any search, unless they are prepared to handle whatever they expect to seize as a school matter. Otherwise, the police should be called, thus allowing the student the constitutional safeguards applying to matters of search and seizure when conducted by law enforcement officers.

Search of a Student, His/Her Locker or Personal Property by a Law Enforcement Officer

- ❖ Police have the responsibility to enforce laws in order to protect all citizens. Police can enter school if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials.
- ❖ The principal of each school, or his/her designee, shall honor all reasonable requests of law enforcement officers to search a student, his locker or personal property while the student is under the jurisdiction of the board. Searches of this nature require a warrant.
- ❖ Every effort should be made to insure that the search is conducted in a discreet manner, and to otherwise safeguard the rights and sensitivities of the student who is subject of the search.

Search of a Student or Personal Property by School Authorities

- ❖ Personal property may be searched by those authorized to conduct searches where there is "reasonable suspicion" to believe that the student's property contains stolen articles or illegal items.
- ❖ School officials who plan to search a student must have "reasonable suspicion" as justification for an immediate search, such as to obtain stolen articles or illegal items. Arbitrary or random searches are not permitted.
- ❖ If in doubt, do not conduct the search.
- ❖ Strip searches are forbidden.

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R 11-7-5 Cooperation with Law Enforcement Officers

The Preston County Board of Education is committed to keeping its schools as free from criminal activity as possible and to provide a safe and appropriate educational environment for students, employees and guests. Therefore, the Board and its employees shall cooperate with law enforcement officials as appropriate to achieve this goal. The following protocol shall be followed by school employees when responding to what appears to be criminal behavior in or on Board owned/leased property, facilities and vehicles:

- ❖ Suspected criminal acts committed by a school employee or guest occurring on or in any Board owned/leased property, facility or vehicle shall be reported to the County Sheriff's Department or in the alternative to the local State Police Office for investigation;
- ❖ In many cases the circumstances will be such that the local school principal will have the option of conferring with the Superintendent who will assume the responsibility for reporting to the appropriate law enforcement agency;
- ❖ In those circumstances where the above behavior is an imminent threat to the safety of the persons present, the school principal shall act with expediency in contacting law enforcement agencies.
- ❖ Misconduct by a student which appears to be a violation of the Safe Schools Act shall be investigated by the school principal in accordance with *File: R 11-14-6 Expulsion of Students* of this policy manual;
- ❖ In those circumstances where the student's behavior is an imminent threat to the safety of the persons present, the school principal shall act with expediency in contacting law enforcement agencies.

Cooperation with Law Enforcement Officers who Initiate an Investigation

School officials will cooperate with law enforcement officers who come to the school for purposes of questioning or taking into custody students who are enrolled in Preston County Schools. This cooperative relationship will be governed by procedures designated to protect the legal rights of each individual student.

If a student is to be questioned by the police or by school officials in the presence of police, the school administration shall follow these guidelines:

- ❖ A law enforcement officer shall first contact the building principal or a designated representative prior to contacting a student regardless of whether the student is in the school building or any part of the school campus.
- ❖ The principal shall determine the exact purposes of the officer's presence (interrogate a student or to take a student into custody, etc.) and will obtain identification of the officer, recording his/her name and identification number.
- ❖ The principal will call the student who is to be questioned to the office. The principal will inform the student of the officer's presence.
- ❖ If the officer has a warrant for the student's arrest, s/he will be allowed to question the suspect. If the officer does not have a warrant, questioning will not be permitted unless the following conditions are met
 - If the student is less than 18 years of age, questioning will not be permitted until the student's parents or lawyer is present.
 - Students who are 18 years of age or older will be treated as adults and they shall be afforded all the rights any other adult would receive.
- ❖ The law enforcement officer will be responsible for informing the student of his/her rights and privileges under the law before the interrogation.
- ❖ Whenever it is deemed necessary by law enforcement officials for a student to be taken into custody and removed from the school premises without a successful effort to contact a parent, it is incumbent on the principal to contact the parent(s) as soon as possible and advise them of the action taken.
- ❖ When a student is removed from the school by a law enforcement officer, a written statement by the principal outlining the circumstances shall be kept on file.

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R 11-7-6 Disruptive Student Demonstrations

Disruptive demonstrations or protests are not appropriate methods for students to use in communicating their wishes concerning matters affecting policies and regulations dealing with the operation of the public schools.

Whether involved directly or indirectly, students who participate in the planning or execution of any disruptive demonstration or protest may be disciplined in accordance with state law and policies and regulations of the school board.

Disruptions of the normal operations of any Preston County school, or other Preston County facility, or Preston County School Bus by a demonstration, strike, or any other disruptive behavior on the part of students, staff, or outside people shall not be tolerated. The principal and/or the Superintendent or

his/her designee shall take such steps as are necessary to assure that the normal operation of Preston County School facilities and equipment resume as quickly as possible.

This policy is not intended to discourage or prohibit the peaceful expression of opinions or ideas. However, since the Board is required by law to provide proper school facilities and to maintain an appropriate program of instruction, and is further required to bar any disruption of the schools or interference with their normal operation, the following steps shall be taken in the event of any disruption of the normal operation of the schools.

- ❖ The disruption shall be immediately brought to the attention of the Superintendent or his representative by the principal of the school. The Superintendent and/or the principal shall have the authority at their discretion to alert the police authorities.
- ❖ Students participating in a disruptive demonstration shall be directed by the building principal or his representative to go to their regular classroom assignment. Upon the return of the students to their classrooms, the principal may, at his/her discretion, arrange for a meeting with the individuals or leaders of the group to discuss the problem which has caused the disorder in a rational, orderly manner.
- ❖ Non-student demonstrators and other unauthorized persons will be directed by the building principal or his representative to remove themselves from school property forthwith. The Superintendent or the principal may ask the police to remove any individual failing to comply.
- ❖ The principal or the Superintendent may take whatever steps are necessary to insure the safety of the students, the staff, and school property.
- ❖ During a disruption, the principal and school staff shall be alert to take notes on who participated in the disruption, and if possible, to record the disruptive behavior on photographs, audio recordings or video tape. Immediately following the disruption, the principal shall compile a detailed report of the disruption, including the names of all known participants.
- ❖ At no time, while any demonstration is in process, is the Superintendent or any school or board personnel to enter into negotiations on the issues with the protestors.
- ❖ Students participating in a disruptive demonstration on school grounds may be subject to suspension or expulsion. Employees participating in such demonstrations shall be subject to appropriate disciplinary action.
- ❖ Persons who participate in a disruptive demonstration may be subject to penalties imposed by legal authorities.
(WC §18-5-1; §18-5-13; §18-5-42; §18-5-43; §18A-5-1 and 1st Amendment of the U.S. Constitution)

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R 11-7-7 Destroying or Defacing Property

If a student injures, destroys or defaces school property, the student and the parent or guardian shall be required to pay for the damage. Students, who willfully and maliciously deface, destroy or carry away school, personal or other property shall be prosecuted in accordance with state law. Students who are guilty of such offenses can be expelled from school.

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Adopted: July 19, 1983
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-8 Student Complaints and Concerns	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Students who have complaints or concerns shall discuss these with their teacher, guidance counselor, or principal, whoever is most appropriate in the particular situation.

If the matter is not resolved between the student and teacher, the student may appeal the matter to the school principal. If the matter is not resolved between the student and the principal, the student may appeal the matter to the Superintendent or his designee. If the Superintendent or his designee fails to resolve the matter, the student may appeal to the Board, but such appeal shall be in writing stating the cause for the complaint or concern. The Board's decision on the matter shall be final.

If the student is unsure of who is responsible, or if the complaint concerns a matter involving the West Virginia Code or Board, the student should discuss the matter with the principal.

In presenting the concern to the teacher, principal or Superintendent (or his designee) and at any hearing conducted by them, the student may be accompanied by his/her parent or by a fellow student. At any hearings conducted by the Board, the student may be accompanied by his/her parents and/or any other person of his/her choosing.

No reprisals of any kind shall be taken by the Board or any employee of said Board against a student by reason of his/her seeking the resolution of a complaint or concern.

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-9 Staff and Student Relationships	Last Reviewed: 8-9-10 Next Review: 7-1-12
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The Board encourages an open, warm and positive relationship between staff and students. However, there must be maintained a certain distance in order to preserve the businesslike atmosphere that is necessary to achieve the educational mission of the school. Teachers and students should be addressed with the appropriate title at all times.

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-10 Student Handbook	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Generally

All principals shall be required to prepare and distribute Student/Parent Handbooks containing information relating to the rules and regulations, schedules, room locations, and other information necessary to have a well informed student population. The courts have ruled that school regulations are unenforceable if they are not properly distributed to students and parents; therefore, each school shall develop a receipt system whereby parents may sign-off indicating they have either electronic access to the handbook or they have received a hardcopy of the handbook.

Distribution of Hardcopies of the Student/Parent Handbook

- ❖ Student/Parent Handbooks shall be distributed to all students at the time they enter an elementary school, middle school or high school for the first time. Students shall be held accountable for all regulations and policies printed in the handbook for the period of time they remain in the school.
- ❖ New Student/Parent Handbooks shall be distributed or amendments to the handbook shall be distributed as appropriate revisions are made.

Handbooks on the School Webpage

Modern technology has made its way into many of the homes of our students; therefore, it shall be an acceptable practice for schools to include the Student/Parent Handbook on the school webpage. However, each individual school must develop a receipt system whereby parents may sign-off indicating they have electronic access to the handbook.

The traditional hard copy of the handbook shall be provided for those parents/guardians that do not have access to a computer or for those parents/guardians who simply prefer written documents. Again, a signed receipt must be obtained from the parent/guardian.

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Adopted: July 26, 199
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-11 Voter Registration	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Each student eligible by age will be provided an opportunity to register to vote. Arrangements will be made with the county clerk's office for periodic on-site registration.
(SBP 2324)

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Adopted: July 26, 1999
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-12 Student Attendance</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance, and to provide an environment conducive to, and encouraging of, attendance. To that end, the Preston County Board of Education promulgates the procedures and regulations that are contained in the following pages. (WVC §18-2-5, §18-8-1, §18-8-4, §18-8-6, SBP 4110)

R 11-12-1 Philosophy

The Preston County Board of Education recognizes that a direct relationship exists between students' daily school attendance and academic performance, graduation, and good work habits. Daily attendance is necessary for students to meet their schools' academic program standards as each day's learning builds on the work previously completed. The Board also realizes that absenteeism often leads to higher delinquency, a higher dropout rate and unproductive adults with few or no marketable skills. Absenteeism can touch the total community spreading from the schools into industry, business and government.

Realizing the importance of good attendance, the Preston County Board of Education will enlist the help of many segments of society responsible for promoting good school attendance. This will include school personnel, parents, and community organizations such as Mental Health, Department of Human Services, Health Department and local law enforcement officials.

The Board will further endeavor to promote good attendance by creating a positive, safe learning environment that is committed to helping students develop responsibility, self-discipline and good work habits. The instructional program will be designed to offer instructional opportunities designed to meet student needs, to satisfy high school graduation requirements, to identifying potential dropouts and to develop preventative programs, and to provide programs of instruction for dropouts to continue their education.

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R 11-12-2 Policy Development

It shall be the practice of the Preston County Board of Education to seek input from teachers, principals, the Attendance Coordinator, parents, and community leaders when developing or revising a county attendance policy. A part of that process will be an annual attendance evaluation to determine the effectiveness of the policy. Each revision of the county attendance policy will be submitted to the WVDE for approval.

Students and their parents/guardians shall be made aware of the county attendance policy and their responsibilities and accountability for regular school attendance through student/parent handbooks, newsletters, the news media, internet websites and other appropriate means of communication.

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R 11-12-3 Definitions

- ❖ **Absence:** Not being physically present in the school facility for any reason.
- ❖ **Allowable deductions:** 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 Coordinator has pursued judicial remedies to compel attendance (filed a criminal complaint or juvenile petition) due to provisions in WVC §18-8-4.
- ❖ **Attendance:** For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the following definitions:
 - Full-day attendance is being present at least .74 of the school day.
 - Half-day attendance is being present at least .50 of the school day.
- ❖ **Attendance Rate:** The number of days present divided by the number of days of membership, multiplied by 100, equals attendance rate for students on the attendance registers in classes K-12.
- ❖ **Awaiting Foster Care Placement** - Any child or youth who: 1) is in the custody of the West Virginia Department of Health and Human Resources, 2) has been placed in out-of-home care, and 3) is not in a permanent placement. This includes, but is not limited to, children and youth in family foster care, kinship care, and emergency shelter care or in group home care.
- ❖ **Dropout:** A dropout is an individual who:
 - 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
 - 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
 - Has not graduated from high school, obtained a GED diploma, or completed a state or district-approved education program; and
 - Does not meet any of the following exclusionary conditions:
 - Transfer to another public school district, private school, registered home school, or state or district-approved education program; or
 - Temporary school-recognized absence due to suspension or illness; or
 - Death.
- ❖ **Dropout Date:** For students 17 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 of the following conditions occurs:
 - Student was enrolled the previous year;
 - Student appears at school to enroll with or without a parent/guardian; or
 - Student and/or parent/guardian appear at school to enroll with or without records.

- ❖ **Enrollment Count:** A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education.
- ❖ **Excused Student Absences** - Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run because of hazardous conditions, and other county Board approved excused absences.
 - “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 (See §5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of §126-81-5.2 of this policy.
 - “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 (See §5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of §126-81-5.2 of this policy.
- ❖ **Homeless Children and Youths** - as defined in Subtitle B of Title VII of McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) means individuals who lack a fixed, regular, and adequate nighttime residence and includes:
 - 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;
 - 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;
 - Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - Migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.
- ❖ **Membership Days:** The days present plus the days absent.
- ❖ **School of Origin** - As defined in Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) 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:** 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.
(SBP 4110)

R 11-12-4 County Coordinator of Attendance Responsibilities

The County Coordinator of Attendance and his/her assistants shall diligently promote regular school attendance by performing the following tasks:

- ❖ The County Coordinator of Attendance, in the performance of his or her duties, has authority to take without warrant any student absent from school in violation of the provisions of the code and to place such student in the school in which such student s/he is or should be enrolled.
- ❖ S/he shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday.
- ❖ In the case of five total unexcused absences of a student during a school year, the Coordinator of Attendance or his/her assistant shall serve written notice to the parent, guardian, or custodian of such student that the attendance of such student at school is required and that within ten days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student 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.
- ❖ If the parent, guardian, or custodian does not comply, then the Coordinator of Attendance or assistant shall make complaint against the parent, guardian, or custodian before a magistrate of the county.
- ❖ More than one parent, guardian, or custodian may be charged in a complaint.
- ❖ The initial service of a summons or warrant issued pursuant to the provisions of WVC §18-8-4 shall be attempted within 10 calendar days of receipt of the summons or warrant and subsequent attempts at service 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 Coordinator is responsible for reporting all school dropouts each month to the WV Department of Education and to the WV Department of Motor Vehicles, when applicable.
- ❖ The Coordinator is responsible to make a monthly attendance report to the Superintendent of Schools and the Board showing the activities of the school attendance office and the status of attendance in the county at the time due to provisions in WVC §18-8-4.
- ❖ The Coordinator shall provide each school principal with a current copy of the state regulations as outlined in the compulsory attendance law and driver's license revocation law.
- ❖ Serve on the county's Dropout Prevention Committee comprised of principals, teacher/counselors, parents and community leaders.
- ❖ Develop a countywide good attendance recognition program.
- ❖ The Coordinator shall serve as the liaison for homeless children and youth as defined in WVC §18-8-4. As defined in H. R. 1 (No Child Left Behind), as the liaison for homeless children and youth, the attendance director is required to:
 - Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.

- Ensure that parents or guardians 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.
 - Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin.
 - Help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision.
 - 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.
 - Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies.
 - Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, the schools of Preston County.
 - 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 Preston County Schools and referrals to health care services, dental services, mental health services, and other appropriate services.
 - Ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).
- ❖ Support and require the school principal to implement and execute the duties as defined in WVC §18-8-5.

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R 11-12-5 Principal Responsibilities

The principal shall be the local school attendance coordinator and as such s/he shall:

- ❖ Take an active role in the promoting of school attendance;
- ❖ Make the final determination concerning the classification of an absence, within the limits of state code and county policy;
- ❖ Keep details of truancy cases in the Principal's Attendance Log (WVEIS);
- ❖ The principal shall compare school numbers with school enrollment monthly and report any discrepancies to the Coordinator of Attendance;

- ❖ It shall be the duty of the principal, administrative head, or other chief administrator of each school to make prompt reports to the Coordinator of Attendance, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker
- ❖ Contrast excused and unexcused absences and articulates such to parents, teachers, and students;
- ❖ Collect and maintains attendance records including daily attendance records;
- ❖ Review student data and determine potential truancy problems;
- ❖ Will notify the parent after three unexcused absences;
- ❖ The principal or a designated assistant principal shall contact any parent, guardian, or custodian of the student and hold a meeting with such person and the student when the enrolled student has accumulated three unexcused absences from attendance;
- ❖ Provide a copy of the County Attendance Policy to each student at the beginning of each school year, or includes policy sections which apply to students in the Student Handbook;
- ❖ Provide information periodically to all parents via newsletters or memos regarding attendance policy and the procedure for reporting absences;
- ❖ Make prompt reports to the Coordinator of Attendance, or proper assistant, of all cases of students residing in the attendance area who appear to be of school age but do not appear to be attending a private school, are not enrolled in the local school and have not been approved for home instruction
- ❖ 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 exist. 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.
- ❖ Conduct an annual attendance evaluation to determine the effectiveness of this policy.
- ❖ Perform other duties as may be required.
(WVC §18-8-3, §18-8-4 and §18-8-5)

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R 11-12-6 Teacher Responsibilities

- ❖ Encourage student attendance
 - Shows genuine concern for individual students;
 - Discuss absenteeism with students to determine if there is a problem of which the school is unaware;
 - Notify students of excessive absences when information is given to him/her by the principal;
- ❖ Keep a classroom record of tardy and absent students from each class during the day and report those absences immediately to the office.

- ❖ Demonstrate a willingness to serve on the Dropout Prevention Committee.
- ❖ Share ideas to incorporate in a school-level Dropout Prevention Plan.
- ❖ Develop positive public relations with parents.

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R 11-12-7 Parent or Guardian Responsibilities

- ❖ Each parent, guardian, or custodian shall have the responsibility of fully cooperating in and completing the enrollment process by providing: immunization documentation (WVC §16-3-4), copy of a certified birth certificate or affidavit (WVC §18-2-5c), signed suspension and expulsion document (WVC §18-5-15), and any other documents required by federal, state, and/or local policies or code.
- ❖ Encourage his/her children to attend school.
- ❖ Know the difference between an excused and an unexcused absence.
- ❖ Support his/her children in excused absences only.
- ❖ Write notes to school explaining each absence within five days of student's return to school. (WVC §18-8-2 and §18-8-7)

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R 11-12-8 Student Responsibilities

- ❖ Know the difference between an excused and an unexcused absence.
- ❖ Upon his/her return from an absence the student shall promptly submit to the designated personnel in the school office a note from home explaining the absence.
- ❖ Avoid putting parents into legal difficulty by willfully not attending school.
- ❖ Accept the responsibility for the results of his/her own truant behavior, such as driver's license revocation and warrants served on parent or self, if eighteen years of age. (SBP 4373)

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R 11-12-9 Absences

Enrolled students may be lawfully absent from school for the causes or conditions listed below. Each cause or condition shall be subject to confirmation by the Coordinator of Attendance.

❖ Excused Absences

- Medical and or dental appointment which cannot be scheduled outside the school day when the absence is verified in writing by the physician or dentist;

- Illness of the student verified by parent/guardian not to exceed three consecutive or five total days per semester. Verification by a physician will be required if absences exceed three consecutive days. In the event of a major outbreak of a particular illness, such as the flu, occurs within the school population, the Superintendent may exercise his/her emergency powers and issue a county-wide waiver of the required physician's verification of absences extending beyond three days.
- Illness or injury in the family when student absence verified as essential by a physician;
- Illness of the infant child of an enrolled student who is the child's primary caretaker, not to exceed five days per semester. Verification must be from physician, student's parent/guardian, or student 18 years of age or older.
- Calamity, such as fire in the home, flood, or family emergency upon approval by the school principal;
- Death in the family, limit three days for each occurrence except in extraordinary circumstances. "Family" is defined as mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, brother's children, sister-in-law, sister's children, student's children, or any person living in the same household;
- Leaves of educational value. (Example: family educational trips, 4-H educational activities, serving as a Page, etc.) Parent must fill out county forms and the leave must adhere to the following stipulations: Obtain prior approval of school administrator;
 - The parent must submit an obtain prior approval of the educational plan detailing objectives and activities;
 - The leave may not exceed five days, and there must be verification of implementation of the education plan upon the student's return;
 - A leave that extends more than five days requires County Board of Education approval.
- School approved extracurricular activities;
- Legal obligation with verification;
- Failure of bus to run or extremely hazardous conditions;
- Observance of religious holidays;
- Handicapped students' absences should be addressed in accordance with SBP 2419, Regulations for the Education of Students with Exceptionalities.

❖ **Unexcused Absences**

Any absence not meeting the above requirements shall be considered an unexcused absence, including out-of-school suspensions. Parents have the right to appeal the application of this policy.

❖ **Other Out-of-Class School Related Activities**

A student absent who attends class field trips, math field day and other approved curricular activities and approved extracurricular school sponsored activities (i.e., leave early or for full day for an FFA conference, sporting event, etc., as a participant, not as a spectator) will be reported absent; however, the absence will not count against the school or student's ADA.

❖ **Unexcused Tardiness/Unexcused Leaving School Grounds**

Leaving school grounds anytime throughout the day will be reported to the office as excused or unexcused. Each school will determine and post times of the day according to what time constitutes a full day (.74) or one-half day (.50) present. A student is tardy when s/he arrives at school or class after the time designated as the beginning of instruction.

At the beginning of each school year and throughout the school term, each principal will communicate to the parents the importance of the students arriving at school on a punctual basis. Each teacher will periodically explain to the students and parents, when possible the inconvenience and disruption that a late student causes. This disruptive factor will also be explained in each student's school handbook. The principal or designee will notify the parent/student in writing when a student has been tardy to school six times. Excessive tardiness that cannot be remedied at the school level shall be referred to the Coordinator of Attendance.

As deterrents to tardiness, the schools may use, but are not limited to, after school detention, behavior improvement programs, loss of certain privileges, etc. Excessive tardiness will be addressed through each school's discipline policy-

❖ **Makeup Work for Excused and Unexcused Absences**

- Students who are not in attendance for regular classroom instruction for any reason shall be provided the opportunity to make up any missed class work.
- Elementary students will be assigned make-up work upon their return to school.
- Any student in grades 6-12 shall be responsible for obtaining a contract or approved alternative for make-up work from the Principal or designee and to present said contract or approved alternative to each teacher for make-up assignments.
- The student shall be allowed the number of days absent plus one day to complete the make-up work. Teachers may grant an extension to a student if the request is based upon justifiable reasons; however, failure to complete the work assigned by the teacher will result in the student receiving a zero as the grade for the make-up work in that class.
- Depending upon the circumstances, students may be expected to report to class early or to stay late to make up exams and other missed assignments. If a student has missed a test announced in advance or work assigned prior to his/her absence, the test or work will be made up or turned in on the day that the student returns to class.
- Students who have been absent for an extended period of time may receive an incomplete on their report card until the make-up work timeline, which shall be the number of days absent plus one, has expired. The incomplete shall then be changed to the grade earned.

❖ **Procedural Steps in Dealing With Unexcused Absences:**

- After three unexcused absences, the principal or the principal's designee (i.e., secretary, home-room teacher, etc.) may telephone the parent to check on suspected absences, particularly if it appears a pattern of unnecessary absences is beginning to develop. If the parent has no phone or there is no answer, above person should send a written communication or make a home visit.

- When contact with the parent has been attempted by phone call, note or home visit and the student has accumulated five unexcused absences, then the school will notify the parent by mail that a conference with the parent, principal or a designated assistant principal and other appropriate members of the school staff is required.
 - The principal or a designated assistant principal shall hold the conference with the parents and appropriate school personnel to develop an Attendance Plan of Action. The Coordinator of Attendance may attend the meeting as appropriate and he/she shall be included when possible and appropriate.
 - If the parent does not come for the conference or the APA does not improve attendance, the school will make an official referral to the Coordinator of Attendance.
 - When the student has accumulated five unexcused absences, the Coordinator of Attendance will initiate Form CA-2, West Virginia "Notice of Unexcused Absence from School", certified mail, return receipt requested.
 - The Coordinator of Attendance shall hold a parent conference as mandated by CA-2 and include the student. The principal may also attend. The group shall make an Attendance Plan of Action or revise the current APA.
 - If the parent refuses to pick up the registered letter at the post office, or if the parent does not come to the parent conference, the Coordinator of Attendance shall make one more attempt to meet with parent (i.e., phone, letter, home visit).
 - If APA does not improve attendance, the Coordinator will take a further legal step, which may include the filing of a complaint in magistrate or circuit court. This may require a court appearance for the Coordinator of Attendance, principal and possibly other members of the faculty.
- ❖ A student may not be suspended solely for failure to attend class.
(WVC §18-8-4; §18-8-5 and SBP 4110)

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R 11-12-10 Dropout Prevention

The Preston County Board of Education believes that a high school diploma signifies minimum preparation for life and that the experiences and educational programs offered in the schools are essential for all students. Consequently, those students who withdraw prior to high school graduation may not have gained the essential knowledge for a productive life and may have limited their success in employment.

Early identification of students who are potential drop outs is essential. These students may exhibit social and behavior maladjustments, absenteeism and suspensions may occur frequently, s/he may exhibit a significant change in academic achievement and s/he may express disinterest in school. Personnel who observe such behaviors should follow a referral process that includes, but is not limited to the following;

- ❖ Referrals may be made to the guidance counselors (or principals in schools without counselors); and/or
- ❖ To the SAT (School Assistance Team) for discussion and intervention.

All actual drop outs should be referred immediately to the Coordinator of Attendance. (Use Social Services Referral Form). Upon receipt of the referral form, the Coordinator of Attendance shall make a home visit when appropriate. When it has been determined that the student is an actual drop out, a student/parent/school conference should be scheduled in order that an appropriate alternative program may be considered.

Attendance shall be supported and encouraged for all students so that they may complete the entire educational program that leads to high school graduation. Toward this end, dropout prevention shall be considered a vital component of the overall education program. The following programs and procedures shall be considered for students identified as potential dropouts, or those who may formally withdraw from school.

Corrective and preventative measures include:

- ❖ The County will develop and provide alternative programs to encourage the improvement of school attendance, such as:
 - Alternative Educational Programs;
 - Preston County Technical and Career Center;
 - Early Childhood Education Program;
 - Co-op program;
 - Career education classes;
 - Other alternatives, which may come from the school or County committees.
 - School Guidance Counselor and SAT referral.
- ❖ Attendance Plan of Action:
 - Developed by school personnel, parent and often the student.
 - Contains student-parent data and attendance information.
 - States problems, goals and strategies to reach goals.
 - Dated, signed and agreed upon by all parties involved.
- ❖ School dropout prevention committee: Each school has a committee, appointed by the principal, to develop a plan which would include:
 - Preventative procedures to maintain attendance and avoid truants/dropouts;
 - Incentives to improve attendance (examples: rewards for home-room with the best monthly attendance, perfect attendance, certificates, etc.)
 - Other innovative ideas that best meet the needs of the individual school. (i.e. exam exemption, other privileges)
 - The plan is to be developed and submitted to county office by October 31 of each school year.
- ❖ Utilizing school SAT and other agencies to aid in dropout prevention:

- When the Coordinator of Attendance and or the student's teacher have identified a student as having attendance problems, the student will be referred to the school counselor. Referrals for follow-up procedures may be made to the Coordinator of Attendance, school psychologist, school based mental health counselor, school nurse, SAT, and any other person or agency deemed necessary to resolve the student's attendance problem. The school may utilize outside agencies such as local mental health services and the Department of Health and Human Resources.
- The SAT may refer a student to other services whenever such referral is deemed to be in the best interest of the student. Any recommendation of the SAT will be discussed with the parent and student and appropriate changes in the student's program will be made. The SAT shall review suggested interventions to determine their effectiveness. Interventions may include but are not limited to:
 - School-wide positive behavior support system (Elementary and Middle Schools and Preston High);
 - Responsible student program; or
 - Peer mediation.
- ❖ Dissemination of information by the Coordinator of Attendance through:
 - Media;
 - PTO or classroom presentations; or
 - Materials developed to educate and inform parents and students concerning attendance laws.
(SBP 4110)

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R 11-12-11 Encouraging Good Attendance

Each school will develop and implement a program that is designed to promote good attendance habits for all students. These programs may include but are not limited to any of the following:

- ❖ Awarding certificates or pins for perfect or faithful attendance.
- ❖ Principals may reward students on a monthly basis with pencils, T-shirts, or any appropriate reward for perfect attendance.
- ❖ Principals may contact the Superintendent in order to recognize students with good attendance at a Board meeting at the end of each grading period.
- ❖ Special recognition for classrooms with the best average daily attendance each month.
- ❖ Recognition in local newspapers and other media outlets.

School personnel are encouraged to utilize flexibility and creativity to develop programs specifically suited to the needs of their students.

High School Final Exams Exemptions for Good Attendance

High school Comprehensive Examination Exemption may be used at Preston High School to promote good attendance and good grades. High school students may qualify for an exemption to final exams at the end of a course if they have met the following criteria:

- ❖ The student is carrying an “A” average and has three or fewer excused absences; or
- ❖ The student is carrying a “C” or “B” average and has two or fewer excused absences.

Students who meet the above qualifications are exempt for school on the days final exams are given. The only exception to this policy is a failure of the bus to run or absences for school-sponsored activities. Please note that Education Leave is NOT a school-sponsored activity.

Students who have one or more unexcused absences shall NOT be exempt from exams regardless of the grade point average.

All students will be required to take End of Course Exams to meet Certification and Benchmark requirements in certain required courses.

Students who do not meet the exemption criteria shall be required to take Comprehensive Exams which will count as 15% of the final grade to demonstrate competency for the granting of course credit.

NOTE: If for some reason an exam is required prior to the designated exam days, the test will not count as 15% of the students' grade.

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R 11-12-12 Compulsory Attendance Ages

Pursuant to the State statutes, compulsory school attendance shall begin for students whose sixth birthday is prior to September 1st or upon enrolling in a public school kindergarten program. Attendance shall continue to the 16th birthday or for as long as the student shall continue to be enrolled.

