

**GROUP I**

**LEGISLATIVE UPDATES**

**H.B. 4072 eliminates the requirement that the Board meet on the first Monday of July in years in which there is not a biennial primary election.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>B. BOARD OF EDUCATION OPERATIONS</b>	<b>Last Review:</b>
<b>File: B.10. School Board Meetings</b>	<b>September, 2011</b>

The Pendleton County Board of Education is composed of the duly elected representatives of the citizens of the County charged with the responsibility of fulfilling the citizens' education expectations. Consequently, Official business of the Board shall be conducted only in legally called open sessions, and shall comply with the open meeting legislation which may be found in WVC §6-9A-1 thru §6-9A-12. The Board believes that open government allows the public to be well informed about its decision-making process. Therefore, the board encourages the public's attendance and participation in its meetings and it welcomes coverage by the news media. Every effort shall be made to keep the public informed about its schools.

**(P) B.10.1 Annual Meetings**

~~The Board shall meet on the first Monday in July and~~ The Board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. One such date shall be a meeting between March 7 and 28 to fix the estimated tax levy rates and report the same to the State Tax Commissioner. This meeting adjourns to the third Tuesday in April.  
(WVC §18-5-1c and §18-5-4)

**H. B. 4101 authorizes teacher-in-residence programs for certain prospective teachers in lieu of student teaching which means that the Board may enter into an agreement with a college or university to offer a teacher-in-residence program under the right circumstances.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>E. EDUCATION-AGENCY RELATIONS</b>	<b>Last Review:</b>
<b>File: E.4. Student Teaching</b>	<b>September, 2011</b>

The Board of Education desires to make student teaching an asset to the total school program of Pendleton County Schools by working cooperatively with interested colleges, local school personnel, and the students. The success in the student teaching program becomes the cooperative responsibility of the school principal, the college supervisor of student teaching, the classroom teacher, the student teacher, and the students.  
(WVC §18A-3-1)

**(P) E.4.1. Procedures for the Placement of Student Teachers**

Pendleton County students are the first responsibility of the school system and under no circumstances should the full responsibility for their education fall upon the student teacher.

The supervising teacher, under the direction of the principal, is responsible for the success of the student teacher and shall furnish guidance in the development of objectives, instructional methods, classroom procedures, and leadership. The steps to be followed in implementation of a student teaching program are listed below:

- ❖ A teacher shall have the responsibility for only one student teacher at a given time;
- ❖ Supervising teachers shall remain in the classroom at all times unless plans are made with the principal to be absent from the classroom for good and valid reasons;
- ❖ The supervising teacher, school principal and college supervisor shall conduct an early assessment of the student teacher's skills and preparation for student teaching. If the student is found to be lacking in the requisite skill, he/she should return to college for additional preparation;
- ❖ Assessment of the student teacher's performance by the people mentioned people above should be ongoing and conducted at regular intervals;
- ❖ The school principal should arrange a time for planning between the student teacher and supervising teacher to insure proper coordination of the program; and
- ❖ The principal is responsible for seeing that these procedures are followed.

[Home](#)

**(P) E.4.2. Teacher in Residence Program**

West Virginia Code §18A-3-1 authorizes the Pendleton County Board of Education to enter into an agreement with an institution of higher education with a program for the education of professional educators for the use of teacher-in-residence program subject State Board of Education approval.

A “teacher-in-residence program” means an intensively supervised and mentored residency program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

The provisions of the agreement include, but are not limited to, the following items:

- ❖ The teacher in a teacher-in-residence program shall have completed the content area preparation courses and shall have passed the appropriate basic skills and subject matter test or tests required by the State Board for teachers to become certified in the area for which licensure is sought;
- ❖ The teacher-in-residence serve only in a teaching position in the county which has been posted and for which no other teacher fully certified for the position has been employed;
- ❖ Specifics regarding the program of instruction for the teacher-in-residence setting forth the responsibilities for supervision and mentoring by the higher education institution’s educator preparation program, the school principal, and peer teachers and mentors, and the responsibilities for the formal instruction or professional development necessary for the teacher-in-residence to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate;
- ❖ The teacher-in-residence hold a teacher-in-residence permit qualifying the individual to teach in his or her assigned position as the teacher of record;
- ❖ A requirement that the salary and benefit costs for the position to which the teacher-in-residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-residence as specified in the agreement, subject to the following:
  - The teacher-in-residence is a student enrolled in the teacher preparation program of the institution of higher education and is not a regularly employed employee of the Board;
  - The teacher in residence is included on the certified list of employees of the county eligible for state aid funding the same as an employee of the county at the appropriate level based on their permit and level of experience;
  - All state aid funding due to the Board for the teacher-in-residence shall be used only in accordance with the agreement with the institution of higher education for support of the program as provided in the agreement, including costs associated with instruction and supervision;
  - The teacher-in-residence is provided the same liability insurance coverage as other employees;
  - All state aid funding due to the county for the teacher- in-residence and not required for support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding due the county for the teacher-in-residence; and
  - A teacher-in-residence does not earn seniority
- ❖ Other provisions that may be required by the state board.  
(WVC §18A-3-1)

