

<b>PRESTON COUNTY BOARD OF EDUCATION</b> <b>FILE: 3 – CURRICULUM AND INSTRUCTION</b> <b>File: 3-39 Endnotes</b>	Last Reviewed: 8-9-10  Next Review: 7-1-12
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**ENDNOTES**

**File: 3 Curriculum and Instruction**

**West Virginia Codes:**

<b><u>Code</u></b>	<b><u>Topic of the Code</u></b>
§ 18-1-4 -----	Educational Goals.
§ 18-100-1 -----	Disability history week.
§ 18-2-5 -----	Power and duties of the State Board.
§ 18-2-6 -----	Alternative Programs.
§ 18-2-7 -----	Courses of study; language of instruction.
§ 18-2-7a-----	Programs in physical education .
§ 18-2-7b-----	Programs in drug prevention and violence reduction.
§ 18-2-7c-----	Program in personal finance
§ 18-2-7e-----	Body mass index measures
§ 18-2-8 -----	Course of study in fire prevention.
§ 18-2-8a-----	Course of study in firearms and firearm safety; hunter safety.
§ 18-2-9 -----	Required courses of instruction; violation and penalty; CPR and First Aid.
§ 18-2-34 -----	High school diplomas for war veterans
§ 18-2A-1 et seq-----	Codes dealing with the adoption of textbooks.
§ 18-2E-1 -----	Legislative purpose for educational programs.
§ 18-2E-1a-----	Assessment and accountability programs.
§ 18-2E-2 -----	National assessment of educational progress program testing.
§ 18-2E-3 -----	Summer School READS Grants.
§ 18-2E-3a-----	Honors and advanced placement courses.
§ 18-2E-3d-----	Summer School MATH Grants.
§ 18-2E-3f-----	Basic early childhood curriculum.
§ 18-2E-5 -----	Process for improving education; office of education performance audits; education standards; school accreditation and school system approval; unified plans.
§ 18-2E-6-----	Falsifying reports; penalty.
§ 18-2E-7-----	Computer education.
§ 18-2E-8-----	Creating jobs through education.
§ 18-2E-8e-----	Sounding TAPS for military funerals.
§ 18-2E-8f-----	Creating the “West Virginia Remembers Program”
§ 18-2E-9 -----	Establishing Virtual School.
§ 18-2E-10-----	Critical skills instructional support programs for third and eighth graders.
§ 18-5-15 -----	School term; exceptions; levies; ages of persons to whom schools are open.
§ 18-5-15b-----	Pledge of allegiance to the flag.

- § 18-5-18a-----Maximum pupil-teacher ratio.
- § 18-5-18-b-----School counselors in public schools.
- § 18-5-18c-----Early childhood programs.
- § 18-5-15d-----AIDS in-service training programs.
- § 18-5-19-----Alternative Programs.
- § 18-5-19b-----Adult education classes and programs; tuition; authority of county boards to contract with federal agencies.
- § 18-5-19c-----Payment of GED exam fees.
- § 18-5-21-----Free Textbooks.
- § 18-5-24-----Purchase and display of United States flag; penalty for failure to display.
- § 18-5-39-----Establishment of summer school programs; tuition.
- § 18-5-41-----Content based censorship of American History
- § 18-5-44-----Early Childhood Education Program
- § 18-5-45-----School Calendar
- § 18-5-46-----Teachers may not be required to change a grade.
- § 18-5A-2-----Local school improvement councils; elections.
- § 18-5A-6-----Establishment of school curriculum teams.
- § 18-5B-3-----School innovation zones; application for designation.
- § 18-5B-4-----Innovation zones; required plans; plan approval; state board rule.
- § 18-5B-5-----Approval of innovation zone plans; waiver of statutes, policies, rules or interpretations.
- § 18-5B-8-----Teacher vacancies in an innovation zone; job postings exceeding certain qualifications and requirements; approval of postings.
- § 18-8-1thru 10-----Codes relating to compulsory school attendance.
- § 18-8-11-----Driver's eligibility certificate
- § 18-9a-21-----Funding for alternative education programs.
- § 18-9A-22-----Standards for educational quality.
- § 18-100-1 et seq.----Disability history week.
- § 18-20-1-----Establishment of special programs and teaching services for exceptional children.
- § 18-20-4 et seq-----Reports of medical specialists; powers of the state superintendent;
- § 18-20-5-----Powers and duties of State Superintendent; no state or county rule, policy or standard for the education of exceptional children may exceed the requirements of federal law or regulations.
- § 18A-3-6-----Grounds for revocation of certificates.
- § 61-8-9a-----Child abuse.