Beginning with the 2011-2012 high school freshman cohort class of students, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the 17th birthday or for as long as the student continues to be enrolled in a school system after the 17th birthday.

This policy does not apply to students who are exempt from compulsory attendance under WV Code 18-8-1. Exemptions from compulsory attendance as defined in the code are:

- ❖ Instruction in a private or home school setting;
- ❖ Physical or mental capacity as confirmed in writing by a doctor or school nurse;
- ❖ The existence of conditions that render school attendance hazardous to the life, health or safety of the child;

- ❖ A child shall be exempt from the compulsory school attendance requirement upon regular graduation from a standard senior high school or alternate secondary program completion as determined by the state board.
- ❖ A child shall be exempt from the compulsory school attendance requirement if s/he is granted a work permit pursuant to this code. The Superintendent may, after due investigation, grant work permits to youths under 17 years of age, subject to state and federal labor laws and regulations: *Provided*, That a work permit may not be granted on behalf of any youth who has not completed the eighth grade of school;
- ❖ Serious illness or death in the immediate family of the student. It is expected that the county Attendance Director will ascertain the facts in all cases of such absences about which information is inadequate and report the facts to the Superintendent;
- ❖ Destitution in the home which shall be verified in writing by the Attendance Director;
- ❖ A child is exempt from the compulsory school attendance requirement if the requirements relating to church ordinances and observances of regular church ordinances are met. The county board may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children: *Provided*, that the. This exemption shall be is subject to the rules prescribed by the county superintendent and approved by the county board; and
- ❖ The completion of the eighth grade shall not exempt any child under 17 years of age from the compulsory attendance provision of this code.

Special Circumstances for Kindergarten Students

It should be noted that a child who was five years old prior to September 1 of the current school year and who are enrolled in a kindergarten program may be withdrawn from that program during the school term when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: *Provided*, however, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.

It should also be noted that the option of withdrawal from a kindergarten program is not available to students who are six years of age prior to September 1 of the current school term and who are enrolled in a kindergarten program. Compulsory attendance laws require that all six year old children must be enrolled in an appropriate public education, private school or home instruction program.
(WVC §18-8-1a)

Special Circumstances for Students 18 Years of Age and Older

The compulsory school attendance provision of WVC §18-8-1a and §18-8-2 shall be enforced against a person 18 years of age or older for as long as the person continues to be enrolled in a school system, and shall not be enforced against the parent, guardian, or custodian of such person.

Any person 18 years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of the provisions of WVC §18-8-2 or without just cause, shall be guilty

of a misdemeanor and shall, upon conviction of a first offense, be fined not less than \$50 nor more than \$100 together with the costs of prosecution and required to attend school and remain throughout the school day.

Upon conviction of a second offense, a fine may be imposed of not less than \$50 nor more than \$100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school.

Upon conviction of a third offense, any person 18 years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter shall be conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year.
(WVC §18-8-2)

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R 11-12-13 Individual Exception to Four-Year Attendance Requirement

Attendance for all four years during grades 9-12 is important to attain full benefit from the educational programs offered in the schools of Preston County. Therefore, all students shall be scheduled for the full school day for all four years. Exceptions may be made by the Preston County Board of Education to accommodate placement into college courses, advanced vocational/technical programs, participation in the WV Virtual School, or for other compelling circumstances.

The Preston County Board of Education establishes the following regulations and guidelines for parents and students who are seeking an exception to the four-year attendance requirement. Requests for exceptions must be presented to the Coordinator of Attendance.

Exceptions for Educational Reasons:

A student may be granted an educational exception during his/her senior year one or more of the required daily instructional periods in order to enroll in college courses that are the equivalent or in excess of the content of high school courses or to attend a post-secondary technical program. Evidence of enrollment will be required. Three college/post secondary hours will equal one high school unit. The following conditions must be met:

- ❖ The principal and guidance counselor must recommend the student for an educational exception;
- ❖ The student must establish a planned high school program by the end of his/her sophomore year;
- ❖ The student's high school record must show the potential for success. Information to be reviewed shall include grades (3.0 GPA), achievement test scores, ability test scores, etc.;
- ❖ The student must have an average daily attendance rate of 95% or above during his/her high school career, unless extraordinary circumstances exist (i.e. long-term illness or injury);

- ❖ The student will meet or has met the county graduation requirements;
- ❖ The student must present evidence of enrollment and continued attendance at college or post-secondary technical school as either a full or part-time student;
- ❖ Seniors may be excused for an entire semester or school year if they provide evidence that they have been accepted and are enrolled as full-time college or post-secondary students. A minimum of four high school units must be taken to qualify as a full-time student;
- ❖ Students may substitute college credit for the senior year of high school including courses required for graduation provided the substitution fulfills state requirements and has prior approval of the high school principal;
- ❖ Only those college and post secondary programs recognized by the State of West Virginia, and those granting a recognized degree and/or certification shall be considered by the Board for approved placement;
- ❖ Students are required to submit a copy of their grades to the high school counselor at the end of each semester. The student shall also schedule a conference with the Coordinator of Attendance to review his/her attendance patterns;
- ❖ Diplomas shall be awarded to students who complete the graduation requirements in the manner described above.

Exceptions for Compelling Circumstances:

Sometimes students find themselves faced with circumstances beyond their control that make it impossible for them to attend school for a full instructional day for four years; therefore students who can demonstrate a compelling circumstance may be excused from part or all of the requirement.

- ❖ Students must present documentation verifying the uniqueness of their case.
- ❖ The Coordinator of Attendance, and/or other appropriate personnel will investigate all requests for such exemptions.
- ❖ The principal and guidance counselor must recommend the exemption.
- ❖ Compelling circumstances include:
 - **Parenthood**—Students who are also parents may be granted an exception if their parental responsibilities are such that they cannot fulfill the high school attendance requirements in the prescribed manner;
 - **Family responsibilities**—Students who are married and must work to support a family; or students, who because of disability to their parents, must be available to assist in the home;
 - **Financial need**—Students must work to support themselves or assist their parents in meeting the family's financial obligations;
 - **Health reasons**—Students who have to modify their educational program upon the recommendation of an attending physician;
 - **Travel abroad** as an exchange student.

- **Other compelling circumstances.** In the event of a request for early graduation based on compelling circumstances not considered above, the Board of Education shall make their decision based upon the recommendation of the Superintendent after careful investigation by the Superintendent and/or his/her designee.

Special Conditions That Do Not Require Exceptions:

- ❖ Students receiving homebound instruction as prescribed by Board Policy;
- ❖ Students participating in supervised work-study programs for one or more of their instructional periods;
- ❖ Students who have already attended four years in grades 9-12 may be allowed to enroll in only those classes needed to meet graduation requirements.
(WVC §18-2-5, §18-8-1, SBP 2320, 2510)

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R 11-12-14 Releasing Students during the School Day

No student shall be released during school hours excepting into the custody of a parent, guardian, or other known responsible person, and then only after securing approval of the principal.

When release is made to anyone other than the parent or guardian, written permission from the parent or legal guardian is required prior to release. All students leaving school during school hours must notify and secure permission of the principal or his/her designee. Those failing to do so shall be treated as unexcused.

R 11-12-15 Work Permits

Fourteen and 15 year old students may be issued work permits if they comply with the conditions set forth in state code. Students under the age of 14 may not be employed except in certain jobs such as agriculture, domestic services, family businesses, performances, and newspaper delivery. Students under the age of 17, even though they are legally employed, may not work during school hours except in work experiences and career exploration programs approved by the U.S. Secretary of Labor. The Superintendent's Office shall be responsible for the taking and issuing of work permits.
(WVC §21-6-3 thru 10)

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R 11-12-16 Maintenance of Student Attendance Records

An up-to-date daily register/record of attendance for every student must be maintained. From these records a periodic report, or reports as requested by the County Office in compliance with regulations of the West Virginia Department of Education, shall be electronically sent by use of the WVEIS system.

Data pertaining to absences should be accurately recorded by the teacher(s) each school day for each class, reported daily to the school offices, and should be checked regularly by the school principal. From this data, any monthly term or other attendance report as required by the Preston County Board of Education and/or West Virginia Department of Education may be compiled. The WVEIS file shall carry an attendance record of each student. Attendance data should also be reported on the report cards to inform parents about their children's absences.

- ❖ Maintenance of Records:
 - Each school will keep a daily, computerized record of attendance for each student. The record should include classification of absences.
 - Parental notes for all absences must be presented to the school within two days of the last day absent. Otherwise the absence will automatically be classified as "unexcused".
 - ❖ The principal and/or his/her designee will determine the classification of the absence according to definition.
 - The principal will have a procedure to inform the student of the category of each absence.
 - The appropriate reports on county-provided forms are to be sent to the Coordinator of Attendance.
 - ❖ State Attendance Reports must be made through the WVEIS in the following manner:
 - First month - net enrollment of students by grade;
 - Second month - net enrollment by grade, verification of certified list of all students by name and grade, and total days present to date;
 - Tenth Month – Verification of grade; number of promotions, retentions, and withdrawals; number of students enrolled in other states; accumulated days present; and number of days school was in session.
- (SBP 4110)

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R 11-12-17 Exclusions for Health Reasons

A student may be excluded from the school by the principal for health reasons. Extended or permanent exclusion may be made only by the action of the Superintendent following consultation with the School Nurse. Exclusion as used here shall mean an action brought by school officials in order to prevent a child's attendance for reasons of having an infectious disease. Any student so excluded shall not be readmitted to school until such time as the student has complied with all requirements set by the Superintendent or has presented a certificate of health signed by the medical examiner or other proper health officer. The student may not ride the school bus until approved as "disease-free" by trained school personnel or the Health Department. A letter of information and instruction will be provided when the student is identified.

(WVC §18A-5-1)

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R 11-12-18 Non-compulsory School Age Student Withdrawal

Any student 17 years of age or older who wishes to withdraw from school, having parental approval, is to contact the school counselor/principal to set up an exit interview for the purpose of formally withdrawing. The parent should be included in this conference unless the student is eighteen years of age or older. The exit interview will be used to fill out the West Virginia Department of Education Student Dropout Report, as well as to collect any school-owned books, lunch money, fines, etc. Students above the age of sixteen who are not attending school, and have not declared their intention to withdraw, shall be notified by certified letter of their need to do so. Students who fail to respond to this notification shall be identified as withdrawn.

(WVC §18-8-1 and SBP 4110)

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R 11-12-19 School Attendance and Satisfactory Academic Progress as Conditions of Licensing for Privilege of Operation of Motor Vehicle

Any student at least 15, but less than 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 (hereinafter WVDVM) when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle.

In accordance with the provisions of WVC §17B-2-3 and §17B-2-5, the WVDVM shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of 18 whom 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:

- ❖ 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; or
- ❖ is enrolled in a secondary school of this state and making satisfactory academic progress; or
- ❖ is a West Virginia resident enrolled in an out-of-state school; or
- ❖ is excused from such requirement due to circumstances beyond his or her control; or
- ❖ is enrolled in an institution of higher education as a full-time student in this state or any other state.

Definitions:

- ❖ **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 this policy shall be considered an unexcused absence.

- ❖ **Driver's Eligibility Certificate**—documentation provided by the county to the student verifying that he/she has met the attendance, behavioral and academic expectations set forth by WVC §18-8-11 that are required to obtain a license or instruction permit to drive a motor vehicle.
- ❖ **Satisfactory Academic Progress** – means the attaining and maintaining of grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five years or by age 19, whichever is earlier (beginning with the completed 2008-2009 school year).
 - A student must earn a minimum of five credits each year to allow graduation in five years based upon the graduation requirements set forth in SBP 2510.
 - Three of the five credits earned annually must be from the core requirements identified in SBP 2510.
- ❖ **Withdrawal**—for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the school system shall deny or revoke a Driver's Eligibility Certificate from any student at least 15 but less than 18 years of age:
 - More than 10 consecutive or 15 total days unexcused absences during a school year; or
 - Suspension pursuant to WVC §18A-5-1a and §18A-5-1b which includes the following behaviors when committed on the premises of an educational facility, at school-sponsored function, or on a school bus:
 - Assault and/or battery on school employees;
 - Possessing deadly weapons;
 - Sale of a narcotic drug;
 - Committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult; and/or
 - Unlawfully possessing a control substance governed by the uniform controlled substances act as described in WVC §60A-1-1 et seq.

Issuing a Driver's Eligibility Certificate:

The Coordinator of Attendance or Superintendent shall upon request provide a Driver's Eligibility Certificate on a form approved by the Department of Education to any student at least 15 but less than 18 years of age who is properly enrolled and is making satisfactory academic progress in the Preston County School system. The student's record must also verify that s/he is maintaining a satisfactory standing with regard to attendance. The student may use the Certificate to apply to the Division of Motor Vehicles for or reinstatement of an instruction permit or a license to operate a motor vehicle.

Consequences for Withdrawal from School or Failure to Maintain Satisfactory Academic Progress:

The Coordinator of Attendance or the Superintendent shall notify the WVDMV whenever a student at least 15 but less than 18 years of age withdraws from school (more than 10 consecutive or 15 total days unexcused absences during a school year), is suspended pursuant to WVC §18A-5-1a and §18A-5-1b, and/or fails to maintain satisfactory academic progress, except when the situation is owing to

circumstances outside the control of the student. Notification must be provided to the WVDMV no later than five days from the date of the withdrawal or determination of failure to maintain satisfactory academic progress.

The Board may not include attainment by a student of any certain grade point average as a measure of satisfactory progress toward graduation

Whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, no notice shall be sent to the Division of Motor Vehicles to suspend the student's motor vehicle operator's license and if the student is applying for a license, the Coordinator of Attendance or the Superintendent shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the provisions of this section.

Student's Right to a Hearing before the Superintendent:

Within five days of receipt of a withdrawal notice, the Division of Motor Vehicles shall send notice to the student that his/her instruction permit or license to operate a motor vehicle will be suspended under the provisions WVC §17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance with the provisions of WVC §18-8-11 is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that he or she is entitled to a hearing before the Superintendent or his/her designee concerning whether the student's withdrawal from school or failure to maintain satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. If suspended, the division may not reinstate an instruction permit or license until such time as the student returns to school and shows satisfactory academic progress or until such time as the student attains 18 years of age.

The Superintendent with the assistance of the Attendance Coordinator and any other staff or school personnel shall be the sole judge of whether any of the grounds for denial or suspension of a license as provided by this section are due to a circumstance or circumstances beyond the control of the student.

Hearing before the WVDMV:

Upon written request of a student, within 10 days of receipt of a notice of suspension as provided by the code, the Division of Motor Vehicles shall afford the student the opportunity for an administrative hearing. The scope of the hearing shall be limited to determining if there is a question of improper identity, incorrect age, or some other clerical error.

Reinstatement of Driver's Eligibility Certificate:

Students may have their Driver's Eligibility Certificate reinstated by the Preston County Board of Education upon demonstration of satisfactory progress as follows:

- ❖ Reinstatement requests related to withdrawal for unexcused absences shall be reviewed, as outlined in *SBP 4110: Attendance*, at the end of the semester following that in which the withdrawal occurred;
- ❖ Reinstatement requests related to withdrawal for failure to make satisfactory academic progress shall be reviewed at the end of each school year;
- ❖ Reinstatement requests related to withdrawal for suspension pursuant to WVC §18A-5-1a and §18A-5-1b shall be reviewed after all disciplinary sentences have been served.
(WVC §18-8-11, §17B-2-3, §17B-2-5; SBP 4110; SBP 4150 and SBP 4372)

R 11-12-20 Appeals Process for Absences

Students who believe the attendance policy has been misapplied regarding their absences are entitled to appeal the decision of the local school officials. The student or the custodial parent/guardian may make a written appeal to the school principal/designee to have his/her case reviewed. The review shall include the presentation of documents and evidence from both the school and the student. Students whose custodial parents/guardians are unsuccessful in their appeal at the school level may make a written appeal to the Superintendent and the Board in that order.

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Adopted: August 11, 2003
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-13 Student Code of Conduct</p>	<p>Last Reviewed: 8-9-10 Next Review: 7-1-12</p>
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It is the policy of Preston County Schools to maintain a safe, orderly and stimulating learning environment that is free from harassment, bullying, disruption, disrespect, intolerance and all other forms of student misconduct. Preston County Schools insists upon the highest standards of student conduct in order to foster an atmosphere that is conducive to the educational process and to maintain the personal and social development of every student. Out of respect for all students, teaches, administrators and other community members, each student will be subject to this Code of Conduct in its entirety and shall be disciplined according to it in order to deter student misconduct, reduce the social harm caused by it and maximize positive student growth.
(SBP 4373)

R 11-13-1 Expectations of Students Enrolled in Preston County Schools

All students enrolled in Preston County Schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning as well as the personal and social development of all students. Specifically, it is expected that:

- ❖ Students will help create an atmosphere free from bullying, intimidation and harassment.
- ❖ Students will demonstrate honesty and trustworthiness;
- ❖ Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others;
- ❖ Students will demonstrate responsibility, use self-control and be self-disciplined;
- ❖ Students will demonstrate fairness, play by the rules, and will not take advantage of others;
- ❖ Students will demonstrate compassion and caring; and
- ❖ Students will demonstrate good citizenship by obeying laws and rules of our state and nation as well as the rules of the school, respecting authorities charged with the enforcement of laws and school rules, and by cooperating with and assisting others in the school community in order to foster an environment of mutual concern.

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R 11-13-2 Awareness Program

Student Code of Conduct Awareness Programs shall be developed for all students, staff and other members of the school community. All building principals shall ensure that all students and staff participate in such an awareness program.

Awareness Programs for Students

All building principals shall ensure that all students in Preston County Schools, within the first five weeks of the first semester of each school year, participate in a Student Code of Conduct Awareness Program, which

shall consist of age-appropriate classroom lessons designed to educate students about the requirements of the Student Code of Conduct. It shall be the responsibility of each building principal to supervise the development and implementation of such an awareness program in her/his building. This awareness program, at a minimum, shall raise awareness of:

- ❖ The different types of Student Code of Conduct violations;
- ❖ How different types of Student Code of Conduct violations are manifested;
- ❖ The potentially devastating emotional and educational consequences of Student Code of Conduct violations; and
- ❖ The potential legal consequences of Student Code of Conduct violations.

Awareness Programs for Staff Members

All building principals shall ensure that all staff members of Preston County Schools participate in a Student Code of Conduct Awareness Program. This awareness program for staff shall be developed and implemented by each building principal. This awareness program, at a minimum, shall:

- ❖ Meet all of the requirements outlined in the Student Awareness Program above.
- ❖ Raise awareness and emphasize the importance of all provisions within the Student Code of Conduct that require notice to the parents of a student who has violated or is suspected of violating the Student Code of Conduct as a result of the filing of a complaint form.

Awareness Program for Citizens of Preston County

The Office of the County Superintendent of Schools shall, upon request and within a reasonable time, provide one copy of this Student Code of Conduct Policy to any citizen of Preston County who makes such a request.

Multicultural Education Programs

For the purpose of fostering an atmosphere of understanding and acceptance of all individuals, all building principals shall ensure that all staff and students of Preston County Schools participate in a multicultural education program. It shall be the responsibility of each building principal to supervise the development and implementation of such a multicultural education program in her/his building. This multicultural education program, at a minimum, shall:

- ❖ Stress the need for tolerance of and respect for persons of all cultural, racial and/or ethnic backgrounds; and
- ❖ Inform students of the importance and strengths drawn from the diversity of our community, particularly the advantages gained from being exposed to the differing viewpoints and perspectives of persons whose cultural, racial and/or ethnic backgrounds differ from their own.

Posting of Student Code of Conduct Policy

This Student Code of Conduct Policy or a summary of it shall be conspicuously posted throughout each of Preston County School's facilities in areas accessible to students and school employees. These areas shall include, but are not limited to, each classroom, library and administrative office.

Student Handbook

This Student Code of Conduct Policy or a summary of it shall appear in the student handbook and if no handbook is available, a copy of this policy will be distributed to all students, the parents of students, and all school employees through hand delivery or mail delivery.

Student/Parent Contracts

When a student enters middle/junior high/high school for the first time, the student and his/her parent or guardian will be requested to carefully read, sign and return a contract in which the student(s) and his/her/their parent(s):

- ❖ Agree to abide by the terms of this Student Code of Conduct Policy; and
- ❖ State unequivocally that they are aware of the consequences of a student's violation of the provisions of this Student Code of Conduct Policy.
- ❖ Records will be maintained in a separate marked file in each individual school.

Bi-annual Review

The Preston County Board of Education shall review this Student Code of Conduct Policy at least bi-annually for compliance with state and federal law and West Virginia Board of Education Policy.

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R 11-13-3 Definitions

- ❖ **Appropriate school personnel.** The term appropriate school personnel means those school employees who have been designated by the building principal or superintendent of schools to deal with the issue(s) or information relevant to the provisions of this Student Code of Conduct in which this term is used.
- ❖ **Complaint receipt officer.** The term complaint receipt officer means a school teacher or school administrator who is designated by his/her building principal to receive completed complaint forms. See West Virginia State Board of Education Policy 4373, section
- ❖ **Confidential.** The term confidential means that the information in question will not be disclosed intentionally by school employees except as permitted by the county board of education student records policy.
- ❖ **Notice, notified and reasonable effort to notify or contact.** In any and all cases where notice or a reasonable effort to notify or contact is required by this policy, any of the following methods of notice shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student and his/her parent(s) or guardian(s) :
 - Any legible writing which is given to a student by school personnel with oral and/or written instructions to deliver said writing to the students parent(s) or guardian(s) shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student, and his/her parent(s) or guardian(s) regardless of whether such notice ever actually reaches or is read by said students parent(s) or guardian(s),

- A phone call placed to the students parent(s) or guardian(s) at his/her home or place of business shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact a students parent(s) or guardian(s) if:
 - such parent(s) or guardian(s) is/are actually reached by such a phone call; or
 - a message is left with the individual answering the phone; or
 - a message is left on a telephone answering machine or service
- Other methods of notice or contact which are reasonable under the circumstances shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student, and his/her parent(s) or guardian(s).
- ❖ **School.** School may refer to the physical structures, real estate, and other property owned by the county school system in which students attend class. School may also refer to the administration or county school board or other school board personnel who are empowered to make decisions in regard to student discipline.
- ❖ **School community.** The school community means all students, teachers, administrators, other school staff, school volunteers, and the citizens of the municipal or county entity in which the school is located who are involved with school activities.
- ❖ **Staff and/or staff member(s) and/or school staff and/or school employee(s) and/or school personnel.** The terms staff, staff member(s,) school staff, school employee(s), and school personnel all refer to any person employed by Preston County Schools regardless of their connection, or lack thereof, to the instruction of students.
- ❖ **Person.** The term Person has its plain and ordinary meaning when used in this Student Code of Conduct.

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R 11-13-4 Application of the Student Code of Conduct

The regulations/rules set forth here in the Student Code of Conduct apply to all students attending public school in Preston County 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 a county board of education, Regional Education Service Agency or State Department of Education, or in another facility being used by any of those agencies. This code of conduct shall also apply to all conduct that has the effect of substantially interfering with educational activities, regardless of where or when such conduct occurs. Misconduct, including battery, directed against school personnel shall be considered within the scope of the Student Code of Conduct, regardless of where or when such conduct occurs.

Penalties for failure to comply with the requirements of the Student Code of Conduct

Students who do not conform their behavior to the requirements of this Student Code of Conduct will be subject to the Levels of Response to Violations as outlined below. Students who do not behave in a manner that promotes a nurturing, orderly, and safe environment conducive to learning and the personal-social development of all students should fully expect that their failure to behave in such a manner will result in a violation of the Student Code of Conduct and will subject them to the responses outlined below.

Students with Exceptionalities

Nothing in this Student Code of Conduct should be interpreted in any manner which would be inconsistent with the requirements of Federal and State laws and any policies of the West Virginia Board of Education that grant certain rights to students with exceptionalities.

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R 11-13-5 Violations of the Student Code of Conduct

Violations of the Student Code of Conduct are divided into four levels, each describing various forms of unacceptable student behavior. School responses to violations of the Student Code of Conduct are divided into four corresponding levels.

In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or local board of education 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 of the facts and surrounding circumstances.

Level I Violations:

- ❖ **Anti-Social Conduct:** A student will not orally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward another student that causes embarrassment, discomfort, or a reluctance to participate in school activities.
- ❖ **Cheating/Academic Misconduct:** A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline.
- ❖ **Disorderly Conduct:** A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption or otherwise has to address the disruption during class time regardless of whether instruction is occurring and regardless of whether the disrupting student is a student in he/her classroom at the time of the disruption.
- ❖ **Improper Operation of a Motor Vehicle:** A student will not engage in improper parking or fail to use any vehicle driven by the student on school property in a safe and courteous manner.
- ❖ **Inappropriate Displays of Affection:** Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature.

- ❖ **Inappropriate Dress and Grooming:** 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 any 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.
- ❖ **Leaving School Without Permission:** A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.
- ❖ **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.
- ❖ **Tardiness:** A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.
- ❖ **Technology Abuse:** A student will not violate the terms of SBP 2460, W.Va. (Safety and Acceptable Use of the Internet by Students and Educators). This policy may be found at <http://wvde.state.wv.us/>
- ❖ **Tobacco:** In accordance with West Virginia Board of Education SBP 2422.5, (Substance Abuse and Tobacco Control) a student will not smoke, use tobacco, or possess any substance containing tobacco in any building/area or vehicle under the control of a county school system, including all activities or events sponsored by the county school district. This policy may be found at <http://wvde.state.wv.us/>
- ❖ **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 authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.
- ❖ **Truancy:** In accordance with West Virginia Board of Education Policy 4110 (Attendance Policy) 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.
- ❖ **Improper/Unauthorized Use or Possession of Prescription or Non-Prescription Medication.** A student will not use or possess prescription or non-prescription medications at school or at school-sponsored activities in any manner inconsistent with the county board of education's prescription medication policy

School Responses to Level I Violations:

The School may respond to any Level I violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ **An Administrator/Student Conference** - Possible Reprimand. The student will meet with the appropriate administrator in order to discuss the student's violation. This conference may result in a written reprimand of the student. The form and content of said reprimand are to be determined by each individual administrator but must at least include: 1) the name and grade level of the student; 2) a description of the student's violation; 3) a brief summary of the conference held and any resulting agreements about the student's future behavior, or other outcomes; 4) a copy of any

written complaint regarding this violation from which any confidential or otherwise private information shall be redacted; 5) a copy of any report regarding this violation which is maintained in the principals office pursuant to 6, below.

- ❖ **An administrator and teacher/parent or guardian conference.** The parent(s) or guardian(s) of the student will be asked to attend a meeting with the appropriate administrator and/or teacher or other school staff member in order to discuss the student's violation. The results of this conference shall be reduced to a simple writing, the form and content of which are to be determined by each individual administrator but must at least include: 1) the name and grade level of the student whose parent(s) or guardian(s) was asked to attend the meeting; 2) the name of the parent(s) or guardian(s) who actually attended the meeting; 3) a description of the students violation; 4) a brief summary of the conference held and any resulting agreements about the students future behavior, or other outcomes; 5) a copy of any written complaint regarding this violation from which any confidential or otherwise private information shall be redacted; 6) a copy of any report regarding this violation which is maintained in the principals office pursuant to 6, below.
- ❖ **Referral to and conference with support staff or agencies.** School administrators may refer a student to any support staff or agencies deemed qualified by said administrators to assist a student in addressing and correcting his/her misbehavior. School administrators may also require a student to meet with such staff or agencies in order that such staff or agencies may assist a student in addressing and correcting his/her misbehavior, subject to the approval of the students parent(s) or guardian(s). School administrators will notify the parent(s) or guardian(s) of a student by any reasonable means under the circumstances when such a referral is made and such a meeting is scheduled.
- ❖ **Referral to a tobacco cessation program.** School administrators shall refer a student who has violated the schools tobacco policy to a tobacco cessation program which has been approved by the County Board of Education.
- ❖ **Daily/weekly progress reports.** School administrators may require that a students teachers, coaches, and other school personnel who have regular contact with a student to complete daily or weekly progress reports regarding the students behavior and/or academic progress. A student will be informed that such reports are to be made prior to the start of the period in which such reports are to be made. Copies of such daily/weekly reports shall be made available to the student and his/her parent(s) or guardian(s) within a reasonable time under the circumstances upon request. The form and content of these progress reports may vary as needed, but must at least include: 1) the name and grade level of the student; 2) the subject matter of the course in which the students academic and/or behavioral progress is being monitored; 3) a general description of the trend of a students academic progress during the monitoring period; 4) a general description of the behavior that is to be modified, and the type of behavior that is expected of the student; and 5) a description of the progress that the student is making toward achieving the desired behavioral outcomes.
- ❖ **Behavioral contracts.** School administrators may ask a student to review, sign and abide by a behavioral contract that will detail the type of behavior expected of the student and that may include some or all of the following: 1) an agreement to refrain from specific types of behavior; 2) an agreement to make restitution for damage done; or 3) an agreement to apologize for the students behavior to a particular individual or group of individuals. A student's failure to agree to sign and abide by a behavioral contract will result in the schools selection of another response to the student's behavior.

- ❖ **Change in the student's class schedule.** School administrators may elect to change a student's class schedule in response to a Level I, or higher, violation. Notice of the decision to change a student's schedule will be given to both the student and his/her parent(s) or guardian(s) within a reasonable time under the circumstances after this decision has been made. A decision to change a student's schedule will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **School service assignment.** School administrators may elect to assign a student a school service assignment in response to a Level I, or higher, violation. Such assignments shall be designed to assist the student in correcting his/her misbehavior while also benefiting the school community.
- ❖ **Confiscation of inappropriate item(s).** School administrators may confiscate from a student any item which the administrator, in his/her judgment, deems inappropriate for a student to have on school grounds or at any school-sponsored function. School administrators are empowered to search for and seize any such inappropriate items to the full extent permitted by the Fourth Amendment of the United States Constitution as that amendment has been applied to students in schools by the United States Supreme Court. *See generally, New Jersey v. T. L. O.*, 469 U.S. 325 (1985) (describing the tailored Fourth Amendment rights of students while at school).
- ❖ **Restitution/restoration.** School administrators may require a student to make restitution to individuals or entities, including the county school district, for the student's action(s) which resulted in damage to or destruction of property. Failure to comply with any reasonable order to make restitution may result in a finding that the student has acted in an insubordinate/unruly manner, constituting a Level II violation and warranting a Level II response by the school.
- ❖ **Before and/or after-school detention.** School administrators and teachers may require a student to serve detention in a place and time to be determined by the school. A student may be required to serve detention before or after school.
- ❖ **Denial of participation in class and/or school activities.** School administrators and teachers may deny a student the opportunity to participate in class and/or school activities. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student the opportunity to participate in class and/or school activities within a reasonable time under the circumstances after the decision has been made. A decision to deny a student the opportunity to participate in class and/or school activities will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Immediate exclusion of student by teacher from one class period of the school day.** Teachers and administrators may summarily exclude a student from one class period of the school day. A decision to exclude a student for one class period may be made in immediate response to a student's Level I, or higher, violation. No notice beyond that given to the student at the time he/she is excluded from class need be given.
- ❖ **Weekend detention.** Teachers may recommend and school administrators may require that a student be assigned a weekend detention. A student assigned weekend detention shall serve his/her weekend detention at a time and place determined by the school. Teacher recommendation is not required in order for a school administrator to assign weekend detention to a student. A student and his/her parent(s) or guardian(s) shall be notified of the decision to assign weekend detention to the student within a reasonable time under the circumstances after the decision has been made. A decision to assign a student weekend detention will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.