H. B. 4433 amended §18-2-34 to recognize that World War I veterans are down to their last numbers and it is no longer necessary to offer them high school diplomas. The language in the bill also provides that in order to obtain a high school diploma surviving veterans of WWII, Korea and Vietnam conflicts need only to show that they left school prior to graduation and served in the Armed Forces, did not receive a high school diploma and were honorably discharged from the service. Additionally, SBP 4355 provides more information about the application process veterans should follow in requesting a high school diploma.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.17. Graduation Requirements</b>	<b>September, 2011</b>

**(P) I.17.10. High School Diplomas for surviving World War I, World War II, Korean Conflict, and Vietnam Conflict veterans**

Notwithstanding any provision of the code to the contrary, the Pendleton County Board of Education may award a high school diploma to surviving veterans who reside in Pendleton County or who would have graduated from a Pendleton County School had their schooling not been interrupted by service in the armed forces of the United States. Veterans requesting a diploma must meet the following criteria: of World War II, the Korean War, or the Vietnam Conflict, who:

- ❖ Left school prior to graduation and served in the armed forces. Veterans of the Korean and Vietnam Conflicts must have been attending high school at the time he/she left prior to graduating to serve in the armed forces;
- ❖ Did not receive a high school diploma;
- ❖ Was discharged from the armed services under honorable conditions; and
- ❖ Completes the necessary application as required by the joint rules of the State Board of Education and the Veteran's Council.

A diploma shall be awarded by the county board in the county in which the veteran resides or in the county in which the veteran would have received his or her diploma, whichever location the veteran chooses.

To qualify as an eligible veteran a person must meet one of the following definitions of eligible veteran:

- ❖ World War I veterans must have served between 4/6/17 and 11/11/18 and has been awarded the World War I Victory Medal;
- ❖ World War II veterans must have served between 9/16/40 and 12/31/46;
- ❖ Korean veterans must have served between 6/27/50 and 1/31/55; and
- ❖ Vietnam veterans must have served between 2/28/61 and 5/07/75.

**Application:**

The West Virginia Department of Veterans Assistance will notify veterans of World War II, the Korean War and the Vietnam Conflict of the availability of the diploma for veterans. This notification

will include the application form to receive such diplomas, as designated by the West Virginia Board of Education and the West Virginia Department of Veterans Assistance.

This application shall include:

- ❖ The veteran's military service and personal information;
- ❖ High school information including the name of the high school attended and the county in which it is located, the years attended high school, the year left high school to enter the service, and the year that would have been the graduation year; and
- ❖ The veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

The veteran will return the completed application form to the Secretary of the West Virginia Department of Veterans Assistance. Upon verifying the application, the Secretary of the West Virginia Department of Veterans Assistance will forward the application to the West Virginia Department of Education.

The West Virginia Department of Education staff will notify the appropriated county of the veteran's preference to receive the diploma from the county of current residence or the county of the high school attended.

**(WVC §18-2-34; SBP 4355 – High School Diploma for Veterans)**

[Home](#)

**H.B. 4655 enacts significant standards governing the revocation of bus operator certificates. It establishes a certification review panel, requires reporting of certain acts, and provides for certificate recall and correction under certain circumstance.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.3. Employment of Service Personnel</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2011</b>
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**(P) P.3.19. Revocation of Bus Operator Certification**

The State Superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any bus operator for any of the following causes:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Conviction of or guilty plea or plea of no contest to a felony charge;
- ❖ Conviction of or guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificates.

Of the causes for certificate revocation listed above, the following causes constitute grounds for revocation only if there is a rational nexus between the conduct of the bus operator and the performance of the job:

- ❖ Intemperance, untruthfulness, cruelty or immorality;
- ❖ Just and sufficient cause for revocation as specified by State Board rule; and
- ❖ Using fraudulent, unapproved or insufficient credit to obtain the certificate.

The certificate of a bus operator may not be revoked for either of the following unless it can be proven by clear and convincing evidence that the bus operator has committed one of the offenses listed in above and his or her actions render him or her unfit to operate a school bus:

- ❖ Any matter for which the bus operator was disciplined, less than dismissal, by the employing county board; or
- ❖ Any matter for which the bus operator is meeting or has met an improvement plan determined by the county board.

The State Superintendent shall designate a review panel to conduct hearings on certificate revocations or denials and make recommendations for action by the State Superintendent.