**State Board Policies:**

**Policy ----- Topic of the Policy**

- SBP 2315----- Guidance and Counseling
- SBP 2418----- Alternative Education Programs for Disruptive Students
- SBP 2320----- Performance Based Accreditation System Accreditation.
- SBP 2340----- West Virginia Measures of Academic Progress
- SBP 2417----- Programs of Study for Limited English Proficiency Students
- SBP 2419----- Regulation for the Education of Students with Exceptionalities

SBP 2420 ----- Adult Education  
SBP 2422.4 ----- Communicable Disease Control (AIDS Education Policy)  
SBP 2422.45 ----- Exclusion of Students from AIDS and STD Instruction in Health Education Classes  
SBP 2436.10 ----- Participation in Extracurricular Activities  
SBP 2444.4 ----- GED Exams and Certification  
SBP 2445.4 ----- Groupings for Textbook Adoptions  
SBP 2450 ----- Virtual Distance Learning  
SBP 2460 ----- Safety and Acceptable Use of the Internet  
SBP 2470 ----- Use of Technology by Students and Educators  
SBP 2510 ----- Assuring Quality of Education  
SBP 2512 ----- Instructional Support for Third and Eighth Grade Students  
SBP 2515 ----- Uniform Grading System  
SBP 2520 ----- CSOs - Content Standards and Objectives Policies (Series of Policies)  
SBP 2520.06 ----- Physical Education Goals  
SBP 2525 ----- West Virginia's Universal Access to Early Education System  
SBP 3236 ----- Education Innovation Zones  
SBP 4110 ----- Attendance Policy  
SBP 4350 ----- Collection, Maintenance and Disclosure of Student Data  
SBP 4355 ----- High School Diploma for Veterans  
SBP 5711 ----- Copyright-Protected Computer Software, Print and Non-Print Media

### **Federal References:**

#### **Documents**

**Americans with Disabilities Act of 1990** – Defines the guidelines school systems must follow in making reasonable accommodations for handicapped students and employees.

**Family Educational Rights and Privacy Act of 1974** – Defines the procedures that must be followed by public school officials in the collection, maintenance and disclosure of student data.

**First Amendment to the U.S. Constitution** – Guarantees freedom of religion and free speech in our society, including schools. School personnel cannot engage in any behaviors that could be construed as impeding or encouraging a particular religion or religious practice.

**No Child Left Behind Act** – H.R.1, Title IX, Part E, Subpart 2 (9531)

**PL 94-142 and IDEA 1997 (PL 105-17)** – These two pieces of legislation define the rights of all handicapped children to have access and enjoy a free, appropriate educational opportunity.

**Rehabilitation Act of 1973 (504)** – The forerunner of ADA of 1990, and it also defines the rights of handicapped individuals. This law protects individuals who have a mental or physical impairment that significantly limits a major life activity. Personnel providing services to handicapped children should always consider the requirements of this Act in conjunction with IDEA when developing educational plans.

**Title IX** – Prohibits any type of discrimination on the basis of sex. This prohibition extends beyond athletics into the classroom, and Title IX has been the basis for allowing a student to sue and recover damages for sexual harassment on the part of a school employee.

**U.S. Department of Education – Religious Expression in Public Schools: A Statement of Principles** – This document discusses the rights of students in regards to religious expression within a school setting. It is a helpful document, but the guidelines contained within it must be practiced with great care, and it must be remembered that the courts may not have spoken on some of the principles espoused.