- ❖ **In-school suspension.** Teachers may recommend and school administrators may require that a student be assigned in-school suspension. A student assigned in-school suspension shall report to school at the regular required time and spend part of, or all of, his/her school day in a place determined by the school. Students may be required to gather assignments from their classroom teachers prior to serving an in-school suspension and/or additional assignments may be given to students upon reporting for in-school suspension. Teacher recommendation is not required in order for a school administrator to assign in-school suspension to a student. A student and his/her parent(s) or guardian(s) shall be notified of the decision to assign in-school suspension to the student within a reasonable time under the circumstances after the decision has been made. A decision to assign a student in-school suspension will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Out-of-school suspension for up to three (3) days.** School administrators are empowered to deny a student access to school grounds and/or school-sponsored activities for a period of up to three days. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student access to school grounds and/or school-sponsored activities for a period of up to three days within a reasonable time under the circumstances after the decision has been made. A decision to deny a student access to school grounds and/or school-sponsored activities for a period of up to three days will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Law enforcement notification.** School administrators may notify appropriate law enforcement agencies of a student's violation(s) of the Student Code of Conduct where such notification is deemed by school administrators to be reasonable under the circumstances and where school administrators reasonably believe said violation(s) of the Student Code of Conduct to be a violation(s) of state and/or federal law.
- ❖ **Counseling/peer mediation/anger management/violence provision.** Where appropriate, feasible, and subject to program availability, school administrators may request that a student participate in: 1) counseling sessions with the school psychologist or other qualified counselor; 2) a peer mediation program; 3) a conflict resolution program; 4) an anger management program; 5) a violence prevention program; or 6) other programs or services which may appropriately address the students needs as evidenced by the students particular violation of the Student Code of Conduct.

School Responses to Repeated Level I Violations:

The School may respond to a student's second or other subsequent violation of the same Level I violation within the same school year as either a Level I violation or a Level II violation. This policy affects only second and other subsequent violations of the same Level I violation in the same school year.

- ❖ **Illustration:** If a student were disciplined for engaging in Cheating/Academic Misconduct in October, and then that same student were to engage in Cheating/Academic Misconduct a second time within the same school year, this student's recidivism may be met with a school response to a Level I violation or a Level II violation at the option of the school. If this same student were to engage in a different Level I violation after having been disciplined for Cheating/Academic Misconduct, for example, Improper Operation of a Motor Vehicle on School Property, then this subsequent Level I violation would be treated as a Level I violation.

Level II Violations:

Students will not engage in any of the following forms of unacceptable behavior:

- ❖ **Bullying/Harassment/Intimidation.** A student will not bully/intimidate/harass another student. According to W. Va. Code 18-2C-2, harassment, intimidation or bullying means any intentional gesture, or any intentional written, verbal, or physical act or threat that: (a) a reasonable person under the circumstances should know will have the effect of: (1) harming a student; (2) damaging a student's property; (3) placing a student in reasonable fear of harm to his or her person; or (4) placing a student in reasonable fear of damage to his or her property; or (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.
- ❖ **Failure to Serve Assigned Detention.** A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.
- ❖ **False Identification.** A student will not use another person's identification or give a false identification to any school official with intent to deceive school personnel or to falsely obtain money, property or anything of value.
- ❖ **Forgery.** A student will not sign the name of another person for the purpose of defrauding school personnel or the county board of education.
- ❖ **Fraud.** A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.
- ❖ **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.
- ❖ **Gang 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 school districts educational mission. Gang activity includes:
 - 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;
 - 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;
 - Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs; or
 - Recruiting student(s) for gangs.
- ❖ **Insubordination/Unruly Conduct.** A student will not ignore or refuse to comply with directions or instructions given by school personnel. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class-related 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.

- ❖ **Loitering.** A student will not remain or linger on school property without a legitimate purpose and/or proper authority.
- ❖ **Theft or Possession of Stolen Property.** A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued at less than \$100.00 which does not belong to the student.
- ❖ **Disrupting the Education Process.** A student will not act in any manner that disrupts the educational process.
 - A student will be deemed to have disrupted the educational process whenever: 1) any of the basic processes of education (such as classroom work, instruction or evaluation, or orderly movement/travel from class to class or activity to activity or transition to or from school) are disrupted by the student; and 2) a reasonable person could have anticipated that the actions taken by the student would have disrupted one or more of these basic processes of education.
- ❖ **Possession of a nondeadly knife/implement:** A student will not possess a nondeadly knife including but not limited to pocket knives with a blade of three and one-half inches or less in length, a hunting or fishing carried for hunting or fishing, sports or other recreational uses or a knife designed for use as a tool or household implement. However these implements will be considered deadly weapons if they are knowingly used or intended to be used to produce serious bodily injury or death.

School Responses to Level II Violations:

The School may respond to any Level II violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ Any Level I response.
- ❖ Out-of-school suspension for up to ten (10) days. School administrators are empowered to deny a student access to school grounds and/or school-sponsored activities for a period of up to ten days. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student access to school grounds and/or school-sponsored activities for a period of up to ten days within a reasonable time under the circumstances after the decision has been made. A decision to deny a student access to school grounds and/or school-sponsored activities for a period of up to ten days will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.

School Responses to Repeated Level II Violations:

The School may respond to a student's second or other subsequent violation of the same Level II violation within the same school year as either a Level II violation or a Level III violation. This policy affects only second and other subsequent violations of the *same* Level II violation within the same school year.

- ❖ **Illustration:** If a student were disciplined for engaging in Failure to Serve Assigned Detention in October, and then that same student were to engage in Failure to Serve Assigned Detention a second time within the same school year, this student's recidivism may be met with a school response to a Level II violation or a Level III violation at the option of the school. If this same student were to engage in a different Level II violation, Gambling, for example, after having been disciplined for Failure to Serve Assigned Detention, then this subsequent Level II violation would be addressed with a school response to a Level II violation.

Level III Violations:

Violations in the Level III category are consistent with those addressed in W. Va. Code 18A-5-1a (b) and (c) and shall be reported immediately to the principal of the school in which the student is enrolled. The principal will address the violation by following the procedures outlined in W. Va. Code 18A-51a, subsections (b) through (h). Students will not engage in any of the following forms of unacceptable behavior.

- ❖ **Alcohol Possession/Distribution/Use.** A student will not possess, use, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or other school vehicle, or at any school-sponsored function.
- ❖ **Defacing School Property.** A student will not willfully cause defacement of, or damage to, any property of the county school system 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 examples of acts of defacement. Other examples of damage to school property include, but are not limited to, damaging and or ruining bulletin boards, intentionally clogging or otherwise damaging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.
- ❖ **Disobeying a Teacher in a Willful Manner.** A student will not willfully disobey a teacher.
 - Acts of willful disobedience by students include, but are not limited to:
 - student action of any manner or kind which a teacher has previously asked a student to refrain from doing; and
 - intentionally refusing to comply with the direct instructions of a teacher.
- ❖ **Profane Language.** A student will not use profane language directed at a school employee or a student. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings or other media, directing profanity or insulting, obscene gestures toward any school employee or student.
- ❖ **Theft.** A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession, property valued at between \$100 and \$999.
- ❖ **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: a) recklessly or intentionally endangers the mental or physical health or safety of another person or persons; or b) causes another person or persons to destroy, damage, 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 organization or activity (whether curricular, co-curricular, or extra-curricular) affiliated with any public school.
- ❖ **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 or others.

- ❖ **Habitual Violation of School Rules or Policies.** A student will not habitually, as defined in subsection (a) below, violate school rules or policies.
 - Habitual violation means either of the following: i) violating the same written school rule or policy more than three (3) times within any nine-week (9) period, such period commencing with the first violation of that written school rule or policy; or ii) violating any combination of any written school rules or policies more than five (5) times within any nine-week (9) period, such period commencing with the first violation of any written school rule or policy.
- ❖ **Retaliation/Reprisal.** A student will not retaliate against any person who reports alleged violations of the Student Code of Conduct, or against 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.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.
- ❖ **Filing of a False Complaint.** A student will not report a violation of the Student Code of Conduct when the student knows that such a report is false, misleading, or is otherwise not based in fact. Nor will a student claim that a teacher, coach, administrator, or other staff member committed any improper, inappropriate, or illegal act when the student knows that such a report is false, misleading, or is otherwise not based in fact.
 - If, after an investigation it is determined that a complaint filed by a student, which alleges that another student violated the Student Code of Conduct, was not based on the complaining student's sincere and reasonable belief that an actual violation of the Student Code of Conduct occurred, that student will be subject to a School Response to a Level III Violation.
 - If, after an investigation it is determined that a complaint filed by a student, which alleges that a teacher, coach, administrator or other staff member committed any improper, inappropriate, or illegal act, was not based on the complaining student's sincere and reasonable belief that the teacher, coach, administrator or other staff member actually committed such an improper, inappropriate, or illegal act, that student will be subject to a School Response to a Level III Violation.
 - Safe Harbor. Notwithstanding the provisions of this section, a student will not face a School Response for reporting what he or she sincerely and reasonably believed to be an actual violation of the Student Code of Conduct, or an improper, inappropriate or illegal act committed by a teacher, coach, administrator, or other staff member, even if it is ultimately determined that no violation of the Student Code of Conduct or an improper, inappropriate, or illegal act occurred. The determination as to a student's sincere and reasonable belief in this regard shall be made by the school principal or another administrator who has been designated by the Superintendent or the Board of Education to make this determination in a given case.
- ❖ **Physical Altercation.** A student will not participate in a physical altercation with another person while under the authority of school personnel.
- ❖ **Injury or Threat of Injury.** A student will not threaten to injure, or in any manner injure, another student, a teacher, administrator or other school personnel. Assault on a school employee defined in W. Va. Code 61-2-15(a) is a violation of this provision.

School Responses to Level III Violations:

The School may respond to any Level III violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ Any Level I or Level II response
- ❖ A principal may suspend a student from school, or transportation to or from the school on any school bus or other school-owned vehicle, if the student, in the determination of the principal after an informal hearing pursuant to W. Va. Code 18A-5-1(d), has committed any of the Level III violations.
- ❖ If a student has been suspended pursuant to W. Va. Code 18A-5-1a (b) or (c), the principal may request that the superintendent recommend to the county board that the student be expelled following the provisions in subsections (b) through (l) of W. Va. Code 18A-5-1a.
- ❖ Agency notification, such as DHHR or appropriate law enforcement agency.

Level IV Violations:

Violations in the Level IV category are consistent with those addressed in W. Va. Code 18A-5-1a(a) and (b). Level IV violations in this policy are aligned with definitions in W. Va. Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun Free Schools Act of 1994, Public Law 103-382, and require that the principal of the school in which the student is enrolled shall address the violation following the procedures outlined in W. Va. Code 18A-5-1a(a) and (b). Students will not engage in any of the following forms of unacceptable behavior:

- ❖ **Battery on 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 W. Va. Code 61-2-15(b).
- ❖ **Felony.** A student will not commit an act or engage in conduct that would constitute a felony under the laws of the State of West Virginia if committed by an adult as outlined in W. Va. Code 18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (W. Va. Code 61-3-1), malicious wounding and unlawful wounding (*See* W. Va. Code 61-2-9), bomb threat (W. Va. Code 61-6-17), sexual assault (W. Va. Code 61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (W. Va. Code 61-6-24), burglary (W. Va. Code 61-3-11), robbery (W. Va. Code 61-2-12), and grand larceny (W. Va. Code 61-3-13).
- ❖ **Possession or Use of a Controlled Substance.** According to W. Va. Code 18A-5-1a(b)(ii), a student will not possess, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W. Va. Code 60A-1-101, *et seq.*, on the premises of an educational facility or at a school-sponsored function or on a school bus.
- ❖ **Possession of a Firearm or other Deadly Weapon.**
 - According to W. Va. Code 18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in W. Va. Code 61-7-2, on any school bus as defined in W. Va. Code 17A-1-1(d), or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W. Va. Code 61-7-11a.

- As defined in W. Va. 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, blackjacks, gravity knives, knives, switchblades knives, nunchaku, metallic or false knuckles, pistols, or revolvers. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. A pocket knife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in W.V. Code 61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- ❖ **Sale or Delivery of a Prescription or Over-the-Counter Drug.** A student will not sell or deliver any drug, including a prescription drug or over-the-counter drug, on the premises of an educational facility, at a school sponsored function or on a school bus or other vehicle used for a school-sponsored event.

As defined in W. Va. Code 60A-1-101(l), a drug means:

- substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any one of them;
 - substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
 - substances (other than food) intended to affect the structure or any function of the body of man or animals; and
 - substances intended for use as a component of any article specified in clause (1), (2), or (3) above. It does not include devices or their components, parts, or accessories.
- ❖ **Sale of a Narcotic Drug.** According to W. Va. Code 18A-5-1a, a student will not sell a narcotic drug on the premises of an educational facility, at a school-sponsored function or on a school bus or other vehicle used for a school-sponsored event.

As defined in W. Va. Code 60A-1-101(p), a narcotic drug means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) of this subdivision, but not including the isoquinoline alkaloids of opium.
- Opium poppy and poppy straw.
- Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

School Responses to Level IV Violations:

W. Va. Code 18A-5-1a that require the mandatory suspension of the student by the principal from school, or from transportation to or from the school on any school bus or other vehicle used for a school-sponsored event, after an informal hearing pursuant to subsection (d) of W. Va. Code 18A-5-1a.

- ❖ Pursuant to W. Va. Code 18A-5-1 a(b), a principal shall suspend a student for committing an act or engaging in conduct that would constitute felony under the laws of this state if committed by an adult; or unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the Uniform Controlled Substances Act as described in W. Va. Code 60A-1-101 et seq. The principal shall request that the superintendent recommend to the county board that the student be expelled.
- ❖ A principal shall suspend a student for battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug pursuant to W. Va. Code 18A-5-1a. The principal shall, within twenty-four (24) hours, request that the county superintendent recommend to the county board that the student be expelled.
- ❖ Upon such request of the superintendent by a principal, the county superintendent shall recommend to the county board that the student be expelled.
- ❖ Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with W. Va. Code 18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the county board finds that the student did commit battery on a school employee, possessed a firearm or deadly weapon, or sold a narcotic drug pursuant to W. Va. Code 18A-5-1a, the county board shall expel the student for a period of not less than twelve (12) consecutive months, provided that a county superintendent may lessen the mandatory period of expulsion if the circumstances of the students case demonstrably warrant such a reduction following the guidelines provided in W. Va. Code 18A-5-1a (i).
- ❖ If the county board of education finds that the student committing an act or engaging in conduct that would constitute felony under the laws of this state if committed by an adult; or unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the Uniform Controlled Substances Act as described in W. Va. Code 60A-1-101, et seq., the student may be expelled pursuant to W. Va. Code 18A-5-1a for a period not to exceed one school year.
- ❖ A county board of education that expels a student, may attempt to establish the student as a dangerous student as defined in W. Va. Code 18A-1-1(j), at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the county board shall state clearly whether the board will attempt to establish the student as a dangerous student and will include any evidence to support its claim in this notice of the hearing date and time.
- ❖ W. Va. Code 18A-1-1(j) defines a dangerous student as a student who is substantially likely to cause serious bodily injury to himself, herself, or another individual within that students educational environment, which may include any alternative education environment. See W. Va. 126 C.S.R. 20, West Virginia Board of Education Policy 2418, Alternative Education Programs for Disruptive Students, 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.

- ❖ A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions outlined in W. Va. Code 18A-5-1a but must re-evaluate this decision at least every three months.
- ❖ Nothing in this policy may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, IDEA Amendments of 1997 (Public Law 105-17), or with W. Va. 126 C.S.R. 16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.

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R 11-13-6 Complaint Procedures

All students and school employees who observe violations of the Student Code of Conduct must report these observations to appropriate school personnel. All students and school employees who have knowledge of violations of the Student Code of Conduct, regardless of whether they have observed these violations, must report this knowledge to appropriate school personnel.

Principals in each building shall designate one or more school employees to serve as Complaint Receipt Officers, and these school employees will be charged with the duty to receive and act upon complaints of violations of the Student Code of Conduct. All reports of violations must ultimately be directed to the Complaint Receipt Officer, regardless of which school employee originally received information about the alleged violation and/or the complaint form.

- ❖ **Student's duty to report.** Students who sincerely and reasonably believe that they have been the victims of, have observed, or otherwise have knowledge of a violation of the Student Code of Conduct, must inform a teacher, coach, administrator, or other school staff of this information. These students may also report such violations, where appropriate, directly to the Superintendent or the West Virginia Human Rights Commission or to a law enforcement agency.
- ❖ **Complaints reported to school employees, duty to report.** All school employees who receive information from a student that indicates that a violation of the Student Code of Conduct has occurred will present the student with a Complaint Form and assist the student in completing the form, if necessary. The school employee shall deliver the completed Complaint Form to the building principal or his or her designated Complaint Receipt Officer. If a student prefers to give an oral report only and chooses not to fill out a written Complaint Form, the teacher will direct the student to contact the building principal and/or his or her designated Complaint Receipt Officer, and the teacher will also report the student's oral report to the building principal and/or his or her designee in accordance with West Virginia State Board Policy 4373, section 9.3 and its corresponding policy within this county. The school employee will take whatever steps are necessary to assure the privacy of the student. The school employee should deliver completed complaint forms and/or report any oral reports to the building principal, or his/her designated Complaint Receipt Officer in whose school building the student complainant attends, regardless of whether the alleged violator of the Student Code of Conduct also attends classes in that same school building.

- All school employees who receive information from a student that indicates that a Level III or Level IV violation has occurred will, in addition to the steps outlined above, immediately report this information to the building principal in whose school building the alleged violator of the Student Code of Conduct attends classes, regardless of whether said school employee ordinarily works in that same school building and regardless of whether the student-complainant, if any, attends classes in that same school building

Illustration: If a middle-school teacher were informed by a middle-school student (complainant) that a high school student (alleged violator) had attempted to sell a controlled substance to the middle-school student, the middle-school teacher would be required to report this information to both the middle-school principal and the high school principal in order to comply with 4.2 and 4.2(a). This common sense approach is intended to protect the student at the middle-school from the serious and potentially life-threatening consequences of a Level IV violation, while also informing the alleged violator's building principal of this conduct that has obvious safety implications for the students in his or her building. Oftentimes though, the complainant and the alleged violator will attend classes in the same school building and it will only be necessary to report such Level III and IV violations to one building principal.

- Nothing in this sub-section shall be interpreted to prevent or forbid a school employee from informing a building principal of any information about a violation of the Student Code of Conduct, regardless of the level of the violation, when in that school employee's judgment making such a report to a building principal is in the best interest of school safety.
- ❖ **Complaints by school employees, duty to report.** All school employees who sincerely and reasonably believe that they have been the victim of, have observed, or otherwise have knowledge of a violation of the Student Code of Conduct must report this violation by filling out a Complaint Form and submitting the same to their building principal.
 - School employees who fail to report their observations or knowledge of a violation of the Student Code of Conduct may face adverse performance evaluations according to Preston County Schools Policy (Procedures for Investigating, Reporting, Responding, and Devising Consequences for a School Employees Failure to Respond Appropriately to Violations of the Student Code of Conduct), created pursuant to 126 C.S.R. 142-14.3.1(a)(Follows established school discipline procedures that include WV126 C.S.R. 99, West Virginia Board of Education Policy 4373 -Student Code of Conduct).
- ❖ **Complaints generally:** all complaints are to be sent to the building principals designated Complaint Receipt Officer or to the building principal. Subject to the other rules in this section regarding complaints, any and all complaints, whether in writing or not, which allege that a student has violated the Student Code of Conduct must be reported to the building principal, or his/her designated Complaint Receipt Officer, in whose building the student-complainant attends school, regardless of whether the alleged violator of the Student Code of Conduct also attends school in that same building.
 - Nothing in this section shall be interpreted to require the use of a Complaint Form prior to the initiation of an investigation pursuant to 5 below. All reports of violations of the Student Code of Conduct communicated to any school employee shall be handled by said school employee according to 4.2 above and the preceding paragraph.

- ❖ **Confidentiality.** The names of student-complainants and alleged violators of the Student Code of Conduct shall remain confidential except as permitted by the Mason County Schools Student Records Policy.
- ❖ **Right to alternative complaint procedures.** Nothing in this Student Code of Conduct is intended to 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.

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R 11-13-7 Investigation Procedures

Upon the receipt of a completed complaint form or an oral report of a violation of the Student Code of Conduct, the building principal shall either conduct an investigation or appoint another school official to conduct an investigation of the matter alleged in the complaint form or oral report.

- ❖ **Minimum Requirements of an Investigation.** An investigation into an alleged violation of the Student Code of Conduct must at least consist of personal interviews with the complainant, the individual(s) against whom the complaint has been filed, and others, if any, 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.
- ❖ **Notice to parent(s) or guardian(s) of students who are to be interviewed.** When any student is to be interviewed in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent(s) or guardian(s) and invite him/her/them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels II and III, and is discretionary at Level I.
- ❖ **Protection of persons involved in a specific complaint and investigation.** Each building principal shall take such reasonable steps as are necessary, to protect the complainant, students, teachers, administrators, and other school employees pending the completion of an investigation of an alleged violation of the Student Code of Conduct.

The word protect, as it is used above, refers to the physical well-being of the individuals named.
- ❖ **Investigation period limited.** An investigation will be completed as soon as practicable but no later than ten school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. The investigator shall make a written 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 the Student Code of Conduct.
- ❖ **Reports to county superintendent.** The building principal shall forward copies of completed investigation forms and their attached written reports to the superintendent of schools for investigations of Level III and Level IV violations, whether or not the allegations that formed the basis of such investigation were substantiated. Other completed investigation forms may

be sent to the Superintendent at the discretion of the building principal or the Superintendent. The Superintendent may forward copies of completed investigation forms and their attached written reports to the Board of Education. See West Virginia State Board of Education Policy 4373, section 10.6 (final sentence).

- ❖ **Determination of Violation.** The building principal in whose building the alleged conduct occurred shall determine whether the alleged conduct constitutes a violation of this Student Code of Conduct policy or W. Va. Code 18A-5-1a.
- ❖ **The results of the investigation** of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.
- ❖ **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 knowingly 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 under Mason County Schools Student Records Policy.
- ❖ **Use of proper forms.** All investigators shall make use of the Investigation Form provided by their building principal in order to ensure optimal compliance with county policy.

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R 11-13-8 Board of Education Action and Reporting

- ❖ Upon receipt of a report substantiated by staff observation or by the investigation process, the principal, Superintendent or local board of education will take appropriate action against those found to have violated 126 C.S.R. 99-6 pursuant to W. Va. Code 18A-1-1 and 18A-5-1a.
- ❖ Easing of tensions and promotion of respect and understanding. The principal or Superintendent shall initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding in accordance with the plan described in 1, above.
- ❖ The principal, Superintendent or designee shall immediately enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct.

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R 11-13-9 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.

R 11-13-10 Violence Prevention and Intervention Training

All building principals shall ensure that their schools are trained in research-based effective models for violence prevention in education (including the prevention of bullying, harassment and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible student program, and character education. Training and technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop intervention to assure school success for these students.

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R 11-13-11 Identification of and Classification as a Persistently Dangerous School

As required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), beginning with the 2002-2003 school year, and in each subsequent year, data indicating the number of substantiated violations at each school as set forth in the criteria listed below will be collected using the WVEIS in order to identify and classify a school as persistently dangerous.

A school will be classified as a Persistently Dangerous School on or before July 1 of the current year if it has, for two consecutive years, substantiated violations of the following offenses that exceed five percent of the total number of students enrolled in the school based upon the school's second month enrollment:

- ❖ Battery on a school employee [WVC §61-2-15(b)].
- ❖ Commission of an act or conduct that would constitute a felony under the laws of the state.
- ❖ Possession of a firearm or deadly weapon as defined in WVC §61-7-2 on any school bus as defined in WVC §17A-1-1, or in any public or private primary or secondary education building, structure, facility or grounds thereof or at any school-sponsored function as defined in WVC §61-7-11a.
- ❖ Sale of a narcotic drug as defined in WVC §60A-1-101 on the premises of an educational facility, at a school sponsored function or on a school bus.

The Preston County school systems will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth above that exceed three percent of the total number of students enrolled in the school based upon the school's second month enrollment.

The West Virginia Department of Education will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth above that exceed three and seventy-five one hundredths percent of the total number of students enrolled in the school based upon the school's second month enrollment.

A student attending a Persistently Dangerous School, as defined by the state, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternate safe public school within Preston County.

Should Preston County have one or more schools identified as persistently dangerous, the appropriate authorities shall, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous. The students shall be offered the opportunity to transfer to a safe public school within the county and complete the transfer for those students who accept the offer.

The appropriate authorities must also develop a corrective action plan, submit it the West Virginia Department of Education, and implement the plan in a timely manner.

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R 11-13-12 Severability

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Preston County Schools do not discriminate on the basis of sex, race, color, religion, disability, and national origin in employment and in the administration of any of its educational programs and activities.

In addition to the Student Code of Conduct, students participating in activities must abide by the Code of Conduct for Athletes in Preston County Schools and sign a contract of participation.

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Adopted: December 8, 2003
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION

FILE: 11 - STUDENTS

File: 11-14 Student Discipline

Last Reviewed: 8-9-10

Next Review: 7-1-12

The Board believes that each student has the right to learn within a safe school environment. In addition, the state legislature has enacted legislation that has declared that each county is solely responsible for the administration of discipline in its schools. Thus, in addition to a focus on academics, Preston County Schools are concerned that students conduct themselves in an appropriate manner and that discipline is administered firmly and fairly. Any behavior or inappropriate language that causes the learning environment to be disrupted or infringes upon the rights of others will not be tolerated. It is the responsibility of all students to behave in a manner that does not threaten, interfere with, or deprive other students of their rights to an education nor a teacher's right to teach. The discipline within the school system is based on the following assumptions:

- ❖ Discipline is a means to learning, not an end;
- ❖ Discipline should be handled, if at all possible, by the teacher in the classroom;
- ❖ Classroom instructional behaviors affect discipline;
- ❖ Classroom environments must be orderly so that they are conducive to learning;
- ❖ Students are citizens. As such, their constitutional rights do not end at the schoolhouse gate. Thus, school personnel in any discipline action, which could result in the interruption of the students' right to an appropriate continuous education, shall follow substantive and procedural due process.

The school principal shall be in charge of disciplinary matters at the school level. West Virginia Code §18A-5-1 has defined "principal" to mean the principal, assistant principal, vice principal, the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school. This definition of "principal" applies only to §18A-5-1.

Pursuant to State Board regulations and federal requirements for reporting data on suspensions and expulsions, data on all student disciplinary actions shall be maintained on WVEIS discipline module to facilitate the electronic collection of data by county and state officials.
(WVC 18A-5-1)

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R 11-14-1 Corporal Punishment

Corporal punishment by any Board employee is prohibited. (WVC 18A-5-1)

R 11-14-2 Detention of Students

Detention of students can be an effective strategy for dealing with certain types of student misbehavior. Morning and lunch-time detention are commonly used; however, school personnel must take the appropriate steps to assure that students serving detention do not miss their breakfast or lunch meals.

Detention after regular school hours requires careful coordination with the parents/guardians, especially in the case of transported students. Arrangements must be made to assure that the student will have safe transportation home at the end of the detention period. If an after school detention which results in a student not being able to ride his bus is necessary, the parents shall be notified at least one day before the detention is to begin and the student shall be detained on specified days agreed upon by school personnel and the parent/guardian. Saturday detentions are also acceptable if the school has submitted a plan for such a program and the plan has been submitted to and approved by the Superintendent.

In all cases, detention stations shall be properly supervised by authorized personnel from the beginning of the detention period until the last student is released.

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R 11-14-3 Physical Restraint and/or Removal of Unruly Students from a Classroom Environment

While corporal punishment is prohibited by state code, the doctrine of *in loco parentis* does not prohibit the physical seizure and removal of unruly students from the classroom nor the use of reasonable physical force to restrain students from fighting or engaging in destructive or illegal acts. When faced with such circumstances, school personnel shall assess the situation and select an alternative action other than physical force if that option is available to them. However, in all cases, the safety of the unruly student, other students and school personnel shall receive first consideration.

Classroom teachers and other subordinate personnel shall seek the assistance of the principal or other appropriate administrative personnel when confronted by an unruly student who has become a threat to himself/herself, other students or the teacher. Such action will allow the teacher and the administrator to work cooperatively to defuse the situation. However, certain circumstances may require the teacher to act without administrative assistance in order to preserve the safety of the classroom.

In all cases, the teacher and the administrator shall prepare a written record of the sequence of events as they unfolded in the incident as soon as practical, but no later than the next day. These documents shall become a part of the student's school records and the school's disciplinary file.

The Superintendent, in collaboration with principals and other designated employees, shall provide training on the protocol to be followed in handling student discipline and behavior management training for all school personnel as appropriate.

[WVC §18-5-1; *Smith v W. Va. State Bd. Of Educ.*, 170 W.Va. 593, 295 S.E. 2d 680 (1982)]

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R 11-14-4 In-school Suspensions and Exclusions

A teacher or bus driver may exclude from a classroom or 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.