It is the duty of any county superintendent who knows of any acts on the part of a bus operator for which a certificate may be revoked in accordance with §18A 4-8e (k) to report the same, together with all the facts and evidence, to the State Superintendent for such action as in the State Superintendent's judgment may be proper.

If a certificate has been granted through an error, oversight or misinformation, the State Superintendent may recall the certificate and make such corrections as will conform to the requirements of law and State Board rules.  
**(WVC §18A-4-8e(k))**

**H.B. 4583 changes certain deadlines pertaining to termination of a continuing contract, resignation, retirement, transfer and rehiring of probationary employees; changing the number of days prior to the beginning of the instructional term for limiting the transfer of certain employees; and restricting application of certain provisions pertaining to limiting the transfer of certain employees. Howard Seufer gave great credit to Mr. Bucher for helping to bring about this change.**

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.6. Employee Contracts and Compensation Plans</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2011</b></p>
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**(P) P.6.1. Contract Procedures**

**Probationary Contracts:**

Consistent with West Virginia Code, all new employees serve a probationary period during their first three years of employment. A probationary teacher’s contract shall be for a term of not less than one nor more than three years, one of which shall be for completion of a beginning teacher internship pursuant to the provisions of WVC §18A-3-2b, if applicable. For those employees who will receive a probationary contract for the second or third years the following steps are to be completed:

- ❖ The immediate supervisor should recommended the employee to Superintendent;
- ❖ The Superintendent recommends the employee to the Board; and
- ❖ The Board approves the employee.
- ❖ If a person severs his/her connection with the board of education and returns at a later date, the probationary period must be served again.

Employees who wish to resign as of the close of the school year may do so by delivering a written resignation to the Board on or before ~~February 1~~ **March 1**.

**Professional Continuing Contracts; how they are Terminated:**

If, after three years of successful employment, the teacher who holds a professional certificate, based on at least a bachelor’s degree, has met the qualifications for a bachelor’s degree and the county board enter into a new contract of employment, it shall be a continuing contract, subject to the following:

- ❖ Any teacher holding a valid certificate with less than a bachelor’s degree who is employed in Pendleton County beyond the three-year probationary period shall upon qualifying for the professional certificate based upon a bachelor’s degree, if reemployed, be granted continuing contract status; and
- ❖ A teacher holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if the employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.
- ❖ Should be recommended by the employee’s immediate supervisor to the Superintendent;
- ❖ The employee must receive the recommendation of the Superintendent to the Board; and the employee must receive the approval of the Board.
- ❖ If applicable, the teacher must have successfully completed a beginning teacher’s internship.
- ❖ Tenure contracts are awarded only for employment, not position.

- ❖ A person on a legal leave of absence maintains contract status in existence at the time of granting the leave if the leave extends for one year or less.

The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, unless and until terminated, subject to the following:

- ❖ A continuing contract may not be terminated except:
  - By a majority vote of the full membership of the Board on or before ~~February 1~~ **March 1** of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the Board prior to the board's action on the termination issue; or
  - By written resignation of the teacher on or before ~~February 1~~ **March 1** to initiate termination of a continuing contract.
- ❖ The termination shall take effect at the close of the school year in which the contract is terminated; and
- ❖ The contract may be terminated at any time by mutual consent of the Board and the teacher.

Nothing in the law affects the powers of the Board to suspend or dismiss a principal or teacher pursuant to WVC §18A-2-8.

A continuing contract does not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and pupil-teacher ratios  
(WVC §18A-2-2)

### **Continuing Contract Status for Service Personnel; Termination:**

After three years of acceptable employment, each service personnel employee who enters into a new contract of employment with the Board shall be granted continuing contract status: Provided, That a service personnel employee holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if such employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.

The continuing contract of any such employee shall remain in full force and effect except as modified by mutual consent of the Board and the employee, unless and until terminated with written notice, stating cause or causes, to the employee, by a majority vote of the full membership of the Board before ~~February 1~~ **March 1** of the then current year, or by written resignation of the employee on or before that date.

The affected employee has the right of a hearing before the board, if requested, before final action is taken by the board upon the termination of such employment.  
(WVC §18A-2-6)

[Home](#)

**H.B. 4542 relates to unemployment compensation benefits; preventing contributory employers from being relieved of benefit charges to their accounts if an overpayment of benefits is the result of the employer's or an employer's agent's failure to provide requested information to the agency timely or to provide adequate information. [(P) P.7.3. Unemployment Compensation]**

**(P) P.7.9. Early Notification of Retirement – Change in the date for notification.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>	<b>Last Review:</b>
<b>File: P.7. Employee Fringe Benefits</b>	<b>September, 2011</b>

**(P) P.7.3. Unemployment Compensation**

Pendleton County Schools participates in the Unemployment Compensation program for public employees. This benefit, through the West Virginia Department of Employment Security, assures that an eligible claimant who is out of work through no fault of his/her own will have some income available to meet necessary expenses until new employment can be secured. This is made possible through employer contributions at no cost to the employee.