### **Relevant Court Cases:**

**Agostini v. Felton, 117 S.Ct. 1997 (1997)** –Allowing a federally funded Title I program to serve disadvantaged children on a neutral basis on the premises of a sectarian school does not violate the Establishment Clause.

**BOE v. Picco, 102 S.Ct. 2799 (1982)** – Boards of education may not remove books from a library collection simply because the members disagree with their content. The court said the library is an “intellectual market place” and books can only be removed for reasons related to the educational mission of the school system. The same would apply to classroom materials and texts. Boards may set educational standards for such items, but they must be reasonable and educationally sound and related to their identified mission as an educational institution.

**BOE v. Rowley, 102 S.Ct. 3034 (1982)**– This is an important case because it established that school systems do not have to maximize the potential of handicapped children commensurate with the opportunity provided to their non-handicapped peers. The court said that students must be provided a “basic floor of opportunity” with no guarantee of a particular level of education once they enter the school. They are entitled to appropriate instruction and related services required to benefit from their educational opportunity, but you do not have to provide a “Lincoln when a Ford” meets the student’s requirements.

**Edwards v. Aguillard, 107 S.Ct. 2573 (1987)** – This case clearly established that schools may teach the theory of evolution without also teaching creationism. In fact, the court said that they could not teach creationism under any circumstance, nor could the state legislature forbid the teaching of evolution.

**Engle v. Vitale, 82 S.Ct. 1261 (1962)** – This is a landmark case that is still good today in which the court ruled that state prescribed prayer may not be required in schools. State sponsored prayer is still prohibited.

**Hairston v. Drosick, 423 F.Supp. 180 (1976)**– This case also supported the student’s rights to appropriate instruction and related services. It is important because the school system tried to link the child’s school attendance to a requirement that the mother come to school with her and attend to her special needs (she was spina bifida). The court soundly rejected such a notion and required the staff to provide the services.

**Irving v. Tatro, 104 S.Ct. 337 (1984)** – An important case that clearly states that many services that school employees would like to label as “medical” are in fact relatively simple procedures that can be performed by non-medical people once they have been trained. In this case, school personnel were required to become trained to perform catheterization of a student.

**Jones v. Clear Creek, 977 F.2d. 963 (1992)** – This circuit court decision declared that student initiated and student led prayer at graduation is permissible. School officials must stand clear of the entire process. This decision has not been tested at the Supreme Court level; therefore, use of this as a guideline does involve some risk.

**Lau v. Nichols, 94 S. Ct. 786 (1974)** – Non-English speaking students must be taught in their native language for a reasonable period of time to allow them to acquire English skills.

**Lee v. Wiesman, 112 S.Ct. 2649 (1992)** – Public school inclusion of “nonsectarian” prayer, led by local clergy, in a school graduation ceremony constituted impermissible establishment of religion under the 1<sup>st</sup> Amendment Establishment Clause.

**Peck v. Upshur County BOE, 155 F.3d 274 (1996 WV Case)** -- This 2-1 Fifth Circuit Court decision permits the distribution of Bibles in secondary schools so long as an outside group does it without any coercion and the Bibles are placed in a location where students may pick them up voluntarily. School officials must remain neutral. It is assumed that other holy books of other religions could be distributed in the same fashion.

**Randolph County BOE v. Adams, 467 S.E.2d 150 (WV 1995)** –All school students are entitled to free textbooks and whatever items are deemed necessary to accomplish the goals of the school system. Books and other school supplies are essential parts of the free public elementary and secondary schools of West Virginia. You may not charge for them.

**Sante Fe Independent School District v. Doe, 120 S.Ct. 2366 (2000)** –The school districts policy of allowing student led, student initiated prayer at football games violated the establishment clause. This ruling appears to apply to any kind of prayer associated with school-sponsored activities.

**Stone v. Graham, 101 S.Ct. 192 (1980)** The posting of the Ten Commandments on school property is a violation of the Establishment Clause.

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