Classroom teachers may make recommendations for in-school suspensions to the principal. Guidelines for exclusions and in-school suspensions are as follows:

- ❖ All classrooms shall post the Code of Conduct.
- ❖ The same definitions for terminology should be used in all schools.
 - Exclusions - removal of a student from class by a teacher for part or all of one or more periods of instructional time, within one school day.
 - In-school suspensions - removal of a student from the regular classroom by a principal to placement in an alternative learning environment within the school or system for half a school day or more.
 - Reasons for exclusions or in-school suspensions include, but are not limited to, disrespectful or aggressive behavior, possession or use of alcohol or tobacco products, failure to work to full potential, failure to obey authority, excessive detentions, or inappropriate absences (skipping, tardiness, etc.), and stealing.
- ❖ The person excluding a student or assigning an in-school suspension shall make a telephone contact with the parent within the day of the incident.
- ❖ Once a student is excluded from the classroom or bus, the student must be referred to the principal or other appropriate administrative personnel who will determine if disciplinary action is necessary.
- ❖ If the principal or other appropriate administrative personnel take disciplinary action, s/he shall provide written, and if possible, telephonic notice of such action to the parents/guardians.
- ❖ The teacher or bus driver shall also receive a copy of the disciplinary notice before the student is readmitted to class or to the bus.
- ❖ **Three strike rule.** If a teacher excludes a student three times in one school year, the student may not come back to the classroom until the teacher, the principal and parents have a conference to devise a behavior improvement plan for the student.
- ❖ Excluded students must be properly supervised
- ❖ The principal and the teacher recommending the in-school suspension should discuss the student in question to agree upon details for carrying out the suspension. The principal shall retain the right of administrative review.
- ❖ Exclusions and in-school suspensions do not deprive a student of his/her educational opportunities; therefore, they do not require due process.
(WVC 18A-5-1 and SBP 4373)

R 11-14-5 Out of School Suspension of Students

Out of school suspension of students, in extreme cases, shall be at the discretion of the principal. Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one to three school days, but may extend to 10 school days. Students **may not** be suspended solely for failure to attend class. Students are entitled to an informal hearing when faced with a suspension of ten days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension.

When an informal hearing is conducted in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such informal hearing, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels II and III and discretionary at Level I.

Students may not participate in any school-sponsored activities, ride a school bus, or be permitted on school grounds during the period of suspension without permission of school officials. Students will not be permitted to return to school until a conference with the student, teacher, parent or guardian, and administrator is held. At that conference, plans will be made for improved behavior on the part of the student. Students who are suspended shall be allowed to complete missed required class work including examinations without penalty.

In all cases of suspension, the administration will notify the parent or guardian, and the Superintendent of schools immediately. Students **may** be suspended from school by the principal for the following reasons:

- ❖ For willful disobedience to a teacher;
- ❖ For using profane language directed at a school employee or a student;
- ❖ Participating in a physical altercation with another person while under the supervision of school personnel (Fighting);
- ❖ Intentionally defacing or damaging school property;
- ❖ Possessing alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function;
- ❖ Threaten to injure, or in any manner injure a student, teacher, administrator or other school personnel;
- ❖ Theft;
- ❖ Hazing;
- ❖ Improper or negligent operation of a motor vehicle;
- ❖ Marijuana (simple possession);
- ❖ Tobacco;

- ❖ Habitual violation of school rules;
- ❖ Students may not be suspended solely for failure to attend class.

Note: A full definition of the above offenses may be found in File: 11-13 Student Code of Conduct, Level I, II, and III Violations.

Students **shall** be suspended from school by the principal for the following:

- ❖ Battery on a school employee;
- ❖ Felony;
- ❖ Possession of a controlled substance;
- ❖ Possession of a firearm or deadly weapon;

Note: A full definition of the above offenses may be found in File: 11-13 Student Code of Conduct, Level IV Violations.

A suspension of more than 10 days requires a formal hearing before the Preston County Board of Education.

Student due process rights for a short suspension:

In all cases procedural due process requires an informal hearing that meets the following criteria for all short suspensions:

- ❖ The hearing is held before the suspension; however, the student may be suspended immediately if s/he poses a danger to others. The hearing must be scheduled as soon as practical.
- ❖ The attendance of an adult witness shall be required at the informal hearing.
- ❖ The principal shall keep notes and maintain a record of the informal hearing.
- ❖ The principal presents the charges to the student and asks if s/he admits to them.
- ❖ If the student denies 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 facts surrounding the incident.
- ❖ At the conclusion of the hearing, the principal may suspend the student for a maximum of 10 days.
- ❖ The principal/designee shall immediately notify the student's parent(s) or guardian(s) of the informal hearing and suspension by telephone, if possible. In addition, the principal/designee shall report any suspension the same day it has been decided upon, in writing, to the student's parent(s) or guardian(s) by certified mail, return receipt requested: Provided, that certified mail is not required if one or both of the parent(s) or guardian(s) of the student are present at the time the suspension is decided upon and sign the notification acknowledging receipt. The written notification shall include the date(s) of the suspension, the grounds for the suspension, and the date/time for a conference to discuss the requirements and regulations with which the student must comply.

- ❖ The Superintendent and the Coordinator of Attendance must also be notified in writing by the close of the school day following the commencement of the suspension. Such notice shall include the information specified above. The faculty senate must be notified at the next meeting following the suspension.
- ❖ If suspended, the student and his/her parents have the right to appeal the suspension through the Citizens Appeal Procedure.

In any case in which a parent or guardian requests review of a suspension by the Board, the Board will undertake this review at its first meeting after the Superintendent has reviewed the action of suspension. The Board's decision will be reached after the presentation of all relevant information, including written or oral statements the parent or guardian may wish to present. All information relevant to the review will be presented in an executive session of the Board, which, at the option of the parent or guardian, may be attended by the student, parent or guardian, and their appointed representative. The Board's action to sustain or modify the action of suspension shall be taken in public session without identification of the student involved and promptly shall be communicated in writing to the parent or guardian.
(WVC 18A-5-1, 18A-5-1a and SBP 4373)

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R 11-14-6 Expulsion of Students

The Superintendent, upon recommendation by the principal, may recommend that the Board expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school.

The recommendation of the Superintendent shall be based upon the factual information presented by the school principal who must conduct an informal suspension hearing for the student as a part of the fact-finding process. In all cases involving expulsion, the student is entitled to formal due process procedures if the Board agrees to act upon recommendations to expel a student from school.

Misconduct that may be grounds for expulsion include, but is not limited to:

- ❖ Willful disobedience;
- ❖ Threatening to or injuring a student or school employee;
- ❖ Possession of alcohol in an educational facility, on school grounds, or a bus or at a school-sponsored activity;
- ❖ Directing foul/profane language at a school employee or student;
- ❖ Intentionally defacing school property;
- ❖ Fighting;
- ❖ Habitually violating school rules or policies.

The Board must hold a formal hearing and at the conclusion of the hearing it shall either order the student reinstated immediately or at the end of the initial suspension; suspend the student for additional days; or expel the student for a period not to exceed one school year.

Principals who possess information that a student has violated the Safe Schools Act must conduct an informal suspension hearing to determine if the allegations are true. The principal has the authority to end expulsion proceedings if s/he determines that a student has not violated the Safe Schools Act. If the student is found guilty, the principal must make a timely request that the Superintendent recommend expulsion to the Board. The Superintendent must make that recommendation to the Board.

These violations are:

- ❖ Committing an assault or battery on a school employee;
- ❖ Possessing a deadly weapon on school premises, school bus, or at a school function;
- ❖ Sells a narcotic drug.

Note: A full definition of "Deadly Weapon" may be found in File: 11-13 Student Code of Conduct.

The Board must hold a formal hearing to determine if the allegations are true. If the Board determines during its proceedings that the student has not violated the Safe Schools Act, it may bring the expulsion proceedings to an end; however, if the student is found guilty of the above charges, s/he must be expelled for a period of not less than 12 consecutive months.

Students who have been recommended for expulsion shall be placed on a 10-day suspension to allow time to arrange for an expulsion hearing before the Board.

Expulsion by the Preston County Board of Education is final; however, if the student believes that s/he was not given procedural due process or that other of his/her rights were violated, the student may appeal to the State Superintendent of Schools. If the State Superintendent finds that the Board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

While the decision to expel is final, it does not release the school system from responsibility for providing the student with an education. Landmark court cases have made it clear that expelled students are entitled to placement in an alternative instructional setting.

All parties involved in an expulsion proceeding related to a violation of the Safe Schools act must understand that any actions taken by the Board are separate and independent of any actions that may be taken by law enforcement agencies that may also investigate and prosecute students for criminal behavior.

It must be further understood that the Superintendent or his/her designee shall report all suspected criminal activity to the appropriate police agency and/or the Prosecuting Attorney's office. **(WVC 18A-5-1; 18A-5-1a; SBP 4372; J.M. v. Webster County Bd. of Educ. (W.Va. 2000)**

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R 11-14-7 Student Due Process Rights in an Expulsion or Long Suspension Hearing

- ❖ The Board must hold a hearing on the expulsion or suspension;
- ❖ The student and parents or guardians must be given a written statement of the specific charges against the student and the recommended disposition of those charges. Such notice shall be delivered by certified mail return receipt requested;
- ❖ The notice must also clearly state whether the Board will attempt at this hearing to establish the student as a dangerous student.
- ❖ The student and parents or guardians must be given a written notice of the time and place of the Board hearing during which the expulsion will be considered;
- ❖ The student and parents or guardians have a right to be present at the Board hearing and to defend him/her against the charges. Such hearing shall be in an executive session of the Board;
- ❖ If the student so desires s/he has the right to be represented (at the student's own expense) by an attorney at the Board hearing;
- ❖ The student has a right to present witnesses in his/her behalf, to hear the testimony of witnesses against him/her and to question the witnesses against him/her; and
- ❖ The hearing shall take place within the 10-day period of suspension imposed by the principal; however, the hearing may be postponed for good cause but the student shall remain under suspension until after the hearing.
- ❖ At the conclusion of the hearing, the Board will reconvene in open session and, without identification of the student involved, it shall either:
 - Order the student reinstated immediately;
 - Suspend the student for a further designated number of days; or
 - Expel the student from the public schools of Preston County.
- ❖ The Board shall also determine if the student should be classified as a dangerous student.
- ❖ The hearing shall be recorded by mechanical means or by a certified court reporter.
(WVC 18A-5-1a and 14th Amendment)

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R 11-14-8 Board of Education's Options for Conducting the Hearing

- ❖ The Board may employ an attorney to conduct the expulsion hearing.
- ❖ The attorney must be licensed to practice in West Virginia and may not be an employee of the Board.
- ❖ The hearing examiner's decision carries the same force of law as decisions made by the Board.

- ❖ Parents, guardians, custodians, or the Superintendent may make a written request of the Board to review the decision of the hearing examiner. The Board may affirm, modify, or reverse the decision of the hearing examiner.
(WVC 18A-5-1b)

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R 11-14-9 Superintendent's Authority in Conducting the Hearing

- ❖ The Superintendent may apply to the circuit judge or magistrate for authority to subpoena witnesses and documents.
- ❖ The Superintendent may lessen the 12 consecutive month mandatory expulsion if the circumstances of the student's case warrant the reduction. The Superintendent must define the special circumstances and present them in writing to the board, the principal, the faculty senate, and the LSIC for the school from which the student was expelled. The Superintendent may use these guidelines to reach a decision:
 - The extent of the student's malicious intent;
 - The outcome of the student's misconduct;
 - The student's past behavior history; and
 - The likelihood of the student's repeated misconduct.
(WVC 18A-5-1 and 18A-5-1a)

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R 11-14-10 Dangerous Student Designation

- ❖ WVC §18A-5-1a defines a "dangerous student" as one 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. School officials must show evidence by a pattern or series of violent behaviors 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 Board may at the outset of an expulsion proceeding declare that it will attempt to establish the student as a "dangerous student" as defined in WVC §18A-5-1a. In the notice to the parent/guardian, the Board shall state clearly whether it will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time.
- ❖ If the Board decides for the first time at the expulsion hearing to assert a "dangerous student" claim and has not notified the student that such a determination will be considered, a special hearing for that purpose must be held within 10 days of the expulsion hearing. The student must remain under suspension until that hearing is held. The hearing may be postponed for good cause shown by the student.

- ❖ If the Preston County Board of Education expels a student, and finds that the student is a dangerous student, it may refuse to provide alternative education pursuant to the conditions outlined in WVC §18A-5-1a.
- ❖ A hearing must be held every three months during the time the student remains a “dangerous student” and is denied an alternative education.
- ❖ When it is found that the student is no longer a “dangerous student”, s/he must be provided an alternative education during the remainder of the expulsion period.
(WVC 18A-5-1a)

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R 11-14-11 Suspension and Expulsion of Students with Exceptionalities

The Preston County discipline policies apply to students with exceptionalities as well as non-exceptional students. The only exception is if a direct causal relationship between the exceptionality and the misconduct exists. The following information applies to students with exceptionalities:

- ❖ A manifestation determination must be conducted for special needs students to determine if the unacceptable behaviors are related to the identified exceptionality.
- ❖ If there is a direct causal relationship between the exceptionality and the misconduct, alternative disciplinary actions must be utilized.
- ❖ School personnel may, to the extent removal would be applied to students without exceptionalities remove a student with an exceptionality from the current educational placement for not more than 10 school days at a time for violations of school rules; and
- ❖ School personnel may order additional removals from the current educational placement of not more than ten school days at a time in the same school year for separate incidents of misconduct, as long as the additional removal is:
 - Not a change of placement and
 - It is administered for the same amount of time as for non-exceptional students.
- ❖ School personnel, in consultation with the student's special education teacher, must determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP when removals accumulate to more than 10 school days in a school year and are a change of placement.
- ❖ Within 10 business days of the first time the student is removed from school for more than ten cumulative school days in a school year or commencing a removal that constitutes a change of placement under Section 7.1.2, SBP 2419 school personnel must:
 - Convene an IEP meeting to develop an assessment plan if the student has not previously had a functional behavioral assessment and behavior intervention plan; and
 - Reconvene an IEP meeting as soon as practicable after completing the assessments required by the plan described in Chapter 7 of SBP 2419 to develop interventions that address the removal behavior and implement those interventions; or
 - Make modifications in an existing intervention plan.

- ❖ Change of placement occurs when:
 - The removal is for more than 10 consecutive school days (including removal to an interim alternative educational setting); or
 - The removals are administered in a series that constitutes a pattern because they accumulate to more than 10 school days in a school year.
- ❖ Removal for weapons and drugs: If a student with an exceptionality carries a dangerous weapon to school or to a school function under the jurisdiction of the State or the public agency or knowingly possesses or uses illegal drugs or sells or solicits a controlled substance while at school or a school function under the jurisdiction of the State or the public agency, an IEP team may change the student's placement to an interim alternative educational setting (IAES) for the same amount of time that a student without an exceptionality would be subject to discipline, but for not more than 45 days, as long as such a placement is selected to:
 - Enable the student to continue progress in the general curriculum;
 - Enable the student to continue the services necessary to meet the goals of the IEP;
 - Allow the IEP committee to work on appropriate modification to the student's program.
- ❖ An unidentified student must be afforded the protection of IDEA if school officials knew of the disability before the behavior manifested itself if:
 - The parent had requested an IDEA evaluation or had expressed their concerns in writing and their desire for an evaluation;
 - The child's behavior/performance indicated a need for services; or
 - A teacher or other personnel had expressed concern.

The above procedures are a good summary of the protections that must be granted to exceptional students when disciplinary actions are taken, but school personnel should always consult *SBP 2419* when there is a question that still remains about the proper procedures to be followed.

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R 11-14-12 Recording Suspension and Expulsion Information on the WVEIS

Each suspension or expulsion imposed upon a student shall be recorded in the uniform West Virginia Education Information System.

- ❖ The principal of the school at which the student is enrolled shall create an electronic record within 24 hours of the imposition of the suspension or expulsion.
- ❖ Each record of a suspension or 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 suspension or expulsion.

- ❖ The state board of education shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under WVC §18-5-15f to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students' disciplinary histories.
(WVC §18A-5-15a)

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Adopted: February 2, 2002December 8, 2008
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-15 Supervision of Students	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Students shall be supervised at all times while under the jurisdiction of the school system. Supervision responsibilities extend from the time of the arrival of the first students in the morning until the last student leaves in the evening. School principals shall establish and maintain an efficient schedule of supervision of students by teachers or other authorized personnel.

- ❖ In the elementary schools, pupils on the playground at recess and noon periods shall be supervised by administrators, teachers, supervisory aides, or regular teachers' aides accompanied by teachers or the principal. The number of teachers assigned and their location shall always be sufficient to provide for the safety of the pupils and to insure their proper conduct. Likewise, halls, classrooms, study areas, and lunchrooms shall be adequately supervised at all times.
- ❖ In the secondary schools, the same high standard of supervision shall be expected. Classrooms, hallways, lunchrooms, concession stands, and all pre-school, noon-hour and after-school activities shall be sufficiently supervised to insure the safety and good conduct of the students present.
- ❖ Students shall be adequately supervised at all school sponsored activities which occur after school hours, in the evenings, or at other times when school is not generally in session and off school grounds. This includes, but is not limited to: car washes, dances, field trips, senior trips, play practice, band rehearsal, athletic practices and events, etc.

Particular emphasis should be placed upon the supervision of students during the loading and unloading of buses, on playgrounds, and on field trips. At least one teacher, teacher aide, or the principal shall be on duty and actively supervising the unloading and loading of school buses at each school.

Walking students and students who are transported by private means shall not arrive at school until the time designated by the building principal. Students falling into these two categories shall leave the school grounds at the end of the instructional day unless they are involved in a school activity that requires their attendance beyond that time.

WVC §18A-2-9, §18A-5-1

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Adopted: July 19 1983
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-16 Racial, Sexual, Religious/Ethnic Harassment or Violence against Students and Employees</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The purpose of this policy and the regulations that follow is to prevent racial, sexual or religious/ethnic harassment or violence, toward students and staff, to protect the academic environment, and to assure that our employees respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

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

These regulations shall apply to any student, school employee, school volunteer 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 Preston County Board of Education, or any facility being used by Preston County Board of Education.

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

The Superintendent shall appoint a county Human Rights Officer who shall be the contact person at the Central Office level who shall process all complaints and reports submitted to the Superintendent's office.

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R 11-16-1 Definitions

- ❖ **Sexual Harassment:** Unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or communication of a sexual nature when:
 - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.

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

- Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse on another; or
- Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
- ❖ **Racial or Religious/Ethnic Violence:** Racial or religious/ethnic violence is a physical act of aggression or assault upon another because of race, or in a matter reasonably related to, race, religion, or ethnicity.
- ❖ **Assault is:**
 - An act done with intent to cause fear in another of immediate bodily harm or death;
 - The threat to do bodily harm to another by a person possessing the ability to carry out the threat.
- ❖ **Amorous Relationships:** Amorous relationships between staff members and non-adult students of the educational agencies served by Preston County Schools are prohibited. Staff members found to have violated this prohibition shall be subject to the disciplinary actions outlined in these procedures.

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R 11-16-2 Reporting Incidents of Harassment and/or Violence

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

❖ **In Each School Building**

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

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

❖ **District-Wide**

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

❖ **Submission of a Complaint or Report**

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

❖ **Complaints Involving Sexual Child 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 county board of education shall comply with the provisions of law for reporting such abuse.

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R 11-16-3 Conducting an Investigation and making Recommendations

By authority of the Board, the Human Rights Officer, upon receiving a report or complaint alleging racial, sexual, religious/ethnic harassment or violence will immediately authorize an investigation. Upon receipt of a complaint alleging racial, sexual, religious, ethnic harassment or violence; the Human Rights Officer will inform the affected parties of the investigative procedures that will occur. The investigation may be conducted by officials of the school district or by third parties designated by the Superintendent of Schools. In the event the alleged complaint involves a school employee, the Human Rights Officer will inform such employee that a third party investigative official will be authorized to investigate and report. Additionally, the rights of such employee will be fully explained by the Human Rights Officer. The investigating party will provide a written report of the status of the investigation within 10 working days to the Superintendent and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report will be submitted to the Human Rights Officer and the President of the Board.

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

The investigation must at a minimum consist of personal interviews with the complainants, the individuals against whom the complaints are filed, and others who may have knowledge of the alleged incidents or circumstances generating the complaints. The investigation may also consist of any other methods and documents deemed pertinent by the investigators.

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

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

❖ **Action**

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

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

❖ **Non-Harassment**

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

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

Right to Alternative Complaint Procedures:

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

Disciplinary Actions:

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

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

R 11-16-4 Harassment and Violence Prevention Programs

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

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R 11-16-5 Dissemination of Regulations

At the commencement of each school year, all students and their parents shall be provided with a copy of this policy. Students who transfer into a school during the course of a school year and their parents shall also be provided with a copy of the policy. School administrators shall use school/community communication vehicles to ensure order and public announcement and notification of the contents of the policy, including newsletters, assemblies, and student information packets. A summary statement of this policy will be posted in each classroom.

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

R 11-16-6 Reprisal

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

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Adopted: August 18, 1999
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION

FILE: 11 - STUDENTS

File: 11-17 Harassment, Intimidation or Bullying Prohibited

Last Reviewed: 8-9-10

Next Review: 7-1-12

The Preston County Board of Education recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, non-threatening environment.

Preston County Schools will investigate all complaints of harassment, intimidation, bullying or violence and discipline any student who harasses another.

It is the duty of this Board, school administrators, faculty, staff and volunteers to demonstrate appropriate behavior, treating others with civility and respect, and to refuse to tolerate harassment intimidation or bullying of a student on school property or at school sponsored events. To that end, the Board promulgates the following procedures to assure that every student will have the opportunity to study and learn in a non-threatening environment.

(WVC §18-2C-1; §18-2C-2; §18-2C-3; §18-2C-4; and SBP 2421)

R 11-17-1 Definitions

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

- ❖ 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 or her person: or
 - Placing a student in reasonable fear of damage to his or her property.
- ❖ Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

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R 11-17-2 Complaint Procedures

- ❖ The school principal or his/her designee shall receive all complaints regarding incidents of harassment, intimidation or bullying.
- ❖ School employees or students who observe (or are victims of) such violations shall immediately report them to the designated school official.
- ❖ The failure of employees to respond to violations of these procedures shall be reflected in the employees' Performance Evaluation as defined in *SBP 5310*.

- ❖ School officials shall notify the parents or guardians of any students who are involved in or are the victim of harassment, intimidation or bullying. The details of the event will be shared with them as appropriate.

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R 11-17-3 Investigation Procedures

- ❖ The principal shall take such reasonable steps as necessary, to protect a victim from additional harassment, intimidation, or bullying, and from retaliation following a reported violation of these procedures.
- ❖ The principal or his/her designee shall conduct an investigation into the allegations in a timely fashion. At a minimum, the investigation shall consist of the following:
 - Personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident 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 an alleged incident, a reasonable effort shall be made to contact the student's parents, custodians, or guardians and invite them to be present during such interview.
- ❖ The investigation will be completed as soon as practicable but no later than 10 school days following the reported violation. A written report shall be compiled 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.
- ❖ In determining the appropriate response and/or punishment, the principal shall 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. The principal may choose to administer punishment as defined in the Student Code of Conduct, or s/he may choose an appropriate alternative punishment.
- ❖ 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 these procedures. 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.
- ❖ The principal shall keep an official record of each incident investigated.

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R 11-17-4 Reprisals

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

- ❖ In good faith promptly reports an incident of harassment, intimidation or bullying;
- ❖ Makes the report to the appropriate school official as designated by policy; and
- ❖ Makes the report in compliance with the procedures as specified in policy.

Appropriate action will be taken against 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. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Similarly, appropriate disciplinary action will be taken against any student, administrator or other school personnel who falsely reports violations of these procedures.

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R 11-17-5 Policy Dissemination

Notice of the Board's policies and procedures shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

- ❖ These procedures, or a summary shall be conspicuously posted throughout each county's/school's facilities in areas accessible to students and staff members.
- ❖ These procedures, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.
- ❖ When a student enters middle/junior high/high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the procedures and consequences associated with violations.
- ❖ The Board shall provide training for students and staff on these regulations and on means for effectively promoting the goals of these procedures. The county shall review its procedures at least biannually for compliance with state and federal law and West Virginia Board of Education policy.

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Adopted: August 18, 1999
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-18 Substance Abuse and Tobacco Control</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The Preston County Board of Education concurs with the State Board of Education that it has a responsibility to foster a program that addresses the health and safety of all students.

The purpose of this policy is to provide preventive and protective measures for addressing substance abuse and prohibiting the use or distribution of alcohol, tobacco and other drugs within school settings and activities. This policy is intended to promulgate a positive, pro-active approach to the control of alcohol, tobacco and other drugs.

The regulations set forth in this policy apply to any person present in or upon any property owned, leased or operated by the Preston County Board of Education. All regulations apply to any person present at any education-sponsored event; to any person present on a school bus or other vehicle used for a school related event or other school/county; to any person present at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building or other property used or operated by the Preston County Board of Education or in any other facility or upon any other property being used by the school system. General guidelines for employees, students, and the public at large include the following:

- ❖ No person shall at any time possess, distribute or use any alcohol product or illegal substance in any area defined above.
- ❖ No person shall, at any time, possess drug paraphernalia as defined in WVC §47-19-3, in any area defined above. In addition, students shall not, at any time, possess tobacco paraphernalia in these areas.
- ❖ No person shall at any time distribute or use any tobacco product in any area defined above. In addition, students shall not possess at any time any tobacco product in these areas or at any school or county sponsored event or school-related event.
- ❖ Individuals supervising students off school grounds are prohibited from distributing or using alcohol, tobacco products or illegal substances in the presence of students and/or at any time while engaged in activities directly involving students.
- ❖ Neither school or board of education property, as defined above, nor a school or Board of Education publication may be used for the advertisement of any tobacco or alcohol product.
- ❖ Groups using areas described above shall sign agreements with the Board agreeing to comply with this policy and to inform students, parents and spectators by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session. A summary of this policy shall be attached to all requests for use of school facilities.
- ❖ Students who behave in a manner that does not promote a nurturing, orderly and safe environment conducive to learning or who violate the terms of this policy will be subject to the disciplinary actions as outlined in SBP Policy 4373.
- ❖ This policy does not supersede any rights granted to special education students by federal or state law or other West Virginia Board of Education policies.

The Preston County Board of Education will permit the use of prescription medications if a licensed physician prescribes such in writing to a student attending school. The parents of such student must make the necessary arrangements with the building administrator as per Preston County *File: R 11-32-2 Administering Medicines and Specialized Health Care to Students Procedures*. Only designated school personnel shall be authorized to administer non-prescription medication (aspirin, cough syrup, etc.).

(WVC §16-9A-4, 16-9A-9, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-5-13, 18A-1-1, 18A-5-1, 18A-5-1a, and 61-7-2; and SBP 2422.5)

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R 11-18-1 Definitions:

- ❖ **"Alcohol"** means any substance containing an intoxicating element.
- ❖ **"ATOD"** means Alcohol, Tobacco and Other Drugs. ATOD is used to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, pyrovalerone, look-alikes and/or any other of those substances commonly referred to as designer drugs.
- ❖ **"Distribution"** means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
- ❖ **"Drug"** means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes including those defined in *File: R 11-13-5 Violations of the Student Code of Conduct*.
- ❖ **"Illegal substance"** means any drug which is not legally obtained and/or any drug being used by a person other than the person for whom it was prescribed and/or for a purpose contrary to which the drug was intended for medical therapy and/or against the recommendation(s) of the manufacturer.
- ❖ **"Paraphernalia"** means drug paraphernalia as defined by WVC §47-19-3 and any item, thing or device used for the facilitation or administration of tobacco products or other illegal substances.
- ❖ **"Possession"** means the presence of ATOD or paraphernalia, in any amount, on the person or body, or under the general direction or control, of an individual found in or upon the premises described in the policy. Possession shall include, but is not limited to, presence of ATOD or paraphernalia in a school locker or backpack or in or on any other item owned or under the general direction or control of any individual found in or upon the premises described in the policy.
- ❖ **"Public"** means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in the policy.
- ❖ **"School"** means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the Board.
- ❖ **"School staff"** means those individuals employed full time, part time or on contract with the Board.

- ❖ **"Student"** means anyone who is enrolled in a Preston County school or enrolled in an educational program on board of education property.
- ❖ **"Tobacco product"** means any items containing the leaves of cultivated tobacco plants, in any form or amount, dried and processed. Products include, but are not limited to cigarettes, cigars, snuff, spit tobacco, smokeless tobacco or pipe tobacco.
- ❖ **"Use"** means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.

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R 11-18-2. Maintaining a Safe and Healthy ATOD Free Environment

Responsibilities of Administrators:

School administrators have the following responsibilities in the implementation of these regulations:

- ❖ Implement provisions of these regulations, specifically education, communication and enforcement provisions;
- ❖ Develop clear procedures for identification, intervention and referral of students with tobacco-related problems; and
- ❖ Maintain an environment for students, staff and visitors that present no physical harm, discomfort or unsanitary condition resulting from tobacco product use.

Communication of Regulations to Constituents:

These regulations will be communicated to students through student handbooks, other school publications, announcements, student groups, classroom discussions, bulletin boards, etc. They will be communicated to employees through staff development, announcements, bulletin boards, employee handbooks, and other school publications. They will be communicated to parents or families, visitors, and the community at large through school newsletters, signs, announcements at school events, sharing a summary of the policy and regulations with persons or groups utilizing school facilities, and through student/parent handbooks.

Prevention Education:

Age appropriate instructional goals and objectives are included in Health Education for every grade level, K-12, with regard to tobacco, alcohol, and drug use, as listed in *SBP 2520.5, 21st Century Health Education 5-12 Content Standards and Objectives for West Virginia Schools*. Objectives contained in this policy address knowledge, skills, and behaviors that relate to preventing the use of tobacco and tobacco products. Teachers in all disciplines shall be encouraged and directed to include discussion of the social and physical risks associated with the ATOD abuse as appropriate in classroom presentations. All Safe and Drug-Free Schools program guidelines will be followed.

As appropriate, the principal and staff at each school shall draw upon resources such as the curriculum team, faculty senate, Local School Improvement Council, the developmental guidance program, advisor-advisee programs, peer tutoring, and after school programs as a means to foster an ATOD free school environment.

Student Drug and Alcohol Counseling Services:

Helping students overcome the many challenges they face in life is always a team effort; therefore, the Board encourages all school personnel to report suspected drug use and/or abuse to the principal who in turn should inform the counseling department. The counselor and principal will confer with the student's parents, additional staff members, law enforcement agency, and local medical officials if conditions warrant. Counseling for both elementary and secondary students is available by knowledgeable staff members, school psychologists, County Health Department and Valley Mental Health Services. All students have the option of selecting private professional counselors if this kind of service is needed. Any student registered in the Preston County Schools found in violation of the above must be referred to Valley Mental Health Services.