**Overpayment of Benefits**

Effective on and after July 1, 2012 if an employer has failed to furnish to the commissioner on or before August 31 of each year the wage information for all past periods necessary for the computation of the contribution rate, the employer's rate shall be, if it is immediately prior to July 1, less than seven and five-tenths percent, increased to seven and five-tenths percent.

Effective July 1, 2012, a contributory employer's account shall not be relieved of charges relating to a payment from the Fund if the department determines that:

- ❖ The erroneous payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and
- ❖ The employer or agent has established a pattern of failing to respond timely or adequately to such requests.  
**(WVC §21A-5-7)**

(J.P., I am not sure you need this update because I see it as an administrative matter rather than policy, but I wanted to be sure you were aware of this change in the law. I leave the final decision to you.)

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**(P) P.7.9. Early Notification of Retirement**

**State Funded Retirement Bonus:**

State code {{§18A-2-2(g)}} provides for a \$500 bonus to classroom teachers who provide written notification to the Pendleton County Board of Education ~~prior to December 1~~ on or before **January 15** of the school year of their intention to retire from their positions at the conclusion of the current school

year. Classroom teachers are defined in §18A-1-a of the code as those professional educators who have a direct instructional or counseling relationship with students, spending the majority of their time in this capacity. This has been interpreted to mean teachers in elementary and secondary programs (pre-kindergarten through 12th grade), including speech language pathologists, counselors, and librarians.

"At the conclusion of the school year" has been interpreted to mean that the classroom teacher must complete his/her employment term for the current school year and not work the first day of the employment term of the following school year. Consequently, classroom teachers are eligible for the bonus if they retire anytime during the summer break, as long as it is before the first employment day of the next school year. They are NOT eligible for the bonus if they must work any days as a regular employee during the next school year to be eligible for retirement.

The position of a classroom teacher providing written notice of retirement pursuant to WVC §18-2-2(g) may be considered vacant and the Board may immediately post the position as an opening to be filled at the conclusion of the school year. If a teacher has been hired to fill the position of a retiring classroom teacher prior to the start of the next school year, the retiring classroom teacher is disqualified from continuing his or her employment in that position. However, the retiring classroom teacher may be permitted to continue his or her employment in that position and forfeit the early retirement notification payment if, after giving notice of retirement in accordance with WVC 18-2-2(g), he/she becomes subject to a significant unforeseen financial hardship, including a hardship caused by the death or illness of an immediate family member or loss of employment of a spouse. Other significant unforeseen financial hardships shall be determined by the Superintendent on a case-by-case basis. This subsection does not prohibit a county school board from eliminating the position of a retiring classroom teacher.

This payment shall not be counted as part of the final average salary for the purpose of calculating retirement.

[WVC §18A-2-2(g)]

### **County Funded Retirement Bonus:**

The Board recognizes that loyal employees sometimes find that they need to extend their employment a few days into a new school year in order to be eligible for retirement benefits. Therefore, it shall be the policy of the Board to extend the \$500 bonus to teachers who submit a written notification of their intent to retire by no later than October 1 of the new school year. This notification must be received prior to February 1 of the current school term which will allow the Board sufficient time to recruit a replacement for the retiring teacher. This extension DOES NOT apply to personnel who are not eligible for retirement, but just simply wish to resign. The cost of the bonus shall come from county funds.

Notifications must be presented to the county board for acceptance, and this shall be done as soon as practical after the February 1 deadline. Upon acceptance by the county board, the eligible individuals are to be paid the \$500 bonus through normal payroll procedures, with the exception that the bonus is not subject to retirement withholdings. The actual payment of the bonus will be paid as soon as practical after the Board's acceptance of the notification. The Board, however, will take action to recover the bonus should an individual either leave employment prior to the agreed upon date of retirement or change his/her mind and decide not to resign or retire. In this latter case, the individual would need to submit a request to the board and receive board approval for this change.

This payment shall not be counted as part of the final average salary for the purpose of calculating retirement.

**H.B. 4583 changes certain deadlines pertaining to termination of a continuing contract, resignation, retirement, transfer and rehiring of probationary employees; changing the number of days prior to the beginning of the instructional term for limiting the transfer of certain employees; and restricting application of certain provisions pertaining to limiting the transfer of certain employees. Howard Seufer gave great credit to Mr. Bucher for helping to bring about this change.**

<p><b>COUNTY BOARD OF EDUCATION</b>  <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>  <b>File: P.8. Employment Actions</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review:</b>  <b>September, 2011</b></p>
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**(P) P.8.1. Assignment, Transfer and Promotion**

All initial assignments and subsequent transfers or promotions of personnel are made upon the recommendation of the Superintendent in cooperation with the Directors and subject to the approval of the Board of Education. In the case of transfers, the following procedures shall be followed:

- ❖ In all cases, the Superintendent on or before ~~February 1~~ **March 1** must notify employees in writing if they are being considered for transfer or are being transferred.
- ❖ Only those employees whose consideration for transfer or intended transfer is based upon known or expected circumstances that will require the transfer may be notified of an impending transfer.
- ❖ Employees so notified may request, in writing, written reasons for the transfer. The statement of reasons shall be delivered to the employee within 10 days of the receipt of the request.
- ❖ Within 10 days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board.
- ❖ The hearing on the proposed transfer shall be held on or before ~~March 15~~ **April 15**. At the hearing, the reasons for the proposed transfer must be shown.
- ❖ At a meeting on or before ~~March 15~~ **April 15**, the Superintendent must provide the Board with a list of employees to be considered for transfer for the ensuing year. The list shall be included in the minutes of the meeting and all persons included in the list must be notified in writing by certified mail, return receipt requested, within ten days of their having been recommended for transfer and reassignment and the reasons for the action.
- ❖ All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting.

**Limitations on Transfers:**

- ❖ If prior to **August 1** the reason for a particular transfer no longer exists as determined by the Board, the Board shall rescind the transfer and shall notify the affected employee in writing of his/her right to be restored to his/her position of employment. Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate.
- ❖ After the ~~fifth~~ **twentieth (20<sup>th</sup>)** calendar day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the county during that instructional term unless the person holding the position does not have valid certification. Exceptions are as follows:

- Such person may apply for any posted vacancies, and if successful, may assume the position at the beginning of the next instructional term.
  - Persons on an approved leave of absence may fill these positions upon their return from that leave.
  - The Superintendent may fill a position before the next instructional term if it is in the best interest of students. The Superintendent must notify the state board of such action.
  - This restriction does not apply to the filling of a position vacated because of resignation or retirement that became effective on or before the twentieth day prior to the beginning of the instructional term, but not posted until after that date; and
  - The Legislature finds that it is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any one grade level or course during the instructional term. It is the intent of the Legislature that the filling of positions through transfers of personnel from one professional position to another after the twentieth (20<sup>th</sup>) calendar day prior to the beginning of the instructional term should be kept to a minimum.
- ❖ The code permits the principal of an elementary school to reorganize teaching assignments within a school without posting any positions under the following conditions:
    - Instructional need require the realignment of the number of teachers in one or more grade levels;
    - The total number of teaching positions in the school does not change from one year to the next; and
    - The Board and the employee mutually agree to the reassignment.
  - ❖ An aide may transfer to another position of employment one time only during any one half of a school term, unless otherwise mutually agreed upon by the aide and the Superintendent, subject to Board approval. During the first year of employment as an aide, an aide may not transfer to another position of employment during the first one-half school term of employment unless mutually agreed upon by the aide and the Superintendent, subject to county board approval.
  - ❖ Autism Mentors, Aides, Paraprofessionals and Interpreters:
 

After the fifth day prior to the beginning of the instructional term service personnel who are employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services may not transfer to another position in the county during that instructional term, unless s/he does not have valid certification for the position currently held.

However, the autism aide, autism mentor or paraprofessional or interpreter or aide may apply for any posted vacant position and, if successful, assume the position at the beginning of the next instructional term. With the Superintendent's recommendation, the Board may allow the successful applicant to fill the position before the end of the instructional term, but only if it is determined to be in the best interest of the students. The Superintendent must notify the State Board of Education when such an exception is made.

It is understood that in the interest of school organization and student benefit, the principal may recommend a change in a teaching assignment so long as such change does not remove a teacher from his/her certification fields. Changes in teacher subject and/or grade level assignments shall be made only after conferring with the affected personnel.  
**(WVC §18A-2-7; §18A-4-7a and §18A-5-8)**

**(P) P.8.2. Reduction in Force Professional Personnel**

Reductions in the professional work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation

of schools, or other factors beyond the control of the Board. Employees shall be terminated on the basis of their certification and seniority, provided that such employees shall be properly released according to West Virginia Code and employed in any other professional position where they had previously been employed or to any lateral area for which they are certified, licensed or both if their seniority is greater than the seniority of any other employee in that area of certification, licensure or both.

If an employee subject to release holds certification, licensure or both in more than one lateral area and if his/her seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, he/she shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification, licensure or both. Additionally, any employee who holds a temporary permit in a certification area that is being reduced shall be laid off before any person who is fully certified regardless of their relative seniority.