(SBP 2510)

Cessation Support Program:

Any student or employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. S/he will be provided ongoing support and reinforcement necessary for desired behavioral change.

Preston County Schools will offer cessation services to any student self-referred, referred by another peer or staff member or family member, or otherwise identified. The referral may be made to a school counselor, administrator, or any staff member. Referral may also be made through the Student Assistant Program. Information concerning the voluntary cessation programs will be communicated to all 7-12th grade students and staff on a regular basis, and shall be included in all handbooks for students in grades 7-12 and all employee handbooks.

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R 11-18-3 Enforcement Provisions for Student Violation of the Drug and Alcohol Provisions of this Policy

According to state law and State Board of Education policy no person under the legal age may possess or consume alcoholic beverages. State and Federal laws and State Board policy likewise declare that no person may legally have an "illegal drug" in his/her possession unless obtained by prescription. It is the expectation of the Preston County Board of Education that all students will comply with the regulations set forth in this policy and the procedures put in place to implement it. Penalties are provided for the violation of these procedures, and school officials are duty bound to observe and enforce them.

General Definitions:

- ❖ Prescription medication shall mean medication prescribed for a particular individual by a person licensed to prescribe.
- ❖ Non-prescription medication shall mean any form of medicine that can be purchased without the order of a licensed physician.
- ❖ Suspension shall mean the act of being temporarily excluded from school and school activities for a stated number of days.
- ❖ Expulsion shall mean a long-term suspension stated in school days, school months, or school term.
- ❖ Use SHALL include ingestion, injection, or inhalation of said drugs.

Offenses and Consequences:

First Offense: It shall be defined as the initial time a student of the school system is charged and proven to be in possession and using alcohol or illegal drugs during any school activity or extracurricular activity.

- ❖ Following a due process hearing and a conference at school which shall include the parents/guardians, building principal, counselor and other appropriate staff members or persons involved, the following action must take place:
 - Three days suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity (i.e., club, trip, or sports meet at another location);
 - Suspension from sports activity (i.e., interschool competition of football, basketball, baseball, etc.) for the remainder of the semester or school term. The suspension may be reduced if the student elects to enter the referral process through an approved health agency and receives a recommendation supporting the reduction after a period of treatment, and if the parents, student and appropriate school personnel agree with the recommendation. The Preston County Board of Education must approve any recommendation for a reduction in the suspension.
 - Suspension from clubs and other "extra school" activities (i.e., choir, band, and other school groups not required as a condition of graduation). The suspension may be reduced if the student meets the same conditions outlined regarding sports activities above. Other conditions as determined by the local/regional law enforcement agencies.

Second Offense: See description in First Offense. However, this second offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Just as in the First Offense, a due process hearing shall be held, but it will be held in the Superintendent's office. Following the hearing, a conference will be held with the parents/guardians and appropriate school officials.
 - A minimum of five days suspension from school classes and other activities.

- The student will be required to participate in treatment and counseling. Valley Counseling Mental Health Services will serve as the treatment provider or will make referrals as required. Return to school will be based on the recommendation of the Valley Counseling Mental Health Services and agreement of the student, parents, and appropriate school personnel.
- Other conditions as determined by the local/regional law enforcement agencies.

Third Offense: See description in First Offense above; however, this Third Offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Following due process hearing and conference with parents/guardians in the Superintendent's Office with all concerned:
 - Expulsion from school for remainder of term/year. All course work to be completed will be assigned an incomplete, and the student shall be referred to the Preston County Alternative Educational Program appropriate to his/her needs.
 - Evidence must be submitted of an acceptable program of rehabilitation. If the expelled individual seeks the services of Valley Counseling Mental Health Services, follows the recommendations of that agency and completes any programs indicated by its staff, then the agency may assist school officials, parents, and the individual in an attempt to secure reinstatement to school the following term.
 - Other conditions or considerations as determined by the Preston County Board of Education.
 - Other conditions as determined by the local/regional law enforcement agencies.

NOTE: Students selecting the referral program through the Valley Mental Health Services must bear the expense of private counseling.

In addition to the penalties noted in the above procedures, the Safe Schools Act requires that students who sell a narcotic drug anywhere in the school environment will be subject to a mandatory 12 calendar-month expulsion. Disciplinary action taken against exceptional students shall be in compliance with SBP 2419.

(WVC 18-2-7b; 18-2-9; SBP 2419; 2422.5; and 4372)

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R 11-18-4 Enforcement Provisions for Student Violation of the Tobacco Provisions of this Policy

The use or possession of tobacco products by any person less than 18 years of age is prohibited by state law. In addition, State Board of Education Policy forbids the use of tobacco products in any part of a school building or school grounds, county owned vehicles, or other facilities used for school related activities.

(WVC 16-9A-4; SBP 2422.5A; 4372)

Offenses and Consequences:

Student violation of the tobacco regulations set forth in this policy shall be reported to the appropriate administrator who will administer the school discipline plan.

- ❖ A first violation will result in a one-day in-school suspension and a referral to the school's voluntary cessation education and support program.
- ❖ A second violation will result in three days out-of-school suspension and a second referral to a tobacco cessation program.
- ❖ A third violation will result in five days out-of-school suspension and a third referral to a tobacco cessation program.
- ❖ A fourth violation is an indication of unwillingness on the part of the offender to accept counseling and assistance and shall result in a 10-day out-of-school suspension.
- ❖ In all cases, charges will be filed with the Magistrate's Court under WVC §16-9A-3 and §16-9A-4.

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R 11-18-5 Enforcement Provisions for School Employees

Drugs and Alcohol

Employees who are in violation of the provisions of the Drug-Free Workplace Act and the provisions of Preston County Board of Education ATOD policies shall be subject to disciplinary action up to and including dismissal and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

Disciplinary actions shall be in accordance with the disciplinary procedures outlined in *File: 8-24 Employee Suspension and Dismissal*. When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Suspension may be effective immediately, and a recommendation for dismissal may ensue. In all cases, action shall be taken within ten workdays of knowledge of the offense.

Tobacco

The use or possession of tobacco products by any person less than eighteen years of age is prohibited by state law. In addition, State Board of Education Policy forbids the use of tobacco products in any part of a school building or school grounds, county owned vehicles, or other facilities used for school related activities.

(WVC §16-9A-4; SBP 2422.5A; 4372)

Employees who deliberately violate tobacco regulations are subject to disciplinary action up to and including dismissal.

- ❖ A first offense shall result in a one-day suspension from duty without pay. A conference will be held with the immediate supervisor in which the offending employee will be advised of the remedial programs available to treat this problem. Further, the offending employee will be advised of the consequences of subsequent offenses.
- ❖ A second offense shall result in a 10 day suspension from duty without pay. The employee will once again be advised of remedial programs available to assist him/her in correcting the problem and will be encouraged to take advantage of treatment available.
- ❖ A third offense shall result in a recommendation by the Superintendent to the Board for termination of the employee for willful insubordination.
- ❖ Charges will be filed with Magistrate's Court under §16-9A-4.

Any employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. S/he will be provided ongoing support and reinforcement necessary for desired behavioral change.

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R 11-18-6 Enforcement Provisions for Members of the Public

Individuals or groups using any facility, grounds, or property of the Preston County Board of Education shall sign statements with the Board of Education agreeing to comply with these regulations and to inform students, parents, and spectators that they remain in force on evenings, weekends, and other times even when school is not in session. Spectators and patrons who attend activities sponsored by the school system shall also abide by the provisions of this policy. Individuals or groups who violate the provisions of this policy shall be requested to stop use or leave the premises.

In some cases, they may be denied further access to school activities. Law enforcement officials will be notified, as appropriate.

R 11-18-7 Policy Review

File: 11-18 Substance Abuse and Tobacco Control shall be reviewed every two years, and appropriate modifications will be made as required by the State Board of Education. A copy of the county regulations will be submitted to the office of Student Services and Assessment in the West Virginia Department of Education for approval.

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Adopted: March 8, 2004
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-19 Collection, Maintenance and Disclosure of Student Data</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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A cumulative record shall be maintained for each student who enters a Preston County School. This record shall contain only verified information of recognized importance and may be used only for the benefit or welfare of the student. Information contained in these records will consist of, but not limited to:

- ❖ Directory information;
- ❖ Record of grades K through 12;
- ❖ Extracurricular activities;
- ❖ Attendance record;
- ❖ Test record card;
- ❖ Health card;
- ❖ Transfer card;
- ❖ Drop-out card;
- ❖ Disciplinary information;
- ❖ Pertinent medical records; and
- ❖ Evaluative special education tests and results.

It will be the responsibility of the building level administrator to assure strict adherence to all guidelines relative to student permanent records. The education records of Preston County students shall be collected, maintained and disclosed in the manner prescribed by the *Family Educational Rights and Privacy Act and State Board Policy 4350 Procedures for Collection, Maintenance, and Disclosure of Student Data*.

The following pages contain specific guidelines to be followed by school personnel in performing their duties in regard to maintaining student records and protecting the privacy of all students. These regulations are written to conform to the following federal and state requirements:

(WVC §18-2-5; Public Law 105-244, the Family Educational Rights and Privacy Act (as amended); Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; Public Law 107-110, the No Child Left Behind Act of 2001; Public Law 107-107, the National Defense Authorization Act for the Fiscal Year 2002, and their respective regulations; SBP 4350 Procedures for the Collection, Maintenance and Disclosure of Student Data)

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R 11-19-1 Definitions

- ❖ “Attendance” at an agency or institution includes, but is not limited to:
 - Attendance in person and having homebound instruction; and
 - The period during which a person is working under a work-study program.
- ❖ "Consent" means that:
 - The parent has been fully informed of the information set out in this document in his or her native language or other mode of communication, unless it clearly is not feasible to do so;
 - The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent sets forth that activity and lists the records (if any) which will be released and to whom; and
 - The parent understands that the granting of consent is voluntary on the part of the parent.
- ❖ "Destruction" means physical destruction or removal of personal identifiers so that the information is no longer personally identifiable.
- ❖ "Directory information" includes a student's name, address, telephone listing, e-mail, photograph, date, and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.
- ❖ "Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.
- ❖ "Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
- ❖ "Educational institution" or "educational agency or institution" means any public or private agency or institution under the general supervision of the West Virginia Board of Education.
- ❖ "Education records" means those records that are directly related to a student and are collected, maintained or disclosed by an educational agency or institution or by a party acting for the agency or institution. The term does not include:
 - Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute.
 - Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Section 126-94-7.

- Records relating to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business; relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose. However, records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and are not exempted.
- Records relating to an eligible student that are:
 - Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or assisting in a paraprofessional capacity;
 - Created, maintained, or used only in connection with the provision of treatment to the student; and
 - Disclosed only to individuals providing the treatment (provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction at the educational agency or institution.
- Records of an educational agency or institution that contain only information related to a person after that person is no longer a student at the educational agency or institution. (An example would be information collected by an educational agency or institution pertaining to the accomplishments of its alumni).
- ❖ "Eligible student" means a student who has attained 18 years of age, or is attending an institution of post-secondary education.
- ❖ "Exceptional student" means a student having been determined to have an exceptionality in accordance with eligibility criteria under *SBP 2419, Regulations for the Education of Students with Exceptionalities*, (hereinafter, Policy 2419) who receives services under an Individualized Education Program (IEP).
- ❖ "Financial Aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.
- ❖ "Institution of post-secondary education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under state law.
- ❖ "Parent" includes a parent, guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.
- ❖ "Party" means an individual, agency, institution or organization.
- ❖ "Personally identifiable" means that the data or information includes, but is not limited to;
 - The name of a student, the student's parent, or other family member;
 - The address of the student or student's family;
 - A personal identifier such as the student's social security number, or student number;

- A list of personal characteristics that would make the student's identity easily traceable;
or
- Other information that would make the student's identity easily traceable.
- ❖ "Record" means any information or data recorded in any medium including, but not limited to: handwriting, print, video or audio tape, film, microfilm, microfiche, and computer media.
- ❖ "Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the U.S. Department of Education acting for the Secretary under a delegation of authority.
- ❖ "Student" includes any individual who is or has been in attendance at an educational agency or institution, and regarding whom the educational agency or institution collects, maintains, or discloses educational records.

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R 11-19-2 Access to and Security of Student Files

Access to Cumulative Records

The following school personnel may have access to personally identifiable data in Student Education Records on an as need to know basis:

- ❖ Superintendent
- ❖ Assistant Superintendent
- ❖ Supervisory/Administrative Staff
- ❖ Principals/Assistant Principals
- ❖ Teachers (Student teachers/interns as appropriate)
- ❖ Ancillary Support Staff (i.e. school nurse, speech therapist, social worker)
- ❖ Counselors
- ❖ Secretaries

Parents/guardians and eligible students may have access to cumulative records upon written request. The Comptroller General of the U. S., the Secretary of Health, Education and Welfare and State Educational Authorities also reserve the right to have access to student records. Any person, agency or organization desiring access to student records will sign a form indicating the specific nature of the request. A copy of the request is to be kept on file in the student's folder.

Security

The Preston County Board of Education in regulating the maintenance and security of records on all students currently or previously enrolled in any of its programs shall adhere to the following:

- ❖ The Director of Student Services, School Principal and/or Assistant Principal of individual schools shall receive periodic training in security, with emphasis upon privacy rights of students and parents.
- ❖ The Board shall maintain, for public inspection, a current listing of those employees within the agency who may have access to the personally identifiable data.
- ❖ Records shall be consolidated and be centrally located in each school building and kept under lock and key at all times except for periods of authorized use under the supervision of the designated professional(s).
- ❖ Student records shall be transferred to other schools within the system as the student transfers and shall remain at the last school attended.
- ❖ Provisions shall be made for an annual review of all data retained in official records of current students.
- ❖ The Board shall have a central filing location for the administrative records of schools which are abandoned, destroyed, or have had their identity changed through reorganization.
- ❖ All persons, agencies or organizations desiring access to the records of a student shall be required to sign a written form, which shall be kept permanently with the file of the student. The record shall indicate specific or legitimate educational interest that each person, agency, or organization has in seeking this information. such forms shall be available to parents and/or eligible student and to the school official responsible for record maintenance as a means of auditing the operation of the system.

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R 11-19-3 Parent/Guardian Annual Notification of Rights

The Preston County Board of Education shall annually inform parents or guardians of their rights regarding the collection, maintenance, and disclosure of Student information in the Preston County Schools. This notice shall include:

- ❖ The notice must inform parents or eligible students that they have the right to:
 - Inspect and review the student's education records;
 - Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that *File: R 11-19-4* authorizes disclosure without consent; and
 - File with the U.S. Department of Education a complaint concerning alleged failures by the Preston County Board of Education to comply with the requirements of this policy.
- ❖ The notice must include all of the following:
 - The procedure for exercising the right to inspect and review education records;
 - The procedure for requesting amendment of records under *File: R 11-19-8*;

- A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;
- Types of information designated as directory information and procedures for refusing to allow information to be so designated; and
- The procedure for disclosure of education records without consent to officials of another school district in which the student seeks to enroll.

The Board may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. Generally speaking, the annual notice will be transmitted through any or all of the following: newspaper, radio, the Board's web site, and mail.

The Board shall also take steps to effectively notify parents/guardians and/or eligible students who are disabled of their rights under this policy. The same is true for those parents and/or eligible students who have a primary or home language other than English.

Parents of exceptional students, and/or eligible students, who are exceptional, shall receive notice of their rights under IDEA, included in the procedural safeguards notice.

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R 11-19-4 Disclosure of Personally Identifiable Information

Prior Consent for Disclosure of Records Required

- ❖ The Preston County Board of Education and its agents shall obtain written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information.
- ❖ Whenever written consent is required, the Board and its agents may presume that the parent of the student or the eligible student giving consent has the authority to do so unless it has been provided with evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody, which provides to the contrary.
- ❖ The written consent must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - A specification of the records to be disclosed;
 - The purpose of the disclosure; and
 - The party or class of parties to whom the disclosure may be made.
- ❖ If a parent or eligible student so requests, the Board (at a cost equal to the reproduction costs) shall provide a copy of the records disclosed.

Prior Consent for Disclosure of Records Not Required

- ❖ The Board may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is:
 - To other school officials, including teachers, within Preston County Schools who have been determined by the school system to have legitimate educational interest; and
 - To officials of another school or school system, or institution of post-secondary education, in which the student seeks or intends to enroll.
 - To authorized representatives of:
 - The Comptroller General of the United States;
 - The Secretary of the U.S. Department of Education (hereinafter, Secretary); or
 - State and local educational authorities.
 - In connection with financial aid for which a student has applied or which a student has received; provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:
 - to determine the eligibility of the student for financial aid;
 - to determine the amount of the financial aid;
 - to determine the conditions which will be imposed regarding the financial aid; and
 - to enforce the terms or conditions of the financial aid.
 - To state and local officials or authorities to whom this information is specifically:
 - Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of Section 126-94-24.
 - To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of (a) developing, validating, or administering predictive tests; (b) administering student aid programs, or improving instruction; provided, that the studies are conducted in a manner that will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to federal, state, and local agencies, and independent organizations.
 - To accrediting organizations in order to carry out their accrediting functions.
 - To parents of a dependent student.
 - To comply with a judicial order or lawfully issued subpoena; provided, that the educational agency or institution makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action; unless the disclosure is in compliance with:

- A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - If the educational agency or institution initiates legal action against a parent or student, it may disclose education records that are relevant to the action to the court without a court order or subpoena.
- To appropriate parties in a health or safety emergency.
 - The disclosure is information the educational agency or institution has designated as "directory information".
 - The disclosure is to the parent of a student who is not an eligible student or to the student.
- ❖ This section does not forbid an educational agency or institution to disclose, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to any parties under this section, with the exception that parents of a student who is not an eligible student and the student must have access.
 - ❖ For records of special education students, each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may access personally identifiable information.

Record of Disclosure required to be Maintained

- ❖ An educational agency or institution shall for each request for access to and each disclosure of personally identifiable information from the education records of a student maintain a record kept with the education records of the student that indicates:
 - The parties who have requested or obtained personally identifiable information from the education records of the student;
 - The date access was given; and
 - The legitimate interest these parties had in requesting or obtaining the information.
- ❖ If an educational agency or institution discloses information with the understanding that the party receiving the information may make further disclosures, the record of disclosure must include the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution and the legitimate educational interests each of the additional parties has in requesting the information.
- ❖ The above regulations do not apply to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials, or to disclosures of directory

information, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

- ❖ The record of disclosures may be inspected:
 - By the parent of the student or the eligible student;
 - By the school official and his or her assistants who are responsible for the custody of the records; and
 - For the purpose of auditing the record keeping procedures of the educational agency or institution by the parties authorized in and under the conditions set forth in this section.

Limitation on Redisclosure

- ❖ An educational agency or institution may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that:
 - The personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.
 - An educational agency or institution may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if the parties meet the requirements set forth in this section and required records of disclosure.
- ❖ The regulations in this section do not apply to disclosures made pursuant to court orders or lawfully issued subpoenas, to disclosures of directory information or to disclosures to a parent or student. Except for these disclosures, an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.
- ❖ If the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

Disclosure to Officials of Other Schools and School Systems

- ❖ An educational agency or institution transferring the education records of a student to officials of another school, school system or institution of post-secondary education where the student seeks to enroll shall:
 - Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at last known address of the parent or eligible student, unless:
 - The transfer of records is initiated by the parent or eligible student at the sending agency or institution, or

- The agency or institution includes in its annual notice that it forwards education records on request to other agencies or institutions in which a student seeks or intends to enroll;
- Provide the parent of the student or the eligible student, upon request, a copy of the record that was transferred; and
- Provide the parent of the student or the eligible student, upon request, an opportunity for a hearing under these procedures.
- ❖ If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the education records of the student to each other without obtaining the written consent of the parent of the student or the eligible student; provided, that the disclosure meets the requirements stated above.

Conditions for Disclosure in Health and Safety Emergencies

- ❖ An educational agency or institution may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- ❖ The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:
 - The seriousness of the threat to the health or safety of the student or other individuals;
 - The need for the information to meet the emergency;
 - Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
 - The extent to which time is of the essence in dealing with the emergency.
- ❖ Nothing in this Act or this part shall prevent an educational agency or institution from:
 - Including in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
 - Disclosing appropriate information maintained under this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
 - Disclosing appropriate information maintained under this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in behavior of the student.
- ❖ These regulations shall be strictly construed.

R 11-19-5 Conditions for Disclosure of Directory Information

- ❖ An educational agency or institution may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if it has given notice that information has been designated as directory information.
- ❖ An educational agency or institution may disclose directory information from the educational records of an individual who is no longer in attendance at the agency or institution without following the procedures under the following section.
- ❖ In order to designate directory information, an educational agency or institution shall give public notice of the following:
 - The categories of personally identifiable information the institution has designated as directory information;
 - The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information, including the right of the parent to refuse to permit the designation of names, addresses, and telephone listings of their children as directory information for purposes of providing the information to military recruiters as set forth in *File: R 11-20*; and
 - The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.
- ❖ The Preston County Board of Education shall, at a minimum, establish that the names, addresses, and telephone listings of secondary school students are designated as directory information for the purposes of providing the information to military recruiters as set forth in *File: R 11-20*.
- ❖ Once the Board establishes directory information, it shall provide access to established directory information to any person or group which makes students aware of educational, occupational, and career opportunities available in the armed services.
- ❖ The Board may provide access to established directory information to other persons or groups as determined by board action.

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R 11-19-6 Records from the Juvenile Justice System

The Preston County Board of Education may release the records of students who have been placed in the Juvenile Justice System under the following conditions:

- ❖ If reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under the provisions of this section.

- ❖ The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.

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

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

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

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

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

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

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R 11-19-7 Records for Exceptional Students, Information Collected under SBP 2419

- ❖ Preston County Schools shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- ❖ One official at each school with the assistance of the Special Education Director assume responsibility for ensuring the confidentiality of any personally identifiable information collected under SBP 2419 and IDEA.
- ❖ All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures under this policy and Policy 2419.
- ❖ The Superintendent's office, in collaboration with the school principal, shall maintain for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information of identified special education students.
- ❖ A complaint may be filed with the West Virginia Department of Education, Office of Special Education, if it is alleged that the confidentiality of personally identifiable information regarding an exceptional student in accordance with the requirements of this policy and SBP 2419 has been violated. This is in addition to the right to file a complaint with the U.S. Department of Education, as described in *File: R 11-19-10*.

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R 11-19-8 Parent/Guardian's and Eligible Student's Right to Inspect and Review Education Records

Parents/guardians or eligible students (18 years of age or older) who request to inspect and review the educational records of the student shall have them made available upon such request. Requests for access to student records must be filed with the school principal in writing. This request shall include suitable proof of identity.

- ❖ The local school principal shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request;
- ❖ The principal shall respond to reasonable requests for explanations and interpretations of the records;
- ❖ When a request is being made regarding records of an exceptional student:

- The Board and its agents respond within the 45 day period following the request, but in all cases it shall respond before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the student, or the provision of free appropriate public education to the student;
- The right to inspect and review education records of an exceptional student includes the right to have a representative of the parent inspect and review the records; and
- The Board shall provide parents, upon request, a list of the types and locations of education records collected, maintained, or used by the agency.
- ❖ If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records through the procedures outlined above, the Board shall:
 - Provide the parent or eligible student with a copy of the records requested; or
 - Make other arrangements for the parent or eligible student to inspect and review the requested records.
- ❖ The Preston County Board of Education shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.
- ❖ While the Board is not required to give an eligible student access to treatment records as defined under "Educational Records", the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

Limitations on Right to Inspect and Review Education Records

If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information about that student.

Request to Amend Education Records

- ❖ The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the local school which maintains the records amend them.
- ❖ The school shall decide whether to amend the educational records of the student in accordance with the request within forty-five (45) days of the receipt of the request.
- ❖ If the school decides to refuse to amend the education records of the student in accordance with the request it shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student in writing of the right to a hearing under *File; R 11-19-9*.

Fees

Preston County Schools may charge a fee equal to the cost of reproducing copies of records made for parents or eligible students provided the fee does not effectively prevent the parent from exercising his/her right to inspect and review these records. Schools may not charge a fee to search for or retrieve the education records of a student.

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R 11-19-9 Parent/Guardian's or Eligible Student's Right to a Hearing

- ❖ Any parent or eligible student shall, on written request, have the opportunity to challenge the content of a student's record if s/he feels the information is inaccurate, misleading or in violation of privacy rights.
- ❖ If, as a result of a hearing, the local education agency decides the information is inaccurate, misleading or in violation of privacy rights of students, it shall amend the education records of the student accordingly and so inform the parents of the student or eligible student in writing.
- ❖ If, as a result of the hearing, the local educational agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student in writing of the right to place in the education records of the student a statement commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the agency or institution.
- ❖ Any explanation placed in the education records of the student shall:
 - Be maintained as a part of the education record of the student as long as the record is being contested;
 - Be disclosed if the education records of the student or the contested portion thereof are disclosed by the educational agency or institution to any party.

Conduct of the Hearing

The required hearing shall be conducted according to procedures that shall include at least the following elements:

- ❖ The hearing shall be held within a reasonable period of time (45 days) after the educational agency or institution has received the request;
- ❖ The parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing (14 days);
- ❖ The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing;
- ❖ The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under *File: R 11-19-10*, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

- ❖ The educational agency or institution shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and
- ❖ The decision of the educational agency or institution shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

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R 11-19-10 Procedures for Lodging a Parent/Guardian or Eligible Student Complaint

A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is, Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

The complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred. The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act or this part.

A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

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R 11-19-11 Collection and Use of Student Social Security Numbers

- ❖ A social security number is personally identifiable information and must, therefore, be used in compliance with the other provisions of this policy, the Family Educational Rights and Privacy Act, and the provisions of WVC §18-2-5f.
 - No public or private elementary or secondary school shall display any student's social security number for identification purposes on class rosters or other lists provided to teachers, on student identification cards, in student directories or other listings, on public postings or listings of grades, or for any other public identification purpose unless specifically authorized or required by law.
 - Compliance will be required of Exemption A schools for county board of education approval.
 - The student social security number may be used for internal record keeping purposes or studies.
 - The student social security number or alternative number is required for enrollment or attendance in public schools.
 - Effective July 1, 2003, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is currently enrolled in the county school system.

- Effective July 1, 2003, prior to admittance to a public school in the state, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is to be enrolled.
- The Board must inform the parent, guardian, or other responsible person that, if he or she declines to provide the student social security number, the Board will assign the student an alternate nine digit number as designated by the West Virginia Board of Education.
- For any student who is attending a public school and for whom a social security number has not been provided, the county board shall make a request annually to the parent, guardian, or other responsible person to furnish the social security number.

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R 11-19-12 Maintenance of Disciplinary Information

- ❖ If a student transfers to another school in the state, the principal of the school from which the student transfers shall provide a written record of any disciplinary action taken against the student to the principal of the school to which the student transfers, (WVC §18A-5-1a) subject to requirements of this section.
- ❖ The educational agency includes in the records of a student with a disability under SBP 2419 a statement of any current or previous disciplinary action that has been taken against the student and transmits the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of non-disabled students.
 - The statement may include a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information related to the safety of the student and other individuals involved with the student.
 - If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current Individualized Education Program (IEP) and any statement of current or previous disciplinary action that has been taken against the student.
- ❖ A public agency reporting a crime committed by a student with a disability under Policy 2419 shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime, but only to the extent permitted by this policy's provisions regarding disclosure of education records.

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R 11-19-13 Law Enforcement Units

Law enforcement unit means any individual, office, department, division, or other component of the Preston County Board of Education such as a unit of commissioned police officers or non-commissioned security guards that is officially authorized or designated by the Board to:

- ❖ Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or
- ❖ Maintain the physical security and safety of the agency or institution.

A component of the Preston County Board of Education does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

A Record of a law enforcement unit means those records, files, documents, and other materials that are:

- ❖ Created by a law enforcement unit;
- ❖ Created for a law enforcement purpose; and
- ❖ Maintained by the law enforcement unit.

Records of a law enforcement unit do not mean:

- ❖ Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or
- ❖ Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

Nothing in this policy prohibits the Preston County Board of Education from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state, or federal law.

- ❖ Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to this policy including the disclosure provisions of Section 126-94-15 while in the possession of the law enforcement unit.
- ❖ Disclosure by an educational agency or institution of its law enforcement unit records is neither required nor prohibited by this policy.

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R 11-19-14 Maintenance and Destruction of Education Records

Records may be destroyed subject to the following exceptions:

- ❖ Records will not be destroyed if there is an outstanding request to inspect and review them;
- ❖ Explanations placed in the education record when a hearing is pending or a request for a hearing has been made shall be maintained as long as the record or the contested portion is maintained;
- ❖ The record of access required under *File: R 11-19-2* shall be maintained for as long as the education record to which it pertains is maintained; and
- ❖ For records collected for exceptional students under Policy 2419:
 - The Board shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child;
 - The information must be destroyed at the request of the parents;
 - However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

The following shall apply to the length of time and special consideration for maintaining student records:

- ❖ Directory information may be maintained in perpetuity;
- ❖ Academic grades and attendance records may be maintained in perpetuity;
- ❖ Records to verify implementation of federally funded programs and services and to demonstrate compliance with program requirements must be maintained for five years after the activity is completed;
- ❖ Other personally identifiable data which is no longer needed to provide education services may be destroyed;
- ❖ Parents and eligible students must be informed through public notice of any timelines established by the educational agency or institution for maintenance and destruction of student records; and
- ❖ Files must be maintained in a secured location. Electronic/digital files must be protected through the use of individual user identification and/or passwords. When user identification and/or passwords have been established, an individual is permitted to use only his or her designated identification and password to gain access to education records.

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Adopted: January 28, 1985
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-20 Availability of List of Graduating Seniors to Armed Services</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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Pursuant to Section 9528 of the *Elementary and Secondary Education Act* (ESEA) of 1965 (20 U.S.C. 7908), as amended by the *No Child Left Behind Act* of 2001 (P.L. 107-110), and 10 U.S.C. 503, as amended by Section 544, the *National Defense Authorization Act for the Fiscal Year 2002* (P.L. 107-107), all county boards of education are required to provide military recruiters, upon request, with the names, addresses, and telephone listings of secondary school students unless the parents/guardians have advised the county board of education that they do not want their students' information disclosed without prior written consent.