Prior to ~~February 1~~ **March 1** of the current year, affected professional employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board on or before ~~February 1~~ **March 1** to terminate their contract at the close of the school year for lack of need. However, written notification of teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances that require the action. The cause or causes for the termination shall be included in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process.

If, prior to **August 1**, the reason for the reduction in force of any employee no longer exists, as determined by the Board, the Board shall rescind the reduction in force and restore the released employee to his/her former position of employment. Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate. Notwithstanding any other provisions of WVC §18A-4-7a, if there is another employee on the preferred recall list with proper certification and greater seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

When a reduction in force becomes necessary, tenured professional employees shall be released from employment in the following manner:

- ❖ Teachers working on a permit shall be the first to be released.
- ❖ Teachers with the least seniority in a certification area shall be properly notified and released according to provisions of the code.
- ❖ Teachers holding more than one certification may move to another certification area if their seniority is sufficient to do so. (Lateral movement)
- ❖ Employees subject to a RIF must be notified prior to ~~February 1~~, **March 1** they must be given reasons for the action, and they must be afforded the opportunity of a hearing if so desired.
- ❖ The full membership of the Board must act upon all Reductions in Force on or before ~~February 1~~ **March 1**.
- ❖ Those professional staff employees reduced in force shall have their seniority frozen and shall be placed on a preferred recall list.

Reductions in classroom teaching positions in elementary schools shall be processed as follows:

- ❖ When the total number of teachers in the school is to be reduced the reduction shall be made on the basis of seniority with the least senior teacher being recommended for transfer or released;

- ❖ If a specific grade level must be reduced and the least senior teacher is not in that grade level, the least senior classroom teacher in the grade level that needs to be reduced shall be reassigned to the vacancy created within the school by transferring or releasing the least senior teacher out provided he/she holds the required certification, license or both and agrees to the reassignment.  
(WVC §18A-2-2 and §18A-4-7a)

[Home](#)

### **(P) P.8.3 Reduction in Force for Service Personnel**

Reductions in the service personnel work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation of schools, or other factors beyond the control of the Board.

Prior to ~~February 1~~ **March 1** of the current year, affected service employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board before ~~February 1~~ **March 1** to terminate their contract at the close of the school year. The cause or causes for the reduction in force shall be stated in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process. All layoffs of service personnel must be made according to seniority. Seniority is determined by the length of time an employee has been employed within a certain classification.

- ❖ The following order of reduction in force for tenured employees shall be observed:
  - The employee with the least amount of seniority within a particular job classification or grades of classification shall be properly released and employed in a different grade of that classification if there is a job vacancy.
  - If there is no job vacancy for employment within the classification or grades of classification, he or she shall be employed in any other job classification that he or she previously held with the county board if there is a vacancy. If no vacancy exists, the employee is subject to a RIF.
  - Multi-classified employees are subject to reduction in force in any category of employment contained within their multi-classification title based upon the seniority accumulated within that category of employment. Multi-classified employees who are reduced in force in one classification category shall retain employment in any of the other classification categories that they hold within their multi-classification title.
- ❖ **Rescinding a reduction in force:** If, prior to the first day of August after a reduction in force is approved, the reason for any particular reduction in force no longer exists the board shall rescind the reduction in force and shall notify the affected employee in writing of his or her right to be restored to his or her former position of employment.
  - Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate.
  - The board shall not rescind the reduction in force of an employee until all employees with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment as provided in the code.
  - If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification category of the employee who was subject to reduction in force, the position of the released employee shall be posted and filled in accordance with §18A-4-8b of the code.  
(WVC §18A-2-6; §18A-4-8b and §18A-4-8g)

[Home](#)

**(P) P.8.5. Non-renewal of Probationary Employees**

At a meeting of the Board to be held on or before ~~March 15~~ **April 15** of each year, the Superintendent shall provide to the Board a written list of all probationary employees he/she recommends to be rehired for the ensuing school year. The Board shall act upon the Superintendent's recommendations at that same meeting. The Board's action shall be recorded in the minutes of the meeting.

All probationary employees who are not recommended for reemployment must be notified thereof in writing, by certified mail, return receipt requested, within 10 days following the board meeting. Within 10 days after receiving written notice thereof, probationary employees who have not been recommended for rehiring may request a statement of the reasons for not having been rehired and may request a hearing before the Board. Such hearing shall be held at the next regularly scheduled meeting of said Board or at a special meeting of the Board called within 30 days of the request for a hearing. At the hearing, the reasons for not rehiring such employee must be shown.  
**(WVC §18A-2-1, §18A-2-7 and §18A-2-8a)**

[Home](#)

**SB 161 relates to mandatory reporting of abuse and neglect of children; adding promoting adult responsibility and prevention to the purpose; adding certain persons to the mandatory reporting list for all abuse or neglect of children; creating a requirement that certain adults report sexual abuse of children when observed or when received credible reports; requiring law enforcement who receive a report of sexual abuse to alert the Department of Health and Human Resources. These are important changes!**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>	<b>Last Review:</b>
<b>File: P.9. Professional Conduct and Responsibilities</b>	<b>September, 2011</b>

**(P) P.9.3. Reporting Suspected Child Abuse and Neglect**

The purpose of these procedures 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:

- ❖ ~~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 supervisor or principal shall immediately and not more than 48 hours after suspecting this abuse, report or cause a report to be made to the Department of Health and Human Resources.~~
- ❖ School personnel, Board approved volunteers, volunteer coaches and non-school personnel paid coaches who have reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 48 hours after suspecting this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources.
- ❖ In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.
- ❖ Any person required to report under WVC §49-6A-2 shall also immediately notify the person in charge of the school facility or designee who may supplement the report or cause an additional report to be made.
- ❖ Any person over the age of 18 who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than 48 hours after receiving such a disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law-enforcement agency having jurisdiction to investigate the report.

In the event that the individual receiving the disclosure or observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter’s children or other children in the subject child’s household to an increased threat of serious bodily injury, the individual may delay making the report while s/he undertakes measures to remove themselves or the affected children from the perceived threat of additional harm. The individual makes the report as soon as practicable after the threat of harm has been reduced.

The law-enforcement agency that receives a report under shall report the allegations to the Department of Health and Human Resources and coordinate with any other law-enforcement agency, as necessary to investigate the report.

- ❖ Reports of child abuse or neglect pursuant to the law shall be made immediately by telephone to the local Department of Health and Human Resources and shall be followed by a written report within 48 hours if so requested by the 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.
- ❖ ~~Prior to January 1, 2006,~~ 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 §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 **or knowingly prevents another person acting reasonably from doing so** shall be guilty of a misdemeanor and upon conviction shall be confined in jail for not more than ~~40~~ **30** days or fined not more than ~~\$100~~ **\$1,000** or both.
- ❖ Any person required to report cases of children suspected of being abused and neglected may take or cause to be taken, at public expense, photographs of the areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child. Any photographs or x-rays taken shall be sent to the appropriate child protective service as soon as possible.
- ❖ 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)

[Home](#)

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.13. Personnel Evaluation</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2011</b>
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HB 4236

**We are still waiting for the updated policy. The new process is still going through a series of pilot programs across the state. Full implementation for the 2013-2014 school year.**

**SB 221 mandates that the State Board establish guidelines for the training of school personnel regarding the prevention of youth suicide. My best recommendation to you is that you include the recently drafted state guidelines in your policy manual and accept them as the standard practice for now.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>	<b>Last Review:</b>
<b>File: P.18. Employee Staff Development Programs</b>	<b>September, 2011</b>

**West Virginia Board of Education  
Implementation Guidelines for the Jason Flatt Act of 2012  
Suicide Prevention Professional Development for School Personnel**

The West Virginia Legislature recognized that youth suicide is a leading cause of death among school aged youth and, therefore, passed the Jason Flatt Act of 2012 which becomes effective on July 1, 2012.

West Virginia Code §18A-3A-2(5) Provides for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board. The education may be accomplished through self-review of suicide prevention materials and resources approved by the state board. The provisions of this paragraph may be known and cited as the “Jason Flatt Act of 2012”;

The following guidance is provided to support the implementation of this statute:

**Background**

The West Virginia Board of Education’s vision for West Virginia students is for them to develop into healthy, responsible, and self-directed citizens who have the knowledge and Global21 skills to lead satisfying and productive lives. Within this vision is a goal for all students to develop the personal skills and dispositions of wellness, responsibility, self-direction, ethical character, cultural awareness and good citizenship in an environment that is caring and safe.

West Virginia Board of Education Policy 4373: Expected Behaviors in Safe and Supportive Schools provides the procedural framework to assist county school systems in their efforts to create the climate/culture that supports development of the dispositions that are valued in our communities, state, nation and world. School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. A sustainable, positive school climate/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. It includes norms, values and expectations that support students feeling socially, emotionally, intellectually and physically safe. Policy 4373 also references other West Virginia Board of Education policies that are essential in supporting the development of positive school climate/culture that will also support suicide prevention efforts within school settings. The Board’s vision for healthy student development is foundational to school based contributions to suicide prevention.