The Preston Board of Education shall provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

The Superintendent shall annually (by August 30 of each year) cause to be published in the local newspapers a notice to the parents and eligible students that such "directory information" shall be made available to the armed services. Any parent or eligible student who desires to refuse release of such "directory information" shall notify the superintendent of schools in writing by September 15 of each year.

(SBP 4350 Procedures for the Collection, Maintenance and Disclosure of Student Data)

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Adopted: July 19, 1983
Amended/Revised: August 9, 2001

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-21 Student Government	Last Reviewed: 8-9-10 Next Review: 7-1-12
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The Preston County Board of Education encourages the participation of students in the administration of the high school and, to a limited extent, in the administration of the elementary and middle schools. A form of student government may be developed. The charter (or constitution) of the student government must receive the approval of the principal and a copy shall be on file in the Superintendent's office.

The constitution of these student governmental bodies shall set forth the limits of student authority and shall distinguish the areas in which the students' functions shall be of an advisory nature from those over which they may exert controls.

The student governmental bodies shall serve as vehicles for communicating the views of the students to the school board.

The principal shall be responsible to see that the student government in his/her school is organized in an effective manner.

Students, who wish to be a class officer, hold office in student government or in clubs which are not closely related to a course of study in grades 6-12 must maintain a 2.0 grade point average. Each student's eligibility will be determined for each semester by his/her GPA the previous semester.

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Adopted: July 19, 1983
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-22 Student Publications</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The United States and West Virginia Constitutions guarantee freedom of the press. A student-run press has freedom similar to the freedom enjoyed by the press at large. This freedom includes the responsibility not to publish obscene, libelous or false information and not to interfere with the orderly process and normal operation of the school.

All student publications (i.e. newspapers and yearbooks) shall be included as a part of the school curriculum thereby assuring they have an educational purpose as well as being an avenue for student expression and pursuit of student interests.

(SBP 4372 Student Handbook- Student Rights and Responsibilities; United States Constitution, First and Fourteenth Amendments; Constitution of West Virginia, Article III, Section 7)

School-Sponsored Publications

- ❖ All school-sponsored publications shall be included in the curriculum and the teacher shall have the responsibility of seeing that material printed is handled in good taste.
- ❖ All school-sponsored publications shall be subject to editorial oversight by the school principals and the classroom teacher.
- ❖ The First Amendment does not protect obscenity for either adults or students.
- ❖ Obscene, libelous, vulgar and disruptive publications are prohibited.
- ❖ Personal attacks are prohibited in all publications.
- ❖ Publications containing language that is otherwise acceptable but the import of which is to create violence or disorder within the school or schools may *not* be sold or distributed in any school in the school system.
- ❖ Material that encourages actions which endanger the health and safety of students may not be published or distributed on school property.
- ❖ Students who fail to observe these regulations shall be subject to disciplinary action.

Non-School-Sponsored Publications

The unauthorized distribution of non-school-sponsored publications by non-students will not be permitted on school property at any time.

Students, who edit, publish or distribute handwritten, printed or duplicated matter among their fellow students within the schools, must assume responsibility for the content of these publications. Such publications shall meet the same standards of journalism as those required of school-sponsored publications. These written expressions must be signed by the author. Students who fail to observe these regulations shall be subject to disciplinary action.

The distribution of non-school-sponsored student newspapers published by students of the school district may be distributed in the manner and at such times and places as the school authorities designate.

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Adopted: July 19, 1983
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-23 Participation in Interscholastic Activities Athlete Rules and Policies</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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PHILOSOPHY

It is the intent and desire of the Preston County Board of Education that through the interscholastic programs established for its students that the staff can set a positive example and that individual students can develop to the higher limits of their individual talents and skills.

The Board feels that participation in sound interscholastic programs can provide an awareness and appreciation for a very enjoyable part of living. The interscholastic programs in Preston County Schools shall strive to provide a mixture of restrictions and freedoms, mental growth and physical development. Other desired outcomes of sound interscholastic programs can be the development of poise, self-control, and team work.

It is also the aim and desire of the interscholastic programs in Preston County Schools to provide the vehicle whereby the students, faculty, administration, and community may pull together as one. The interscholastic programs in Preston County Schools may also help to focus community attention upon other educational needs whereby faculty, administration, and community may pull together as one.

Student participants as used in this policy shall mean: student athletes, cheerleaders, marching band members and other student groups which may be designated by the Secondary Schools Activity Commission to fall into this category in the future.

OBJECTIVES OF THE INTERSCHOLASTIC PROGRAMS

The interscholastic programs of Preston County Schools will:

- ❖ Be closely coordinated with the general instructional program of the school.
- ❖ Be such that the number of students accommodated and the educational goals achieved, justify the existence of each individual activity.
- ❖ Be based on the spirit that participation is regarded as a privilege to be won by training and proficiency and to be valued highly enough to eliminate any need for expensive prizes or awards:
 - Only a member school or a school sponsoring a sanctioned event may give the following awards to a student or team: medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron or any similar award.
 - A student may not receive the following awards from any source:
 - Wearing apparel – sweaters, jackets, jerseys, shoes, etc;
 - Equipment – radio, television, etc.;

- Athletic goods – batons, tennis rackets, bats, golf bags, tennis or golf balls, etc.; or
- Money – (Scholarships to institutions of higher learning are exempted).
- ❖ Confine the school activities to events which are sponsored and supervised by the proper school authorities.
- ❖ Be planned so as to result in opportunity for many individuals to explore a wide variety of activities and to do so in reasonable season limits for each activity.
- ❖ Include training in conduct and game ethics.
- ❖ Engender respect for the local, state, and national rules and policies under which the school program is conducted.
- ❖ Always put the welfare of the student first.

CODE OF CONDUCT FOR PARTICIPANTS IN INTERSCHOLASTIC ACTIVITIES

Student Participants in Interscholastic Activities in Preston County Shall:

- ❖ Be courteous to visiting participants and officials.
- ❖ Participate hard and to the limit of his or her ability. The true participant does not give up, nor does s/he quarrel, cheat, or grandstand.
- ❖ Be modest when successful and be gracious in defeat. A true participant does not offer excuses for failures.
- ❖ Demonstrate loyalty to the school by maintaining a satisfactory scholastic standing and by participating in and supporting other school activities.
- ❖ Participate for the love of the activity - not for some other reason.
- ❖ Understand and observe the rules of the activity and the standards of eligibility.
- ❖ Set a high standard of personal appearance and cleanliness.
- ❖ Respect the integrity and judgment of officials and accept their decisions without question.
- ❖ Respect the facilities of host schools and the trust entailed in being a guest.
- ❖ Be in attendance one half day of an event and the following day.
- ❖ Maintain a high degree of physical fitness by observing team and training rules conscientiously.

Participant Expectations

- ❖ While a member of an interscholastic group in Preston County Schools; participants are not to be in violation of the Substance Abuse Policy.
- ❖ While a member of an interscholastic group in Preston County Schools, participants are not to be in violation of the Tobacco Control policy.

- ❖ While a member of an interscholastic group in Preston County Schools, participants are expected to follow the Student Code of Conduct and are not permitted to have any suspensions related to violations of the Student Code of Conduct, or found guilty of any misdemeanors or felonies.
- ❖ While a member of an interscholastic group in Preston County Schools each participant will follow additional rules and penalties established by the coach and/or school. (These additional rules and penalties must be in written form, read to the each affected group, posted in a prominent place for participants to see and approved and on file with the principal and in the Superintendent's office).
- ❖ All Preston County students are expected to refrain from any involvement in cyber bullying, but it is especially incumbent upon students who represent their school and the county in interscholastic events to be good role models in every aspect of their behavior including the responsible use of electronic devices.

PENALTIES FOR VIOLATIONS OF POLICIES

First and foremost, the Secondary Schools Activity Commission rules must always be obeyed by school personnel and students. Violation of SSAC rules and regulations may result in disciplinary actions that go beyond any action take by Preston County administrators or the Board. The following local guidelines shall be followed in responding to any breech of local or SSAC rules and regulations

Penalties for Violation of Alcohol, Drug and Tobacco Policies

Violations of alcohol, drug and tobacco policies **will not** be tolerated. The following penalties will incur for violations of these policies:

- ❖ **FIRST OFFENSE** for violation of Substance Abuse Policy, Tobacco Control Policy or first time suspension as a result of Student Code of Conduct violations will result in suspension from practice and games for 10% of the athlete's participation sports season.

The parent/guardian will be required to meet with the administration and coaching staff to discuss and intervention program for the student.
- ❖ **SECOND OFFENSE** for violation of Substance Abuse Policy, Tobacco Control Policy, Second time suspension as a result of Student Code of Conduct violations, or any combination of the above will result in expulsion from practice and games for the remainder of the season. (If second offense occurs at the end of the season, the athlete will be barred from participation in any other sports activity for the remainder of the school year).

The parent/guardian will be required to meet with the administration and coaching staff to discuss a second and final attempt to provide an appropriate intervention program for the student.
- ❖ Expulsion from school will result in automatic expulsion from sports for the remainder of the school year.

Penalties for Violation of Coach's/School's Rules

Consequences owing to unsportsmanlike conduct will be given at the discretion of the coach and principal.

Each coach shall utilize the following guidelines in responding to students who violated the coach's/school's rules.

- ❖ **First Offense** – The student will be required to sit out 10% of the total number of events scheduled.
- ❖ **Second Offense** – The student will be suspended from the team/group and a conference may be held with the parent/guardian and the student. Appropriate disciplinary action will be taken. Depending upon the severity of the offense, the student may be required to sit out the remainder of the season.
- ❖ **Third Offense** – The student will be removed from the team/group.

ELIGIBILITY REQUIREMENT

- ❖ The student must reside in the Preston County School district with their legal guardian.
- ❖ The student must not have reached age 19 prior to September 1 of said school year.
- ❖ The student must have accumulated less than 8 semesters. Semesters are accumulated starting with the 9th grade year.
- ❖ The student must obtain at least a 2.00 GP A based upon their work for the previous semester.
- ❖ The student must have a physical examination on file in the appropriate office. The physical exam must be current.
- ❖ The student must have a record of their birth certificate on file in the appropriate office. This must be on file no later than 7 days after the first practice. After this date, the student will be suspended from participation until such times as s/he turns it in.
- ❖ The athlete must have a record of parent/guardian permission (as indicated on the physical form) on file in the appropriate office.
- ❖ Foreign exchange students must present proper identity papers for SSAC review.
- ❖ Any other rules set forth by the SSAC.

In the case of a student participating in an activity who has not maintained a 2.00 GPA the previous semester, said student may apply for eligibility with the person in charge of student eligibility to practice after the sixth week of the semester in which the student desires to earn eligibility and s/he may apply for full eligibility to participate in competition after the 9th week of the semester in which the student desires to be granted eligibility

In the case of students with exceptionalities, if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Students with exceptionalities placed in upgraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their IEP.

Please very carefully read the **AGREEMENT TO OBEY INSTRUCTIONS** and the **CONTRACT FOR PARTICIPATION IN ATHLETICS IN PRESTON COUNTY SCHOOLS** which may be found on the following pages.

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Adopted: August 9, 2010
Amended/Revised:

AGREEMENT TO OBEY INSTRUCTIONS

I am aware that playing or practicing to play/participate in any sports program can be a dangerous activity involving MANY RISKS OF INJURY. I understand that the dangers and risks of playing or practicing to play/participate in athletics include but are not limited to, death, serious neck and spinal injuries which may result in complete or partial paralysis, brain damage, serious injury to virtually all internal organs, serious injury to virtually all bones, joints, ligaments, muscles, tendons, and other aspects of the skeletal system, and serious injury or impairment to other aspects of my body, general health and well-being. I understand that the dangers of playing or practicing to play/participate in athletics may result not only in serious injury, but in serious impairment of my future abilities to earn a living, to engage in other business, social and recreational activities, and generally to enjoy life.

Because of the dangers of participating in athletics I recognize the importance of following coaches' and athletic trainers' instructions regarding playing techniques, training and other team rules, etc., and agree to obey such instructions.

I specifically acknowledge that FOOTBALL is a COLLISION SPORT. I also acknowledge that WRESTLING, SOCCER, SOFTBALL, BASKETBALL, VOLLEY BALL and BASEBALL are VIOLENT CONTACT SPORTS involving even greater risk of injury than other sports.

PHYSICAL EXAMINATIONS

Every athlete and every member of the marching band must have a valid physical exam on record in the appropriated school office. The physical exam must be done by a physician and it must be done prior to beginning the sport for which the exam is to be used.

Exam dates are set by Preston Memorial Hospital. Any other physical exams must be arranged by the athlete. The athlete will not be able to participate in any practice session until a valid physical exam is on file in the athletic office.

All wrestlers must have a weight certification program.

INSURANCE COVERAGE

Before an athlete may be permitted to participate, he/she must show that they have some form of health and accident insurance in place. This is to be indicated on the physical exam/parent permission sheet.

If the parent or guardian has insurance through their place of employment, that will be sufficient. However, if they do not, they will be able to secure insurance via the assistance of the Preston County School System. Forms may be obtained from the athletic department.

West Virginia Secondary School Activities Commission has taken out a "Catastrophic Insurance Policy" to cover all member schools.

(Please retain these rules and policies for your information)

**CONTRACT FOR PARTICIPATION IN ATHLETICS IN
PRESTON COUNTY SCHOOLS**

I have read thoroughly the information given in the Preston County Schools Policy Manual. I understand and agree to abide by the provisions contained therein. I also understand that participation in athletics in Preston County Schools is a privilege and not a right.

Student –Athlete Signature

Date

I as the parent/guardian of _____ a perspective Student-athlete in Preston County Schools have read thoroughly the information contained in the Preston County Schools Policy Manual. I understand and agree to help the Preston County Schools Athletic Departments in their endeavor to foster a proper climate for the athletic participants. I/we further agree to support and work with the athletic department in the enforcement of the codes of conduct upon which our son/daughter if it becomes necessary.

Parent/Guardian Signature

Date

If for any reason you feel that you cannot support the codes of conduct, please do not allow your son/daughter to try out for an athletic team in the Preston County School System.

(PLEASE THIS FORM TO THE COACHING STAFF)

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-24 Clubs and Organizations</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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No qualified student will be deprived of an opportunity to participate in any activity sponsored by the school in which s/he attends. Students shall be given opportunities to join various clubs and organizations in the schools. The objective of these clubs and organizations shall be to provide worthwhile goals for attainment by the students while maintaining a close relationship with the regular school program. All student activities, clubs and organizations that function under the auspices of the school system shall be supervised by a faculty sponsor or a chaperone approved by the Board. All activities not specifically approved by the school principal are prohibited. Any person or group objecting to the approval or termination of a specific club or organization shall have the right to appeal to the school board through the office of the Superintendent.

Hazing

Hazing is defined as subjecting a person to embarrassment, to abusive treatment, to ridicule, to harassment, or to the assignment of unnecessary or disagreeable tasks. No form of hazing is permitted in connection with school activities whether they are scheduled during the school day or after the school day. It is the duty of all school personnel, including students, to prevent the practice of hazing during the school day in connection with all school activities. Any initiation or induction involving hazing is forbidden.
(WC 18-2-33; SBP 4372)

Sororities, Fraternities and Secret Societies

Sororities, fraternities, clubs or secret societies whose membership depends upon the permission of the group rather than the free choice of the qualified student will not be permitted to operate in any school in this county.

Student Responsibilities

It shall be clearly understood by any student seeking any office or honorary position that s/he represents the entire student body and, if elected or appointed, will work with all students regardless of race, religion or personal prejudices. Furthermore, any student qualified to participate in any type of activity sponsored by the school district may do so without regard to race, religion, or creed.

Students, who wish to be a class officer, hold office in student government or in clubs which are not closely related to a course of study in grades 6-12 must maintain a 2.0 grade point average. Each student’s eligibility will be determined for each semester by his/her GPA the previous semester.

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Adopted: March 10, 1986
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-25 Social Activities	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Social activities for students, including dances and parties, considered to be school-sponsored functions shall be limited to students of the school and invited guests. Social activities must be approved by a faculty sponsor and the school principal.

Specific Regulations

- ❖ Principals shall establish and maintain a building calendar upon which social events shall be scheduled and reservations for rooms shall be made.
- ❖ Principals shall establish regulations governing social events within their school.
- ❖ In all cases there must be adequate student supervision by teachers and chaperones. This means a minimum of two (2) teachers shall be in attendance at evening functions.
- ❖ Parents are encouraged to attend social functions as volunteer chaperones.
- ❖ Social activities must be approved by the sponsor and the principal.
- ❖ All entertainment must be approved in advance by the organization sponsor and the principal.
- ❖ Parent chaperones must be approved by the Board.

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Adopted: July 19, 1983
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-26 Student Fees, Fines, Charges, Instructional Resources and Materials</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The West Virginia Constitution mandates a thorough and efficient system of free schools, which makes education a fundamental constitutional right. A 1995 State Supreme Court decision further stated that whatever items are deemed necessary to accomplish the goals of the school system and are in fact an integral, fundamental part of elementary and secondary education must be provided free of charge to all students. Therefore, all Preston County Schools must be mindful of the following:

- ❖ Books and school supplies are essential parts of a system of free public schools and must be supplied to all students.
- ❖ Students may be required to pay for materials involved in student projects that go beyond the basic fundamental instruction in the classroom and will become the property of the student once completed. (i.e., Advanced art projects or advanced shop projects)
- ❖ A student may not be denied the right to attend a public school for failure to pay a tuition fee or other charge, which may be classified as a registration fee.
- ❖ Schools may not withhold student grades, refuse to promote them, withhold their diploma or transcripts or, in any way, deny them an education because they are unable to pay school fines.
- ❖ Under a "free" school system fees cannot be charged as a requirement for students to be admitted to school. The collection of student fees or charges for any student enrolled in the regular school program in Preston County is prohibited. This does not apply to extracurricular activities that are not necessary under the required curriculum. Student dues voted on by members of voluntary extracurricular activities or classes shall be kept as low as possible.
- ❖ Charges for activities not in the normal instructional curriculum may be collected if the particular projects are approved by the Board in advance. There shall be no deviation from these procedures except by special permission of the Board.
- ❖ Parents and students shall be responsible for replacement of any instructional materials (i.e. books, certain other durable materials, etc.) which are unnecessarily injured or destroyed. **(WVC 18-5-21; Article XII West Virginia Constitution; State Superintendent Memo; Randolph County BOE v. Adams)**

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Adopted: December 12, 1983
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 5-21 File: 11-27 Activity Fees and Fund Raising	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Activity Fees

Student activities are not to become profit-making organizations. Their purpose is to enrich the experiences of the student population. Therefore, fees charged by any organization or club shall be no greater than the amount needed to sustain its normal function and provide for unexpected expenses. The fees charged by an organization, club or activity shall not be such that they automatically discriminate between those students financially able to participate in the activity and those who cannot participate because of limited financial resources.

Fund Raising

The Board realizes that some school groups such as bands, junior and senior classes, and other similar groups sometimes find it necessary to appeal to the community for support through fund raising activities. The Board also recognizes that its patrons cannot support unlimited solicitations from school groups; therefore, it shall be the responsibility of the school principal to evaluate the needs of his/her school groups and approve only those fund raising activities that are essential.

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R 11-27-1 General Guidelines and Regulations

The guidelines listed below are intended to allow the school community an opportunity to support school activities and at the same time they will protect the patrons of our schools against an unreasonable amount of solicitations.

- ❖ All fund raising organizations must be approved by and registered annually with the School Business Officer/ Treasurer/ Purchasing Agent.
- ❖ The principal shall have the responsibility of determining which organizations on campus will be permitted to conduct fund raising activities. All fund raising activities must be approved in advance by the principal.
- ❖ All fund raising activities must be approved by the School Business Officer/ Treasurer/ Purchasing Agent prior to proceeding with the activity.
- ❖ All schools within a given attendance area should coordinate fund raising activities to eliminate concurrent fund drives.
- ❖ All parents/guardians shall be informed of the fund raising activity and that the participation of their child is optional.
- ❖ No fundraiser should be approved that requires or expects minimum sales from each student.
- ❖ Before beginning the fund raising activity, the school must publicize the purpose for which the funds are being raised. These funds MAY NOT be diverted for other expenses.

- ❖ All students participating in the fund raisers shall have specific information available for potential customers regarding the purpose of the fund raiser including the name of the sponsoring group and the firm supplying the product. All participating students shall be provided, and carry with them while involved in fund raising activities, a copy of the currently approved information form.
- ❖ Major fund raising drives are defined as those that involve the selling of chances, magazine sales, going door-to-door selling goods, and other similar efforts.
- ❖ The number of major fund raising drives which will be allowed per school per calendar year are:
 - Elementary Schools – 1
 - Middle Schools – 2
 - Senior High School - 3
- ❖ Service related fund raising activities will not be restricted since the public will be volunteering to purchase the service or goods. Examples of Service Related Fund Raisers are: Car washes, bake sales and dinners.
- ❖ All schools should be sure they are selling "quality" items.
- ❖ It is recommended that dues be collected whenever possible in lieu of fund raising activities.
- ❖ The selling of concessions at athletic contests is not restricted.
- ❖ Funds that are raised in the name of the school shall be expended for projects to enhance school activities. Surplus funds shall not be returned to individual students, nor shall they be expended to purchase personal items for students. Organizations that cease to be active and are disbanding or graduating classes that have surplus funds shall turn them over to the principal to be used for a worthy project in the school. The organization or class may designate the project.
- ❖ Fund raising activities shall be listed on the school calendar of events.
- ❖ School groups will not be permitted to solicit money by stopping travelers on the highways of Preston County.
- ❖ Schools may reward students through an established prize program for selling products; however, schools may not permit students to receive a percentage of all sales for selling the products as funds are being raised in the name of the school and should be expended for school activities.
- ❖ All fund raising activities will be comprised of offering a product or a service. Fund raising activities based solely on soliciting funds are not permitted.

R 11-27-2 Criteria for Approval of Major Student Sales Vendors

- ❖ The profit margin for the school should be approximately 40%.
- ❖ The product or goods must be available for inspection.
- ❖ The description of the sales program shall be available with all contractual obligations clearly specified.
- ❖ The quality/quantity of the product shall be deemed appropriate and in accordance with that available locally.
- ❖ The sales shall be considered appropriate for the class or organization conducting the sales.

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Adopted: December 8, 2008
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-29 School Calendar of Events and Activities</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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All principals shall submit to the Assistant Superintendent a monthly school calendar of events and activities by the 20th of each preceding month. These calendars shall include athletic contests, social events, educational presentations, drama activities, club activities, field trips and other similar events.

Activities shall be planned in a manner that minimizes interruptions of the instructional program. Co-curricular activities may be scheduled within the instructional day; however, extra-curricular activities must be scheduled outside the instructional day.

Amendments to or revisions of school calendars shall be approved by the Assistant Superintendent.

- ❖ Interruptions of the instructional day shall be held to a minimum.
- ❖ All field trips and class trips must be scheduled between September 1 and prior to the last ten (10) instructional days of the school term. Teachers and students involved in programs that extend over twelve (12) months will be permitted to take field trips during the summer sessions.
- ❖ All scheduled activities must conform to the guidelines set forth in SBP 2510.

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Adopted: March 10, 1986
 Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-30 Restrictions on Athletic Events, Practices and Other School Activities When Schools are Closed</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The Preston County Board of Education recognizes its responsibility to insure the safety of students, teachers and parents who participate in school activities sets forth the guidelines below to govern evening school activities when schools have been closed because of weather conditions or other calamitous conditions.

Athletic Contests

Athletic contests that have been scheduled for a date when school has been closed will automatically be postponed or cancelled. It shall be the responsibility of the principal and/or the athletic director to make the appropriate arrangements with the opposing team and officials. Postponed contests may be rescheduled on a date that is mutually agreeable to the schools involved. The principal shall have discretion in canceling or playing contests scheduled on Saturday, if school has been dismissed early or cancelled on Friday.

Practice Sessions

All practice sessions for athletic and other school activities shall be cancelled when school has been cancelled. Permission may be obtained to hold practice sessions for activities if the principal feels a practice session is necessary. Student participation in these practice sessions will be voluntary and they shall not be penalized for failure to attend them. Weather conditions and other safety factors should determine whether or not practice sessions are scheduled.

Social Events

All social events shall be cancelled or postponed when they are scheduled for a date when schools are not in session.

Activities Scheduled by Community Groups or Organizations

Community groups or organizations that have scheduled activities in school facilities shall cancel or postpone said activities when they are scheduled for a date when school has been closed. It shall be the responsibility of the person in charge of these groups to make arrangements for cancellations or postponements.

Night Classes

All night classes, including those offered by the school system and those offered by colleges and universities shall be cancelled when they are scheduled for a date the county schools are closed because of weather conditions or other calamitous conditions.

Early Dismissal

Activities scheduled at the school may be cancelled if weather conditions or other calamitous conditions force the closing of school prior to the regular dismissal time.

Exceptions

The Superintendent of schools shall have authority to make exceptions when, in his judgment, extenuating circumstances dictate a need for exception.

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Adopted: February 19, 1996
Amended/Revised:

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-31 Student Safety</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The safety of students entrusted to its care has always been a priority for the Preston County Board of Education. The legislature’s passage of the 1995 Safe School Act served to heighten that concern and has caused the Board to renew its efforts to build a Safe and Productive School Environment. We, the Board, know that student safety requires the cooperation of all parties and it takes a multifaceted approach to assure our constituents that safety carries a high priority in all of our educational endeavors.

The principals, central office personnel, teachers and other supervisory personnel and service personnel must share a responsibility for regular, periodic inspections of school grounds, facilities, and equipment to assure the highest possible level of safety at each school site. Defective equipment shall be withdrawn from use immediately and school property or neighboring property having potentially hazardous conditions shall be declared “off limits” to students until the conditions have been corrected. Fire and other safety regulations shall be followed and the appropriate records and reports related to those regulations shall be maintained. Principals shall report maintenance and repair needs to the appropriate Central Office administrator in a timely fashion.

School rules shall conform to the Student Code of Conduct as a means of providing a teaching and learning environment that is free of harassment, bullying and violence.

The 21st century has brought a new awareness of the need to provide security for all school facilities and their occupants. Therefore, all principals are directed to carefully follow all regulations regarding the monitoring of visitors to the school, the security of entrances and exits, and to establish a procedure for responding to emergency situations that may arise at the school site.

R 11-31-1 Controlling Access to Schools

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

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

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R 11-31-2 Loitering on School Property

No one shall be in the school buildings or on school premises after school hours unless s/he is on official school business, is participating in a supervised school activity, is authorized by the administration or is a spectator at an activity open to the public. Unauthorized person loitering upon school property may be treated as trespassers.

Any person who loiters (trespasses) on or about school grounds and buildings in violation of posted rules shall be guilty of a misdemeanor, and, upon conviction for the first offense thereof, shall be fined not more than \$100 or imprisoned in the County jail not more than 30 days, or both such fine and

imprisonment. Upon a second offense or subsequent offense conviction, any such person shall be fined not more than \$500 or imprisoned in the County jail not more than one year, or both such fine and imprisonment.
(WVC §61-6-14a)

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R 11-31-3 Crowd Control at Extracurricular Activities

Persons who exhibit disruptive behavior at extracurricular activities may be subject to removal by the principal or his/her designee or law enforcement officers. Following an investigation of the incident, the principal may suspend the individual's privilege to attend extracurricular activities at the school for a period of 60 days. The affected individual shall be notified in writing and the Superintendent will also receive a written notification including justification for the action. Persons who are suspended have the right to appeal the suspension to the Board of Education, which has the authority to decrease or increase the length of the suspension.

(WVC §61-6-14 and §61-6-14a)

R 11-31-4 Protective Shields

Recognizing the importance of student safety the Board of Education has adopted the West Virginia State Board of Education Policy regarding utilization of eye, face or body shield safety devices.

Appropriate industrial quality eye, face, or body shield safety devices shall be provided by the County and worn at all times by students, teachers, or other persons upon entering a laboratory or shop for the purpose of participating or observing instructional activities that expose them to, but not limited to, the following:

- ❖ Hot molten metals or other molten materials;
- ❖ Powdered milling, sawing, turning, shaping, cutting, sanding, grinding, or stamping of any solid materials;
- ❖ Heat treatment, tempering or kiln firing of any metal or other materials;
- ❖ Gas or electric arc welding or other forms of welding processes and injurious radiations or other hazards not enumerated; and
- ❖ Caustic or explosive material, and hot liquids or solids.

All personal protective equipment and devices shall meet or exceed the minimum requirements under Section 6 of the Occupational Safety and Health Act of 1970 (OSHA) and specifically Subpart 1 of 29 CFR 1910.10 and the appropriate standards published by the American National Standards Institute and National Fire Prevention Association and incorporated by reference under Section 6 of the Act (OSHA) shall govern the selection, maintenance and use of this equipment.

(SBP 4310)

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R 11-31-5 Limiting School Access to Contractors and Service Providers

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

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

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

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Adopted: July 19, 1983
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION**FILE: 11 - STUDENTS****File: 11-32 Accidents, Emergencies and Medications****Last Reviewed: 8-9-10****Next Review: 7-1-12**

The Superintendent shall protect the health of all students in case of accidents and emergencies. S/he shall implement a protocol whereby students may receive immediate, competent medical attention in such instances. The Board shall not assume any responsibility for the cost of medical treatment owing to an accident or illness. School principals shall also establish a protocol for dealing with accidents and injuries and administering medicine to students during the school day.

R 11-32-1 Student Injuries at School

Accidents and or injuries involving students on school property or any other location under the jurisdiction of the Board must be reported to the principal immediately. The report shall be made by the person in charge of the students at the time of the incident and/or the student.

The following protocol shall be established in all Preston County Schools:

- ❖ Principals shall secure information from the parents/guardians concerning the student's family doctor, existing medical problems and other special directions or conditions in case of emergencies at the beginning of the school year or at the time of a new student's registration.
- ❖ In the event of a significant or questionable accident, injury or illness, the student's parent or guardian is to be notified. If the parent or guardian cannot be reached, school personnel shall follow the direction recorded on the Emergency Information Form and the school's protocol for dealing with such events.
- ❖ If an injury to a student requires removing him/her to a doctor's office or hospital, a member of the school staff shall remain with the student until a parent/guardian has been contacted and arrives on the scene.
- ❖ Incidents resulting in injury to a student shall be documented on the school's Accident Report Form by the teacher or other school personnel who was present and in charge at the time of the incident. The report shall be kept on file in an area designated by the school administration.
- ❖ The principal must notify the Safety Coordinator as soon as possible, but no later than the next workday.
- ❖ All injuries requiring hospitalization must be reported to the Superintendent by the principal immediately following the occurrence.
- ❖ If on site, the school nurse shall be the person of choice for treating student injuries.
- ❖ Teachers and other school personnel may be responsible for damages resulting from injuries sustained or aggravated by his/her attempts to administer the type of medical assistance which should be administered by qualified medical personnel.

- ❖ Minor scratches and bruises which occur during the normal run of the school day may be treated by school personnel if the school nurse is unavailable. No medication is to be given, even aspirin, without written parental permission.
- ❖ Under supervision of the principal, teachers may provide emergency first-aid that must be provided to prevent death or serious hazard to the health of the student.

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R 11-32-2 Administering Medicines and Specialized Health Care to Students

Good health and safety are essential to student learning. The administration of medication to students during the school day should be discouraged unless absolutely necessary for the student's health. However, the administration of medication during the school day is essential to allow some students to attend school. These procedures establish the standards that must be followed when any medication is required to be administered during attendance at school or school related events and to provide for emergency medication administration, when necessary.

These regulations apply to school nurses, administrators, other authorized school employees, contracted school nurses, and contracted licensed health care providers (as specified in WVC §18-5-22a and §18-5-22b; *SBP 2422.8 Medication Administration Policy*) administering medication to students in the West Virginia public school system.

Regular professional and service employees may not be required to administer medication to students; however, after July 1, 1989 newly employed professional and service employees in the field of special education may be required to administer medications after receiving training. Nothing in the code prohibits any employee from volunteering to be trained and serving as an administrator of student medications or other specialized procedures for students.

Definitions:

- ❖ Administration of medication means a health care procedure, which may be performed by school personnel who are designated, qualified, trained and authorized to administer medications to students.
- ❖ Administrator's designee means an employee (excluding the school nurse or contracted provider of nursing services) who is designated by the building administrator, is trained to administer non-prescribed medication, and agrees to administer non-prescribed medications.
- ❖ Contracted licensed health care provider means a licensed health care provider providing health care services under a contract with county boards of education. Health care services may be contracted after the ratio of one nurse for every 1,500 students, kindergarten through seventh grade, is provided to county schools.
- ❖ Contracted school nurse means an employee of a public health department providing services under a contract with a county board of education to provide services considered equivalent to those required in WVC §18-5-22.

- ❖ Designated qualified personnel means an employee or contracted provider who agrees to administer medications, is authorized by the administrator, successfully completes training as defined in SBP 2422.7 and is qualified for the delegation of the administration of prescribed medications.
- ❖ A Licensed health care provider means a medical doctor or doctor of osteopathy, podiatrist, registered nurse, practical nurse, registered nurse practitioner, physician assistant, dentist, optometrist, pharmacist or respiratory care professional licensed under Chapter Thirty of the W.Va. Code.
- ❖ Licensed prescriber means licensed health care providers with the authority to prescribe medication.
- ❖ Long-term and Emergency Prescribed Medication means medication ordered by a licensed prescriber that is used to treat acute and chronic health conditions including both daily and PRN (as needed) medication.
- ❖ Medication document means the individual medication record or medicine log used to record the administration of medication to a student.
- ❖ Non-prescribed Medication means 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.
- ❖ Parent/Guardian Authorization Form means a form completed and signed by parent/guardian in order to authorize medication administration to said parent's/guardian's child. The form must include the following: student name; date; allergies; medication name, dosage, time and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.
- ❖ Prescribed Medication means medication with a written order signed by a licensed prescriber.
- ❖ School Based Health Centers means clinics located in schools that: 1) are sponsored and operated by community based health care organizations; 2) provide primary health care services (including but not limited to diagnosis and treatment of acute illness, management of chronic illness, physical exams, immunizations, and other preventive services) to students who are enrolled in the health center; and 3) follow state and federal laws, policies, procedures, and professional standards for provision of medical care.
- ❖ School Nurse is defined as a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses (WVC §30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in SBP 5100 and meets the requirements for certification contained in SBP 5202. The school nurse must be employed by the county board of education or the county health department as specified in WVC §18-5-22.
- ❖ School-related event means any curricular or co-curricular activity, as defined in SBP 2510 that is conducted outside of the school environment and/or instructional day. Examples of co-curricular activities include the following: band and choral presentations; theater productions; science or social studies fairs; mathematics field days; career/technical student organizations' activities; or other activities that provide in-depth exploration or understanding of the content standards and objectives appropriate for the students' grade levels.

- ❖ Self-administration means medication administered by the student under the supervision of the school nurse, designated qualified personnel, administrator or administrator's designee. The self-administration of prescribed medication may also include medication taken by a student in an emergency or an acute situation (e.g., rescue inhaler).

Authorized Personnel:

Includes trained school nurses, other licensed health care providers, administrators, teachers, aides and secretaries as defined in WVC §18-1-1, §18A-4-8 and §18-5-22. Nothing in the code prohibits any school employee from providing specialized health procedures or any other prudent action to aid any person who is in acute physical distress or requires emergency assistance.

Role of the School Administrator:

- ❖ Provide for appropriate, secure, and safe storage and access of medications.
- ❖ Provide a clean, safe environment for medication administration.
- ❖ Provide a mechanism for safely receiving, counting and storing medications.
- ❖ Provide a mechanism for receiving and storing appropriate medication authorization forms.
- ❖ Identify employees who may be assigned (or volunteer) to administer medications (prescribed and non-prescribed).
- ❖ Assign qualified employees, who meet a satisfactory level of competence for prescribed medication administration as defined in SBP 2422.7 and non-prescribed medication as determined by the WVDE.
- ❖ Coordinate development of procedures for the administration of medication during school-related events with classroom teachers, school nurses, parents/guardians, designated qualified personnel and administrator's designees.

Role of the School Nurse and Contracted Licensed Health Care Provider:

- ❖ Determine if the administration of prescribed medication may be safely delegated to designated qualified personnel.
- ❖ Contact the parent/guardian or licensed health care provider to clarify any questions about prescribed medication that is to be administered in the West Virginia public school system.
- ❖ Manage health related problems and decisions. In the role of manager, the nurse is responsible for standards of school nurse practice in relation to health appraisal, health care planning and maintenance of complete and accurate documentation. For students needing long-term and emergency prescription medication to attend school, the school nurse shall assess the student, review the licensed prescriber's orders, assure implementation of needed health and safety procedures, and develop a health care plan.
- ❖ Utilize the West Virginia Board of Examiners for Registered Professional Nurses Guidelines for Determining Acts that May be Delegated or Assigned by Licensed Nurses, January 2001, and any revisions thereof, as the mechanism for determining whether or not the administration of prescribed medications may be delegated.

- ❖ Provide and/or coordinate training, as defined in *SBP 2422.7*, for all school employees designated to administer prescribed medication.
- ❖ Validate and document student knowledge and skills related to self-administration of prescribed medication.

Role of Designated Qualified Personnel/Administrator's Designee:

- ❖ Successfully complete the Cardiopulmonary Resuscitation (CPR), First Aid, and the medication administration portion of training, as defined in *SBP 2422.7*.
- ❖ Store and administer medication, complete the medication document and report medication incidents.

Role of the Parent/Guardian:

- ❖ Administer the initial dose of any medication at home, except for emergency medications and unless otherwise directed by the licensed prescriber and/or a court order.
- ❖ Complete and sign a parent/guardian authorization form (to be designed by each county), which indicates student name; date; allergies; medication name; dosage, time, and route; intended effect of medication; other medication(s) taken by student; and parent/guardian signature.
- ❖ Provide school with completed licensed prescriber authorization form for prescribed medication(s).
- ❖ Supply medication and ensure that medication arrives safely at school in a current and properly labeled container. Give the medication to the person authorized by the administrator to receive, store, and administer medication. Maintain effective communication pertaining to medication administration.
- ❖ Replenish long-term and emergency prescribed medication as needed.
- ❖ Retrieve unused or outdated medicine from school personnel no later than thirty days after the authorization to give the medication expires or on the last day of school.

Role of the Student:

- ❖ Consume the medication in the specified manner, in as much as his/her age, development and maturity permit.
- ❖ Self-administer prescribed emergency or acute medications, such as but not limited to an Epi-pen or ibuprofen when the prescription indicates that said student must maintain possession of the medication. The student must be able to bring the medication to school, carry the medication in a safe and responsible manner, and use the medication only as prescribed. At the discretion of county boards of education, high school students (not below grade 9) may be allowed to carry and self-administer non-prescribed medication (OTC) with parent/guardian authorization, unless restricted by the administrator.

Administration of Prescribed Medication:

- ❖ Prescribed medications shall be administered after written authorization from a licensed prescriber and parent/guardian are received.

- ❖ Prescribed medication shall be in the originally labeled container, which includes the following:
 - Prescribed medication(s) from a pharmacy
 - Student's name, name of the medication,
 - reason(s) for the medication (if to be given only for specific symptoms),
 - dosage, time and route,
 - reconstitution directions, if applicable, and
 - The date the prescription and/or medication expire.
 - Prescribed Over-the-Counter Medication(s)
 - Student's name (affixed to original manufacturer's bottle),
 - Name of the medication,
 - Reason(s) for the medication (if to be given only for specific symptoms), dosage, time and route,
 - Reconstitution directions, if applicable, and
 - The date the prescription and/or medication expire.
- ❖ Medication administration steps must be followed exactly as outlined in SBP 2422.7.
- ❖ Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.
- ❖ 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.
- ❖ 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.
- ❖ When a student's medical condition requires a change in the medication dosage or schedule, the parent must provide a new written authorization form from a licensed prescriber and container. This must be given to designated personnel within an appropriate time frame.
- ❖ Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the licensed health care provider. The school nurse and administrator shall be contacted immediately in the event of a medication incident. The school nurse or administrator shall do the following:
 - Contact the physician and parent/guardian, if necessary.
 - Implement the school nurse or administrator recommendation/licensed prescriber order in response to a medication incident.

- Document all circumstances, orders received, actions taken and student's status.
- Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.

Self-Administration of Asthma Medication

Student self-administration of asthma medication shall be permitted in accordance with WVC §18-5-22b after the following conditions are met:

- ❖ A written authorization is received from the parent/guardian for self-administration of asthma medication.
- ❖ A written statement is received from a licensed prescriber which contains the student name, purpose, appropriate usage, dosage, time or times at which, or the special circumstances under which the medication is to be administered.
- ❖ The student has demonstrated the ability and understanding to self-administer asthma 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 asthma medication.
- ❖ The parent/guardian has acknowledged in writing that they have read and understand a notice provided by the county board of education stating that 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 asthma medication.
- ❖ The permission to self-administer asthma medication shall be effective for the school year for which it is granted and all documents related to the self-administration of asthma medication shall become part of the student health record.
- ❖ The permission to self-administer asthma medication may be revoked if the school administrator finds that the student's technique and understanding of the use of asthma medication is not appropriate or is willfully disregarded.

Administration of Non-Prescription Medication:

- ❖ Non-prescribed medications shall be administered only after meeting the following requirements:
 - Parent/guardian authorization form is provided.
 - The school administrator has the authority to determine if the administration of the non-prescribed medication may be safely delegated to the administrator's designee.
 - The school administrator has the authority to contact the parent/ guardian or a licensed health care provider to clarify any questions about the medication being administered.
- ❖ Any non-prescribed medication(s) must be provided by the parent/guardian.
- ❖ Non-prescribed medication shall be in the manufacturer's original packaging clearly marked with the following:

- Student's name (affixed to original manufacturer's bottle),
- Name of medication,
- Ingredients,
- Dosage, time and route,
- Reconstitution directions, if applicable, and
- Medication expiration date.
- ❖ Medication administration steps must be followed exactly as outlined by the WVDE.
 - Medication administration must take place in a clean and quiet environment where privacy may be established and interruptions are minimal.
 - The parent/guardian is to be contacted immediately when a medication's appearance or dosage is questioned. The administrator's designee shall take the appropriate steps to assure the medication is safe to administer.
- ❖ The parent/guardian is to be contacted immediately when a student's health condition suggests that it may not be appropriate to administer the medication.
- ❖ Medication administration incidents include, but are not limited to, any deviation from the instructions provided by the parent/guardian. The school administrator shall be contacted immediately in the event of a medication incident. The school administrator will then contact the parent/guardian, if necessary. The school administrator or designee shall:
 - Implement the parent's/guardian's recommended response to a medication incident.
 - Document all circumstances, orders received, actions taken and student's status.
 - Submit a written report to the administrator and county superintendent at the time of the incident. The report should include the name of the student, the parent/guardian name and phone number, a specific statement of the medication incident, who was notified, and what remedial actions were taken.
- ❖ When a parent/guardian authorizes a non-prescribed medication to be given in addition to a known prescribed medication, the administrator or school nurse shall validate the safety of multiple medications. At times, this validation process may require a licensed provider order.

Medication Storage, Inventory, Access and Disposal:

- ❖ Each school shall designate space in the building to store student medication, at the correct temperature, in a secure, locked, clean cabinet or refrigerator, as required.
- ❖ All medication shall be entered on a medication inventory and routinely monitored for expiration and disposal.
- ❖ Access to medications shall be under the authority of the administrator of the school in conjunction with the school nurse assigned to that school. If there is a full-time school nurse assigned to the building, the school nurse shall have authority over the access to prescribed medications.
- ❖ An appropriate supply of long-term and emergency prescribed medication may be maintained at the school in amounts not to exceed school dosages within each calendar month.

- ❖ School personnel shall dispose of unused or outdated medicine unclaimed by the parent/guardian no later than 30 days after the parent/guardian medication authorization expires or on the last day of school.
- ❖ Medication disposal shall be done in a manner in which no other individual has access to any unused portion. Two individuals will witness the disposal of the medication and the procedure must be documented on the appropriate form related to the specific student.

Confidentiality and Documentation:

Student information related to diagnosis, medications ordered and medications given must be maintained according to The Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232g; 34 CFR Part 99) and in such a manner that no one could view these records without proper authorization as specified in *SBP 4350 - Procedures for the Collection, Maintenance and Disclosure of Student Data*.

Documentation of medication administration shall include the following information:

- ❖ Student name,
- ❖ Medication(s) name,
- ❖ Dosage, time and route of medication administration,
- ❖ Reaction(s) or untoward effects,
- ❖ Reason(s) the medication was not administered; and
- ❖ Date and signature of person administering medication.

Consequences for Violation of These Procedures:

If a student violates the procedures regarding medication administration, action will be based upon *SBP 4373 - Student Code of Conduct* and/or *SBP 2422.5 - Substance Abuse*. Failure of school personnel to comply with the above rules shall result in personnel disciplinary actions based on *SBP 5310 - Performance Evaluation of School Personnel* and *SBP 5902 - Employee Code of Conduct*.

(WVC §18-5-22, §18-5-22a and §18-5-22b)

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Adopted: January 1, 2003
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-33 Student Accident Insurance	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Utilizing Special Levy funds, the Board will provide accident insurance for each student enrolled in a Preston County School.

This insurance will cover students on a daily basis and it will also cover students who participate in interscholastic athletics and cheerleading with the exception of football**. In the event a parent/guardian possesses insurance coverage s/he feels is superior to the school coverage, s/he will be asked to verify the terms of his/her coverage before his/her child participates in these activities.

The principal or his/her designated representative shall be responsible for seeing that all claim forms are properly filled in and signed by a school official and complete reports to the central office as appropriate.

**** *Students who participate in interscholastic football and are covered by a separate insurance policy for football shall not be required to have any additional accident insurance for that sport.***

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Adopted: December 8, 2008
Amended/Reviewed: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-34 Physical Examinations for Athletes, Cheerleaders and Marching Band Members</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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Secondary Students

Rules for the West Virginia Schools Activities Commission provide that: "A student shall not be permitted to engage in practice for, or to play in an interscholastic contest, unless s/he shall have filed with his/her high school principal a certificate of physical fitness issued by a competent physician prior to the student's first practice or participation that school year."

This rule shall apply to all student athletes, cheerleaders and marching band members who participate in any kind of interscholastic contest.

Elementary Students

Elementary students who participate in "Grasshopper Basketball" or who are members of a cheerleading squad shall not be permitted to engage in practice, for, or to play in a contest, unless s/he shall have filed with his/her principal a certificate of physical fitness issued by a competent physician prior to a student's first practice or participation that school year.

Principals and coaches shall see that these rules are strictly enforced.

(West Virginia Secondary School Activities Commission Handbook)

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Adopted: December 8, 2008
 Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-35 Reporting Suspected Child Abuse and Neglect	Last Reviewed: 8-9-10 Next Review: 7-1-12
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The purpose of this policy is to protect the best interests of any child who may be subjected to abuse or neglect in the home, the school, or any other environment. West Virginia's abuse and neglect laws are very specific about the duties and responsibilities of all school personnel regarding the reporting of suspected incidents of abuse or neglect. The following is a summary of these laws and regulations as they relate to school personnel.

Reporting Procedures

- ❖ School personnel who have reason to suspect a child is suffering from abuse or neglect shall immediately report the circumstances to their immediate supervisor or principal.
- ❖ The building principal shall notify the Coordinator of Attendance and Social Services by telephone or in person.
- ❖ The Coordinator of Attendance and Social Services are not available, the teacher or the principal shall report the matter immediately to the Assistant Superintendent.
- ❖ The Coordinator of Attendance shall immediately and not more than 48 hours after suspecting this abuse, report or cause a report to be made to the State Department of Health and Human Resources.
- ❖ Reports of child abuse or neglect pursuant to the law shall be made immediately by telephone to the local State Department of Health and Human Resources and shall be followed by a written report within 48 hours if so requested by the agency.
- ❖ In any case where the reporter believes that the child has suffered serious physical or sexual abuse or assault, s/he shall also immediately report or cause a report to be made to the appropriate local law enforcement agency.
- ❖ Personnel, who in good faith, submits a report of suspected abuse or neglect shall be immune from any civil or criminal liability that might otherwise arise from their actions.
- ❖ The Department of Health and Human Resources shall develop and implement a procedure to notify any person mandated to report suspected child abuse and neglect under the provisions of WVC §49-6A-2a of whether an investigation into the reported suspected abuse or neglect has been initiated and when the investigation is completed.
- ❖ Any person required by law to report abuse or neglect and who knowingly fails to do so shall be guilty of a misdemeanor and upon conviction shall be confined in jail for not more than 10 days or fined not more than \$100 or both.
- ❖ Nothing in the law prevents individuals from reporting abuse and neglect on their own behalf if circumstances dictate such an action.
(WVC §49-6A-1; §49-6A-2; §49-6A-5; §49-6A-6; §49-6A-8)

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Adopted: July 19, 1983
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION

FILE: 11 - STUDENTS

File: 11-36 Student Vehicle Use

Last Reviewed: 8-9-10

Next Review: 7-1-12

Students driving motor vehicles to school shall park in the area or areas designated by the school administration. Students are to exit vehicles and the parking lot immediately after parking. Students may not return to the motor vehicle during the school day without permission from the administration.

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. Driving to school is a privilege and is not a right. Driving students are subject to drug testing as per *File: 11-45 Student Activity Drug Testing*. Driving students may be selected by the random selection basis to provide a urine sample and/or be tested at any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs.

Regulations for Vehicle Use

School administrators shall have the authority to restrict and/or deny driving privileges based on the following criteria:

- ❖ The student must be licensed to drive.
- ❖ The vehicle must be licensed and insured, (proof of insurance required).
- ❖ The student must return the completed drug testing consent form.
- ❖ Refusal to submit to drug testing when selected.
- ❖ Testing positive for illegal or performance enhancing drugs, (see File: 11-45).
- ❖ A \$15 dollar per semester, parking permit fee must be paid. Students who have a 3.0 GPA or above at the end of the first semester will not have to pay the fee for second semester. The fees will be utilized for security services.

Note: If driving privileges are revoked for refusal to submit to testing and/or a positive drug test, (second offense), parking fees will not be refunded.

- ❖ All debts must be paid prior to receiving a permit.
- ❖ Permits are renewable by semester based on:
 - Safe driving practices on school property;
 - Adherence to parking procedures and directions of school administration; and
 - Lack of notification of truancy.
- ❖ Students will be issued driving permits on the basis of need. (i.e. Doctor appointments, physical disabilities, etc.).
- ❖ Students shall not be permitted to meet out-of-school persons with cars and either ride or sit in the auto during school time.
- ❖ Students who park on school grounds shall do so in the area designated by the administrator.

- ❖ Students shall submit application for driving/parking permit to designated administrators who will administer policy and regulations. Only the designated administrators shall have authority to issue permits.
- ❖ Color coded parking permits must be displayed on the rear view mirror.
- ❖ Students are reminded that cars will be towed if parked without a permit.
- ❖ Any violation of these regulations will result in loss of driving/parking permit.
- ❖ Students driving automobiles are not to leave until all buses are gone.
- ❖ Students are not to loiter in automobiles during the school day.
- ❖ After school activity buses are provided to enable as many students to participate as possible. The fact that a student is staying after school for study or activities is not in itself reason for driving a vehicle to the Preston Educational Complex.

Violators who drive after privileges have been revoked will be reported to the police and their vehicle may be towed at his/her own expense.

All terrain vehicles are not allowed on school property.

Students who have chosen to use private transportation and do not ride the school bus are responsible for being at school on time. If a student is tardy or absent from school due to problems with private transportation, the student's absence or tardiness will be recorded as unexcused. If no parental contact by either phone or note has been made to explain satisfactorily the absence, it shall remain unexcused.

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Adopted: July 1, 1991
Amended/Revised: August 9, 2010

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-37 Student Participation in Fire Companies & Ambulance Service</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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Students Over 18 Years of Age

Students over 18 years of age who are members of volunteer fire companies may leave school to fight fires when they are called. Absences for that purpose shall be considered excused absences.

Students Under 18 Years of Age

Students under 18 years of age; will not be permitted to leave school to fight fires or serve as ambulance attendants unless their parents file with the school a notarized statement countersigned by the chief or other appropriate officer of the fire company or ambulance service requesting that the student be released for such purpose.

Students under 18 years of age will not be released from school except in the company of their parents to fight forest fires pursuant to Section 20-3-4 of the West Virginia Code.

The principal of Preston High School shall be responsible for making the necessary arrangements with local fire companies and ambulance services when a request is made to have students released from school to work with these services.
(WVC §20-3-4)

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-38 School Personnel Use of Students	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Parents entrust the safety of their children to the Preston Board of Education and its employees; therefore, school personnel shall not utilize students to perform personal errands or tasks for them or to engage in any activity not directly related to the instructional program of the school.

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-39 Home Visits	Last Reviewed: 8-9-10 Next Review: 7-1-12
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All teachers are encouraged to make visits to the homes of their students. This is especially important to students who have special learning difficulties, who are not working up to their capacity, or who have special problems in the home.

Teachers of early childhood students and vocational agriculture teachers are required to make home visits as an integral part of their program; therefore, they will receive mileage reimbursement for required home visits of their students'. The rate of reimbursement shall be at least the lesser of, and not more than the greater of, the federal standard mileage rate or the rate authorized by the Travel Management Office.
(WVC §18A-2-14)

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION

FILE: 11 - STUDENTS

File: 11-41 Preston-County Schools Health Services

Last Reviewed: 8-9-10

Next Review: 7-1-12

Although the Board recognizes that the primary responsibility for the health care of a child rests with the home, the board has a responsibility to maintain a healthy and safe environment for the children who attend the public schools and to maintain a vigorous school health program to supplement the health care provided by the family. In order to accomplish this objective, the Board shall:

- ❖ Give highest priority to the correction of any condition in any school that poses a threat to the health and welfare of the students.
- ❖ Employ school nurses or other health personnel as the Board may deem necessary to implement a school health program in the various schools.
- ❖ Introduce such classes and instructional units as the Board deems appropriate to a program of health instruction in the schools.
- ❖ The Board and its employees may choose to utilize the services of Valley Mental Health Services as appropriate.

R 11-41-1 Definitions

- ❖ **“Airborne Pathogens”** are defined as the transmission of infectious agents through either airborne droplet nuclei (small-particle residue [five μm or smaller in size] of evaporated droplets that may remain suspended in the air for long periods of time) or dust particles containing infectious agents. These pathogens include but are not limited to tuberculosis (TB), rubella (measles) and varicella (chickenpox).
- ❖ **“Airborne Precautions”** are not normally utilized in the school setting. It is defined as the isolation of an airborne pathogen to reduce the risk of airborne transmission of infectious agents. Airborne precautions entail wearing a respiratory protection mask (N95 respirator) when entering the room of a student receiving home/hospital instruction with known or suspected disease transmitted via airborne droplet nuclei, student placement in private hospital room with negative air pressure and placing a mask on the student for hospital transporting.
- ❖ **“Blood Borne Pathogens”** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), hepatitis B virus (HBV) and hepatitis C virus (HCV).
- ❖ **“Casual Contact”** means day-to-day interaction between individuals and others in the home, at school or in the work place. It does not include intimate contact, such as sexual or drug use interactions, and it implies closer contact than chance passing in the hallway or sharing a lunch table.
- ❖ **“Communicable Disease”** means a disease that may be transmitted directly or indirectly from one individual to another.

- ❖ **“Direct Contact”** means a disease that is spread through the exposure of blood and/or body fluids to mucus membranes, open skin wounds, semen or intravenous transfusion. HIV/AIDS is spread by direct blood transmission into the blood stream of another and by semen or vaginal fluid contact. Hepatitis A can be spread by direct or indirect contact with feces while Hepatitis B and C can be spread by direct contact with semen and blood. These diseases do not pose a risk in school if body fluids such as blood and feces are handled using standard/universal precautions.
- ❖ **“Droplet Contact”** means contact of the conjunctivae or the mucous membranes of the nose or mouth of a susceptible person with large-particle droplets (larger than five μm in size) containing microorganisms generated from a person who has a clinical disease or who is a carrier of the microorganism. Droplets are generated from the source person primarily during coughing, sneezing, or talking and during the performance of certain procedures such as suctioning. Transmission via large-particle droplets requires close contact between source and recipient persons, because droplets do not remain suspended in the air and generally travel only short distances, usually three feet or less, through the air. These pathogens include, but are not limited to, bacterial infections, such as Pertussis (whooping cough), streptococcal (group A) pharyngitis, pneumonia or scarlet fever, Diphtheria (pharyngeal), Haemophilus influenzae type b and Neisseria meningitis disease, including meningitis, pneumonia and sepsis. Serious viral infections spread by droplet contact include but are not limited to adenovirus, influenza (flu), mumps and rubella (German measles).
- ❖ **“Droplet Precautions”** is defined as droplet pathogen isolation utilized around individuals known or suspected to be infected with microorganisms transmitted by droplets (large-particle droplets [larger than five μm in size] that can be generated by the person during coughing, sneezing, talking, or the performance of procedures). Droplet precautions entail being in the private environment, like the student’s home, wearing a mask while within three feet of the individual infected and utilizing standard/universal precautions. Because droplets do not remain suspended in the air, special air handling and ventilation are not required to prevent droplet transmission. Masks may be worn to protect the health of a student who is immunocompromised.
- ❖ **“Health or Safety Emergency Situation”** is determined on a case-by-case basis, and is defined as a specific situation that presents imminent danger or threat to students or other members of the community, or requires an immediate need for information in order to avert or diffuse serious threats to the safety or health of a student or other individuals. Any release of confidential medical information must be narrowly tailored considering the immediacy and magnitude of the emergency and must be made only to parties who can address the specific emergency in question. This exception is temporally limited to the period of the emergency and generally does not allow a blanket release of personally identifiable information from a student's education records to comply with general requirements under state law. Certainly an outbreak of diseases such as measles, rubella, mumps, and polio not only pose a threat of permanent disability or death for the individual, but has historically presented them as epidemic in nature. Thus, disclosure of personally identifiable information from students' education records to state health officials for an outbreak of a communicable disease would generally be permitted under Family Educational Rights and Privacy Act’s (FERPA) health or safety emergency provisions.
- ❖ **“Immunocompromised”** is defined as reduced immune response due to immunosuppressive drugs, radiation, disease or malnutrition.

- ❖ **“Legitimate Educational Reason”** is defined as school officials who have been determined to have genuine concern related to the student’s educational achievement and performance allowing access and review pertinent educational records including medical and health information. A record of disclosure must be maintained and include: (1) the parties who have requested the information from the education records, and (2) the legitimate interests the parties had in requesting or obtaining the information.
- ❖ **“School Nurse”** is defined as a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses (WVC §30-7-1, et seq.), who has completed a West Virginia Department of Education approved program as defined in SBP 5100, *Approval of Educational Personnel Preparation Programs* and meets the requirements for certification contained in SBP 5202, *Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification*. The school nurse must be employed by the county board of education or as specified in WVC §18-5-22.
- ❖ **“Standard/Universal Precautions”** is a body substance isolation approach to infection control. Standard Precautions apply to 1) blood; 2) all body fluids, secretions, and excretions, except sweat, regardless of whether or not they contain visible blood; 3) non-intact skin; and 4) mucous membranes. According to the concept of standard/universal precautions, all human blood and all other human body fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens. There are three types of transmission: contact, airborne and droplet.
- ❖ **“West Virginia Department of Health and Human Resources (WVDHHR)”** is the lead public health agency in West Virginia working to help shape the environments within which people and communities can be safe and healthy.
- ❖ **“West Virginia Education Information System (WVEIS)”** is a comprehensive, uniform, integrated, on-line management information system (MIS) for schools and county school systems (districts). The system began implementation in 1991 with all schools and districts currently participating. The system provides for doing the business of the schools and districts in areas such as student demographics, special programs participation, grades, schedules, attendance, payroll, accounts payable, warehousing, student health records, immunizations, etc. Districts submit to the West Virginia Department of Education data from WVEIS required for state and federal reporting.

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R 11-42-2 Disease Prevention Measures

Hand Washing

The employees of the Preston County Board of Education shall incorporate hand washing, as defined and outlined in The Basic and Specialized Health Care Procedures Manual for West Virginia Public Schools that accompanies *SBP 2422.7, Standards for Basic and Specialized Health Care Procedures*, as a means to combat the spread of communicable diseases. The best practice is to wash the hands with soap and clean running water for twenty seconds. However, if soap and clean water are not available, use an alcohol-based product to clean the hands. Alcohol-based hand rubs significantly reduce

the number of germs on skin and are fast acting. Good hand hygiene is the single most effective procedure to prevent the spread of communicable disease in the school setting. An allowance for hand washing should be incorporated into the daily routine of all students in Preston County Schools, especially before eating, after blowing the nose, coughing, or sneezing, after going to the bathroom and as deemed necessary by the school.

Immunization Requirements

Students must be in compliance with the required immunization schedule as set forth by the WVDHHR State Health Officer. The WVDHHR State Health Officer, or his/her designee (local health officer) shall make the final determination in cases in which an authorized medical practitioner's written medical exemption is challenged by school personnel as inappropriate or invalid. The immunization record shall be entered and reviewed annually into the West Virginia Education Information System (WVEIS).

All children entering pre-kindergarten (Pre-k), kindergarten and a West Virginia public school for the first time must have immunizations and show proof upon enrollment as defined by WVC §16-3-4. All Pre-k students shall also meet requirements in *SBP 2525, West Virginia's Universal Access to a Quality Early Education System*.

It is strongly recommended that students entering grades six and nine receive adolescent immunizations as defined by the United States Department of Health and Human Services (USDHHS), Centers for Disease Control and Prevention (CDC) and WVDHHR State Health Officer. The immunization record for each student in grades six and nine shall be entered into the West Virginia Education Information System (WVEIS) in order to ensure that updated immunization information is readily available to health officials in the event of a communicable disease outbreak that presents an imminent danger to students or other members of the community.

Educational Programs for Students

Instruction on the principle modes by which communicable diseases, including, but not limited to, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) are prevented, spread and transmitted shall be taught to students as outlined in *SBP 2520.5, Health Content Standards and Objectives*. An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission and spread of HIV/AIDS and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in such instruction. The parent or guardian may exempt such child from participation in such instruction by giving notice to that effect in writing to the school principal as set forth in WVC §18-2-9.

In-service Training for Employees

An educational in-service on the prevention, transmission and treatment of current communicable diseases shall include, but not limited to, human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), shall be provided to all school personnel every two years by the Preston County Board of Education, as specified in WVC §18-2-9 and §18- 5-15d.

R 11-41-3 School Nurses

A School Nurse, as prescribed by state law, shall provide health services for the Preston County Schools. The services of this individual shall be coordinated with those of the Preston County Health Department as appropriate. Persons employed as School Nurses shall be registered professional nurses properly licensed by the West Virginia board of examiners for registered professional nurses.

Ratio of School Nurses to Students:

The Preston County Board of Education shall employ full time at least one school nurse for every 1500 kindergarten through seventh grade students in net enrollment or major fraction thereof: *Provided*, the Board shall employ at least one full-time school nurse: *Provided, however*, That the Board may contract with the Public Health Department for services considered equivalent to those required by the code in accordance with a plan to be approved by the State Board: *Provided further*, That the State Board shall promulgate rules requiring the employment of school nurses in excess of the number required by this section to ensure adequate provision of services to severely handicapped pupils.

Duties of the School Nurse

The duties of the School Nurse shall include, but are not limited to:

- ❖ Providing specialized health procedures that require the skill, knowledge and judgment of a licensed health professional;
 - ❖ Perform routine health services for school personnel and students as appropriate;
 - ❖ Coordinate training programs for other school employees who may be required to provide specialized health care procedures such as catheterization, suctioning of tracheostomy, nasogastric tube feeding or gastrostomy tube feeding;
 - ❖ Coordinate and supervise the delivery of specialized health procedures by other school personnel;
 - ❖ Coordinate training programs for employees required to administer medications to students;
 - ❖ Assist in delivering health instruction to the student population;
 - ❖ Act as a liaison between the school system and outside medical professionals;
 - ❖ Assess the health services needs of the school system; Monitor and verify the immunization records of all Preston County students;
 - ❖ Assist with the preschool screening of incoming students;
 - ❖ Assist transfer students and their parents in meeting immunization requirements.
- (WVC §18-5-22)

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R 11-41-4 Disease Control Measures

- ❖ Distinctions will be made related to diseases that are communicable in the school setting versus those known not to be spread by casual contact e.g. AIDS, Hepatitis B, Hepatitis C and other like diseases.
- ❖ Each reported case of disease known not to be spread by casual contact will be validated by a designated individual such as a school nurse (WVC §18A-5-1 and WVC §18-5-22).
- ❖ The administrator or school nurse shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease known to be spread by casual contact and is considered to be a health threat to the school population. The Superintendent has the authority to exclude a staff member from school when reliable evidence or information from a qualified source confirms him/her of having a potential communicable disease that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded in accordance with guidelines of American Academy of Pediatrics and WVDHHR unless his/her physician approves school attendance and the condition is no longer considered contagious. All reportable communicable diseases will be referred to the county health department, without disclosure of personally identifiable information, as set forth in West Virginia Bureau for Public Health Legislative Rule 64CSR7, Reportable Diseases, Events and Conditions. The county health department is also able to provide reportable communicable disease guidance.
- ❖ Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment, nor is it legal based on WVC §16-3C-1. All screenings performed in the public school setting should be age appropriate deemed effective and necessary through evidence-based and scientific researched-based practice utilizing standard procedures and with the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h. WVC §18-5-22 allows county boards to provide proper medical and dental inspections for all students attending school and gives authority to take any other necessary actions to protect students from infectious diseases.
- ❖ Irrespective of the disease presence, standard/universal precautions shall be used and adequate sanitation facilities will be available for handling blood or body fluids within the school setting or school buses. Blood and body fluids from any person in the school setting shall be treated with standard/universal precautions; no exception shall be made when handling blood and body fluids. School personnel will be trained in standard/universal precautions as set forth by the Occupational Safety and Health Administration recommendations and guidelines at <http://www.osha.gov/>.

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R 11-41-5 Protocol for Communicable Diseases - Case Review

The Review Panel

- ❖ Communicable diseases that are known not to spread by causal contact, e.g., AIDS, Hepatitis B, and other diseases will be addressed on a case-by-case basis by a review panel.
- ❖ Panel membership include:
 - The physician treating the individual;
 - A health official from the County Health Department who is familiar with the disease;
 - A child/employee advocate (e.g., Director of Student Services, employee representative, etc., from in or outside the school setting);
 - A school representative familiar with the child's behavior in the school setting or the employee's work situation (the building principal, or in the case of a special education student, a special education representative may be used);
 - Either the parent or guardian of the child, student if over 18 years of age, employee, or their representative; and
 - The County Superintendent or his/her designee.
- ❖ The Superintendent or his/her designee will assign a panel member to record the proceedings.
- ❖ The Superintendent or his/her designee will designate the chair of the panel. The chair is responsible for assuring a due process hearing that is fair and just. The chair shall serve as a neutral hearing officer to ensure an impartial hearing for all interests concerned.
- ❖ The chair of the review panel will designate the panel member who will write the "Proposal for the Decision".

Case Review Process

- ❖ Upon learning of a student/staff member within the Preston County School System who has been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact, the Superintendent shall:
 - Immediately consult with the physician of the student/staff member and/or health official from the County Health Department to obtain information as to whether the student/staff member is generally well enough to remain in school during the review process. The Superintendent will confirm whether the student/staff member has evidence of an existing condition that could be transmitted by casual contact in the school setting.
 - If the student/staff member's physician or the Health Department physician indicates the student/staff member is well enough to remain in the school setting and poses no immediate health threat through casual contact to the school population because of their illness, the student/staff member shall be allowed to remain in the school setting while the review panel meets.

- If the student/staff member's physician or the Health Department Official indicates the student/staff member is not well enough to remain in the school setting and/or that the affected individual currently has evidence of an illness or infection that poses a potential health threat through casual contact to the school's population, the student/staff member shall be excluded from the school setting while the review panel meets. If the Health Department Official recommends exclusion because a public health threat exists, the review panel will discuss the conditions under which the individual may return to school.
- ❖ The Superintendent shall immediately contact the review panel members to convene a meeting to explore aspects of the individual's case.
- ❖ The Superintendent shall submit to the parent/guardian or infected person, in writing, a notice of their rights as a review panel member and the method of appeal.

The Review Panel Process

- ❖ The Review Panel shall meet within 24-48 hours (excluding weekends or holidays) to review the case. The following aspects should be considered in that review:
 - The circumstances in which the disease is contagious to others.
 - Any infections or illnesses the student/staff member could have as a result of the disease that would be contagious through casual contact in the school situation.
 - The age, behavior and neurological development of the student.
 - The expected type of interaction with others in the school setting and the implications to the health and safety of those involved.
 - The psychological aspects for both the infected individual and others concerning the infected person remaining in the school setting.
 - Consideration of the existence of contagious diseases occurring within the school population while the infected person is in attendance.
 - Consideration of a potential request by the person with the disease to be excused from attendance in school or on the job.
 - The method of protecting the student/staff member's right to privacy, including maintaining confidential records.
 - Recommendations as to whether the student/staff member should continue in the school setting, or if currently not attending, under what circumstances he may return.
 - Recommendations as to whether a restrictive setting or alternative delivery of school programs is advisable.
 - Determination of whether an employee would be at risk of infection through casual contact when delivering an alternative educational program.
 - Determination of when the case should be reviewed again by the panel.
 - Any other relevant information.

- If the affected person is a special education student, the Superintendent shall convene an Individualized Education Planning (IEP) Committee meeting to determine the appropriate program and services for the student based on the panel's recommendations and the Superintendent's decision. Placement of the student in the interim shall be based upon the recommendation of the Superintendent and the attending physician.

Proposal for Decision

- ❖ Within three school days after convening the panel, the Superintendent shall be provided with a written record of the proceedings and the "Proposal for Decision". The Proposal serves as a recommendation to the Superintendent. It is based on the information brought out in the review panel process and will include the rationale for the recommendation concerning school attendance for the student, or of continuation of employment for the staff member. Minority viewpoints expressed by the panel members following the review process, should also be included in the report.
- ❖ If the Proposal for Decision is to exclude the affected person from the school setting because of an existing condition that is known to be spread by casual contact and is considered a health threat to the school community, the Proposal for Decision shall include the conditions under which the exclusion will be reconsidered.
- ❖ The parent/guardian or affected person will be given a copy of the Proposal. The review panel members will be given the opportunity to review the content of the Proposal for Decision.

The Superintendent's Decision

- ❖ The Superintendent may affirm, modify, or take exception to the Proposal for Decision within three school days after receipt of the Proposal for Decision unless a rehearing request on that Proposal has been made. (See Appeal Process, Rehearing Request.)
- ❖ In the event the Superintendent takes exception to the Proposal for Decision, s/he shall prepare a written statement that sets forth the reasons for the exceptions and the basis for that decision.
- ❖ The parent/guardian or affected person and the Health Department Official will be given a copy of the Superintendent's Decision. The other review panel members will be given the opportunity to review the content of the Superintendent's Decision.

The Appeals Process

❖ Rehearing Request

- The parent/guardian or affected person who considers the Proposal for Decision unjust may submit a written request for a rehearing to the chair of the review panel within three school days of the date of the submission of the Proposal. Grounds for requesting a rehearing are limited to:
 - New evidence or information that is important to the decision; or
 - Substantial error of fact.

- Within three school days of receiving the request for a rehearing, the chair must either grant or deny it. If the request for rehearing is denied, the chair must immediately submit the Proposal for Decision to the Superintendent. If the request for rehearing is granted, the chair must reconvene the same panel that originally heard the matter within five school days of the date the rehearing is granted.
- Within three school days after the rehearing the chair must submit the Proposal for Decision to the Superintendent. The parent/guardian or affected person will be given a copy of the Proposal. The review panel members will be given the opportunity to review the content of the Proposal.

❖ **Request for Reconsideration of Superintendent's Decision**

- The parent/guardian or affected person may request a reconsideration of the Superintendent's decision with three school days of the date the decision was issued. The request must be in writing and must allege that it contains a substantial error of fact or that it is against the great weight of the evidence as set forth in the Proposal for Decision.
- The Superintendent may grant the parent/guardian, affected person or his/her representative the opportunity to make an oral presentation.'
- The Superintendent shall grant or deny the request for reconsideration within three school days after receipt of the request or within three school days following the oral presentation, whichever is applicable.

❖ **Request for a Board Decision**

The parent/guardian, affected person or his/her representative may make a final written appeal to the president of the Board of Education within five school days after the Superintendent's decision. The Board must meet within three school days and hear the appeal along with a review of the Proposal for Decision and the Superintendent's Decision. Within two school days of the hearing, the Board shall render its decision in writing with copies sent to the Superintendent, health department officials, and the parent/guardian or the affected person.

❖ **Extenuating Circumstances**

Circumstances may warrant extended timelines if complete medical information is not available.

❖ **General Considerations**

- If the student with the disease is not attending school, the District will provide an alternative delivery of school programs.
 - If the review panel determines there is no risk of infection to the employee, the employee will be expected to participate in the delivery of the alternative program.
 - If the review panel determines there is a risk of infection through casual contact to the employee while delivering this program, the employee may be allowed the option not to serve in the situation. The IEP team should explore alternative methods for delivery of school programs for special needs students.

- The review panel member who is serving as the advocate for the infected individual (or another person designated by the panel) will serve as the liaison between the student/staff member, family and attending physician as it relates to the school setting.
- Employees of the district shall be expected to teach and provide other normal personal contact services in school to a student or to work with a school employee determined to have a disease known not to be communicable by casual contact unless the review panel has medical evidence that such contact should not be made.

WVC 18A-5-1, 18-5-15d, 18-5-22, 18-2-9, 16-3c-1 through 16-3c-9)

❖ **Confidentiality**

All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. The Superintendent in a sealed envelope will keep records of the proceedings and the decisions with access limited to only those persons receiving the consent of the parent/guardian or the affected person as provided by the Employee Right to Know Act, and the Family Education Rights and Privacy Act.

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Adopted: March 10, 1986
Amended/Revised: August 9, 2010

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-42 Public Performance by Students	Last Reviewed: 8-9-10 Next Review: 7-1-12
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The Board encourages and the Superintendent may permit public performances by students under the auspices of a school-sponsored organization if these performances:

- ❖ Meet the objectives of the school.
- ❖ Meet the needs and interests of the students.
- ❖ Stimulate the students in improving their ability to perform.
- ❖ Are appropriate to the participating age group.
- ❖ Require no extraordinary training but are a natural outgrowth of the normal teaching sequence.
- ❖ Do not encroach upon the opportunities of professional performers or musicians.

Performing students shall be supervised by a member of the school staff during all practices and performances.

The Selection of Appropriate Performance Materials

The designated school sponsor for any performance shall preview any printed material (scripts, arrangements, etc.) to be utilized in the performance and adhere to the Board guidelines developed at the school level. If the guidelines are followed and a formal complaint arises, a review committee consisting of either the School Improvement Council or a review committee designated by the school principal and the sponsor shall be convened to:

- ❖ Examine the printed material;
- ❖ Check general acceptance of the printed material by reading reviews or by other appropriate means;
- ❖ Weigh values and faults against each other and form opinions based on the printed material as a whole and not as paragraphs pulled out of context;
- ❖ Prepare a recommendation concerning the utilization of the printed material in the performance.

The sponsor and principal shall make the final determination concerning the final selection of the printed material for the performance.

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Performances for Outside Sponsors

Students performing under the auspices of a school-sponsored organization may perform for outside organizations where admission fees are charged only if the proceeds are used for charitable, educational or civic purposes. Costs associated with these performances shall be borne by the sponsoring organization.

Payment for Performances

Payment for the performance is acceptable only in the form of a contribution to support the work of the performing organization.

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Adopted: August 28, 1995
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION FILE: 11 - STUDENTS File: 11-43 Solicitations of and by Students	Last Reviewed: 8-9-10 Next Review: 7-1-12
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Solicitations of and by students shall be kept at a minimum. The Board recognizes that there are many worthwhile charitable organizations which may legitimately justify seeking contributions from or through students. However, the Board strongly encourages these organizations to seek their funds from the parents of the students from their place of work or home. School officials must constantly be on their guard that the large captive audience of the school is not subjected to excessive pressure to furnish a vehicle for raising money or soliciting contributions for charitable organizations.

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Adopted: July 19, 1983
Amended/Revised:

PRESTON COUNTY BOARD OF EDUCATION**FILE: 11 - STUDENTS****File: 11-44 Student Activity and Student Driver Drug Testing****Last Reviewed: 8-9-10****Next Review: 7-1-12**

The Preston County Board of Education, in an effort to protect the health and safety of student participants in extra-curricular activities from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of Preston County Schools, proposes to adopt the following policy for drug testing of activity students.

STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, and staff desire that every student in the district refrain from using or possessing illegal drugs, district 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 extra-curricular activities and/or students who drive to school. The sanctions imposed for violations of this policy will be limitations specifically limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in extra-curricular activities or to drive to school as described herein.

No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and complements all other policies, rules, and regulations of the district regarding possession or use of illegal drugs.

Participation in school-sponsored interscholastic extra-curricular activities sponsored by Preston County Schools is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extra-curricular activities 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 including performance enhancing 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 as follows:

- ❖ To educate students of the serious physical, mental and emotional harm caused by illegal drug use.
- ❖ To alert students with possible substance abuse problems to 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.
- ❖ Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
- ❖ To prevent injury, illness, and harm for students that may arise as a result of illegal and performance-enhancing drug use.

- ❖ To undermine the effects of negative peer pressure by providing an additional legitimate reason for students to refuse illegal drugs.
- ❖ To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.
- ❖ To keep the school environment safe for all students, staff and visitors.
- ❖ To assure the safe operation of student-driven vehicles on campus.
- ❖ Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the district. For the safety, health and well being of students who are permitted to drive to school and/or participate in extra-curricular activities the district has adopted this policy for use by all participants in interscholastic extra-curricular activities in grades 7-12. **In the event that a 6th grade student athlete chooses to “play up” one level s/he would be included in and subject to this policy.**

The administration may adopt regulations to implement this policy.

I. Definitions

- ❖ **"Activity Student"** means a member of any middle school or high school district sponsored extra-curricular organization which participates in interscholastic competition. This includes any student that represents Preston County Schools in any extra-curricular activity in interscholastic competition, such as FFA, FBLA, Skills USA, HOSA, Academic Team, Band, Vocal, Cheerleader and Athletics. Band and/or choir students found to be in violation of this policy may only be suspended from performances beyond the school day such as concerts, parades, field shows, all county/state band/choir and performances at athletic or other special events. Band/Choir students who test “positive” on a drug screen will be given alternate assignments in place of any activity points that may be tied to performances and grades/credit for the band or choir course.
- ❖ **"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.
- ❖ **"Random Selection Basis"** means a mechanism for selecting activity students for drug testing that:
 - results in an equal probability that any activity student from a group of activity students, driving students and opt-in participants subject to the selection mechanism will be selected; and
 - does not give the district discretion to waive the selection of any participating student selected under the mechanism.

- ❖ **"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 Substance 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.
- ❖ **"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 in over-the-counter transactions.
- ❖ **"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 laboratory administering the drug use test.
- ❖ **"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 an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity student supplied to school officials by other students, staff members, or patrons.
- ❖ **"Driving Student"** means any student who is permitted to drive to school and is issued parking privileges on school property.
- ❖ **"Opt-in Participant"** means any student, under 18 years of age, who is not an activity student or a driving student whose parent or guardian elects to include the student in the random selection for drug testing.
- ❖ **An "Opt-in Participant"** also means any student 18 years of age or older, who is not an activity student or a driving student who has a right to make decisions regarding his/her educational program. Note: the parent has a right to receive notice of the student electing to be included in the drug testing program.

II. Procedures

Each activity student, opt-in participant 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/administrator before such student shall be eligible to practice or participate in any extra-curricular activities or before issuance of a driving/parking pass or before being designated as an opt-in participant.

The consent requires the activity student to provide a urine sample:

- ❖ when the activity student, driving student or opt-in participant is selected by the random selection basis to provide a urine sample; and

- ❖ 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."

Prior to the commencement of drug testing each year an orientation session will be held with each activity student, driving student and opt-in participant to educate them on the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the activity student 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 student organization advisors to review this policy.

Each activity student, driving student, opt-in participant and parent/guardian shall receive a copy of the Activity 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.

Drug use testing for participating students will be chosen on a random selection basis periodically from a list of all participating students who are involved in off-season or in-season activities, driving, or an opt-in participant. The district will determine a percentage of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs.

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.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the district. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing. The cost of such drug test shall be borne by the Preston County Board of Education.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The principal/athletic director shall designate a coach, sponsor, or school employee of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the 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. 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

athletic director who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student s/he has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees.

Note: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards and WVSSAC athletic participation forms.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or the metabolites thereof. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of six (6) months or the end of the school year, whichever is shorter. Student records will be retained until the student graduates.

III. Confidentiality

The laboratory will notify the Superintendent/designee of any positive test. To keep the positive test results confidential, the Superintendent/designee will only notify the student, the administrator, the athletic director/head coach/sponsor, and the parent or custodial guardian of the student of the results. The administration or designee will schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the Superintendent's office or to the lab. The Preston County School District will rely on the opinion of the laboratory 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.

Test results will be kept in files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and will 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. A parent or custodial guardian may sign a release of information for the transfer of the results of the drug testing to an outside agency.

IV. Appeal

A 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 request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A student requesting a review will 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 will 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.

V. Consequences

*****Activity student** - Any activity student who tests positive in a drug test under this policy shall be subject to the following restrictions:

❖ For the First Offense:

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, athletic director, and principal concerning the positive drug test. In order to continue participation in the activity after a 30 day suspension is served, the student and parent/guardian must, within ten (10) days of the joint meeting, show written proof that the student is scheduled for or is receiving drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within four (4) weeks in accordance with the testing provisions of this policy and be subject to random drug screens during the next 365 days from the date of the positive drug screen.

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity after a 30 day suspension is served. Should the parent/student not agree to these provisions the consequences listed in this policy for the second offense will be imposed.

❖ For the Second Offense:

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for 365 days. Should a student opt to resume participation in extra-curricular activities or to drive after 365 days then s/he must submit to an initial drug screen.

*****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:

❖ For the First Offense:

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will 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 written proof that the student has received drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within four (4) weeks in accordance with the testing provisions of this policy. 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 and with a clean drug screen. The student will be randomly drug screened during the next 365 days. The time and date will be unknown to the student and determined by the Superintendent or designee. 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.

❖ **For the Second Offense:**

All privileges to drive and/or park at school shall be revoked for 365 days. Parking fees will not be refunded. Reinstatement of these privileges, after 365 days, 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.

*****Opt-in participants** – In the event that an opt-in participant tests positive in a drug test under this policy the parent/guardian and student shall be contacted immediately. A private conference shall be scheduled to present the positive test results and outline interventions.

VI. Refusal to Submit to Drug Use Test

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, performance and competitions or drive and park on school property for 365 days. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

Important Note:

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 during a school activity; or is under the influence of medications, (used illegally), or illegal drugs on school grounds or during a school activity; is subject to disciplinary action as outlined in the Student Code of Conduct Policy, up to and including expulsion.

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

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Adopted: August 9, 2010
Amended/Revised:

**PRESTON COUNTY SCHOOLS
ATHLETIC PROGRAM
AGREEMENT TO OBEY INSTRUCTIONS**

I am aware that playing or practicing to play/participate in any sports program can be a dangerous activity involving MANY RISKS OF INJURY. I understand that the dangers and risks of playing or practicing to play/participate in athletics include but are not limited to, death, serious neck and spinal injuries which may result in complete or partial paralysis, brain damage, serious injury to virtually all internal organs, serious injury to virtually all bones, joints, ligaments, muscles, tendons, and other aspects of the skeletal system, and serious injury or impairment to other aspects of my body, general health and well-being. I understand that the dangers of playing or practicing to play/participate in athletics may result not only in serious injury, but in serious impairment of my future abilities to earn a living, to engage in other business, social and recreational activities, and generally to enjoy life.

Because of the dangers of participating in athletics I recognize the importance of following coaches' and athletic trainers' instructions regarding playing techniques, training and other team rules, etc., and agree to obey such instructions.

I specifically acknowledge that FOOTBALL is a COLLISION SPORT. I also acknowledge that WRESTLING, SOCCER, SOFTBALL, BASKETBALL, VOLLEY BALL and BASEBALL are VIOLENT CONTACT SPORTS involving even greater risk of injury than other sports.

PHYSICAL EXAMINATIONS

Every athlete and every member of the marching band must have a valid physical exam on record in the appropriated school office. The physical exam must be done by a physician and it must be done prior to beginning the sport for which the exam is to be used.

Exam dates are set by Preston Memorial Hospital. Any other physical exams must be arranged by the athlete. The athlete will not be able to participate in any practice session until a valid physical exam is on file in the athletic office.

All wrestlers must have a weight certification program.

INSURANCE COVERAGE

Before an athlete may be permitted to participate, he/she must show that they have some form of health and accident insurance in place. This is to be indicated on the physical exam/parent permission sheet.

If the parent or guardian has insurance through their place of employment, that will be sufficient. However, if they do not, they will be able to secure insurance via the assistance of the Preston County School System. Forms may be obtained from the athletic department.

West Virginia Secondary School Activities Commission has taken out a "Catastrophic Insurance Policy" to cover all member schools.

(Please retain these rules and policies for your information)

**PRESTON COUNTY SCHOOLS
CONTRACT FOR PARTICIPATION IN ATHLETICS IN
PRESTON COUNTY SCHOOLS**

I have read thoroughly the information given in the Preston County Schools Policy Manual. I understand and agree to abide by the provisions contained therein. I also understand that participation in athletics in Preston County Schools is a privilege and not a right.

Student –Athlete Signature

Date

I as the parent/guardian of _____ a perspective Student-athlete in Preston County Schools have read thoroughly the information contained in the Preston County Schools Policy Manual. I understand and agree to help the Preston County Schools Athletic Departments in their endeavor to foster a proper climate for the athletic participants. I/we further agree to support and work with the athletic department in the enforcement of the codes of conduct upon which our son/daughter if it becomes necessary.

Parent/Guardian Signature

Date

If for any reason you feel that you cannot support the codes of conduct, please do not allow your son/daughter to try out for an athletic team in the Preston County School System.

(PLEASE THIS FORM TO THE COACHING STAFF)

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<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-45 Student Possession and use of Electronic Signaling and other Devices</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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Cell phones are a major problem on school campuses across the country. Ringing cell phones are disruptive during class time. Camera phones and text messaging are used to cheat on quizzes and tests. Phones may be stolen, loaned to other students, may be lost or broken and may exacerbate crisis situations. The use of cell phones at school is detrimental to the academic climate because it takes valuable time away from instruction and creates disciplinary problems.

Commencing with the 2010-2011 school year, students will be allowed to carry electronic signaling devices that operate via radio waves including, but not limited to, pagers, cellular phones or Blackberrys™ at school with the following stipulations:

- ❖ The school will not be responsible for lost, stolen or damaged electronic signaling devices;
- ❖ Electronic signaling devices are to be power-off mode at the start of the school day. Devices may be used in designated areas during lunch and then must be in the power off mode at the end of the lunch period. Devices may be turned on again only at the end of the school day, (the exception being palm pilots and/or Blackberrys in the PDA mode being used for a school related function approved by the classroom teacher);
- ❖ Electronic signaling devices are to be in power-off mode while in transit on school buses;
- ❖ Electronic signaling devices may not be left on in vibrating mode during the school day or while in transit on school buses;
- ❖ Use of electronic signaling devices at any time during the school day, other than lunch, (in designated areas only) will result in the following actions by school administrators:
 - 1st offense – the student will surrender the cell phone or other electronic device to the teacher who will give it to the principal. The student may request the principal return the device to him/her at the end of the school day.
 - 2nd offense - the student will surrender the cell phone or other electronic device to the teacher who will give it to the principal. The parent/guardian may request the principal return the device to him/her coming to the principal's office for a conference.
 - 3rd offense –When students are observed by teachers violating the provisions of this policy for a third time, they shall surrender the device to the teacher who will give the device to the principal. The principal shall provide the student with a receipt for the device and s/he shall notify the parent/guardian that the device has been surrendered. The parent/guardian may retrieve the device by presenting the receipt to the principal. The parent/guardian will be informed at this time that the device must be left at home for the remainder of the school term.
 - A subsequent offense will result in the confiscation of the device and other penalties the school administrators deem appropriate.

- ❖ Students will be permitted to possess and use electronic signaling devices during the school day in response to a health related emergency when a licensed physician has indicated in writing that the signaling device is essential for the health of the student and the student has received prior permission from the school principal or designee to possess and use electronic signaling devices in response to health related emergencies;
- ❖ The use of electronic cameras, camera telephone, or video equipment in private areas, such as bathrooms, locker rooms, dressing areas, classrooms and offices is prohibited. Violations shall be considered as a Level IV Offense under the Student Code of Conduct (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). The use of such devices to violate other provisions of the Student Code of Conduct shall be punishable in accordance with the prescribed penalties for such offenses;
- ❖ Electronic devices are subject to search if there is a reasonable suspicion that the contents of such electronic device would provide evidence of a violation of school rules or state law;
- ❖ “Sexting” or the act of sending sexually explicit messages or photographs electronically, in a manner that is connected to the operation of the schools is prohibited. Violations shall be considered as a Level II offense under the Student Code of Conduct (A student will not bully/intimidate/harass another student and/or Insubordination/Unruly Conduct - a student will not ignore or refuse to comply with directions or instructions given by school authorities);
- ❖ Cyber bullying or harassment in a manner that adversely effects the operation of the school or in a manner that effects the ability of a student to participate in educational programming or extra curricular events shall be regarded as a violation of the District’s harassment and bullying policy, regardless of where and when the offending communication occurs. (See *File: 11-17 Harassment, Intimidation or Bullying Prohibited*)

Parent/Guardian Involvement

Owing to the potential inconvenience and hardships that may result from the short-term or long-term confiscation of electronic devices under this policy, it is important that parents communicate and reinforce with their children the consequences of violations of this policy.

Parents should continue to call the school for any emergency situation. School officials will contact your son/daughter. If a student needs to use a telephone, s/he is advised to come to the Principal’s Office and ask permission to use the office phone.

School Personnel Responsibilities

It shall be the responsibility of the school principal to disseminate this policy to school personnel, parents and students and to provide education and training activities as appropriate.

- ❖ These procedures or a summary shall be conspicuously posted throughout each school in areas accessible to students and staff members.
- ❖ These procedures, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.

Faculty members who observe students violating this policy shall refer those students to the principal or his/her designee for disciplinary action as outlined in this policy.

The principal or his/her designee shall interview all referred students and may conduct an in-depth investigation of the incident based upon the level of the violation. Disciplinary measures taken will follow the guidelines established in a previous section of this policy.
(WVC §18-5-1; SBP 4373)

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Adopted: August 9, 2010
Amended/Revised:

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.

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