## **Professional Development Guidelines**

- ❖ Suicide prevention training for staff (professional staff and service personnel having direct contact with students) shall be integrated within professional development efforts to support school climate/culture improvements so that resulting action is based in research based efforts to promote positive youth development.
- ❖ Suicide prevention professional development initiatives shall be included in County Professional Development Plans.
- ❖ Specific professional development efforts in suicide prevention shall focus on providing information on identifying students at risk of suicide and referral protocols for appropriate services. This information shall include but not be limited to:
  - Warning signs that may indicate suicidal intentions, including changes in appearance, personality and/or behavior;
  - School and community resources and services related to suicide prevention; and
  - County/school crisis plan protocols for intervention/referral when a student attempts, threatens or discloses the desire to commit suicide. These county/school developed protocols should incorporate the American School Counselor Association's Ethical Standards pertaining to students who pose a "Danger to Self or Others":
    - Inform parents/guardians and/or appropriate authorities when a student poses a danger to self or others. This is to be done after careful deliberation and consultation with other counseling professionals.
    - Report risk assessments to parents when they underscore the need to act on behalf of a child at risk; never negate a risk of harm as students sometimes deceive in order to avoid further scrutiny and/or parental notification.
    - Understand the legal and ethical liability for releasing a student who is a danger to self or others.
- ❖ Research-based suicide prevention professional development shall be provided under the direction of a county school system staff development coordinator and/or school counselor/psychologist representatives, in cooperation with one or more community mental health agencies/providers and/or through similar consultant organizations.
- ❖ Modes of delivery for suicide prevention professional development may include but should not be limited to face to face training, on-line training and/or material review.

## **Resources/Materials**

The Center for Professional Development (CPD) will provide for the routine education of all professional educators and service personnel having direct contact with students on warning signs and resources to assist in suicide prevention through self-review of resources and/or materials provided by the Jason Foundation.

In addition, suicide prevention professional development may be provided by county boards of education, Regional Education Service Agencies (RESA), the West Virginia Department of Education (WVDE), the West Virginia Department of Health and Human Resources (WVDHHR), the West Virginia Suicide Prevention Council, the Adolescent Suicide Prevention Education Network (ASPEN) and the Jason Foundation. County school systems are encouraged to develop partnerships with community

mental health providers to assess local needs and resources regarding suicide prevention and design and deliver professional development accordingly.

**SB 211 establishes the traffic offense of operating a motor vehicle while texting without the use of hands-free technology; establishing the offense of operating a motor vehicle while using an electronic communication device without the use of hands-free technology; defining terms; providing exceptions; clarifying means of enforcement as a primary offense; providing penalties; providing for increased fines for multiple offenses; assessing points against driver's license for multiple offenses; exempting offense from the assessment of court costs and fees; and limitations.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>S. STUDENTS</b> <b>File: S.14. Student Safety</b>	<b>Adopted: August 20, 2003</b> <b>Last Reviewed:</b> <b>September, 2011</b>
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**(P) S.14.5. Student Automobile Use**

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.

- ❖ Students driving automobiles are not to leave until all buses are gone.
- ❖ Students are to park their automobiles only in the area designated for student parking.
- ❖ Students are to observe all safety rules and regulations while on school grounds.
- ❖ Students are not to loiter in automobiles during the school day.
- ❖ Students are not to move vehicles during the school day without permission from their parents and the principal.
- ❖ A vehicle registration form will be filled out and signed by the student and parent and kept on file in the office.
- ❖ Students violating any of the above rules will be denied the privilege of driving a vehicle on the school grounds.

**(P) S.14.6. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving**

WVC §17C-14-15 makes it a traffic violation for a person to drive or operate a motor vehicle on a public street or highway while texting or using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

“Driving” or “operating a motor vehicle” means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays.

Forbidden texting does not include:

- ❖ Texting after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
- ❖ Inputting, selecting or reading information on a global positioning system or navigation system; or
- ❖ Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.

Forbidden use of cell phones, pagers, portable computers and other electronic communication devices while driving does not include:

- ❖ Using a device after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic; the operator of an authorized emergency vehicle or school bus operator in the performance of their official duties;
- ❖ A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergency; or
- ❖ The activation or deactivation of hands-free equipment or a function of hands-free equipment.

Any person who violates the provisions of this code is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of this code.

Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.

For obvious safety reasons, these restrictions on texting and other uses of electronic devices will be enforced on Board property and violators will be subject to the consequences for Improper or Negligent Operation of a Motor Vehicle as defined in *File: (P) S.8.4.3. Level 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors*.  
(WVC §17C-14-15; SBP 4373)

[Home](#)

**H.B. 4119 – For the first time we have a definition for school athletic directors and their duties have been defined.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>S. STUDENTS</b> <b>File: S.19. Co-Curricular and Interscholastic Programs</b>	<b>Adopted: August 20, 2003</b> <b>Last Reviewed:</b> <b>September, 2011</b>
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**(P) S.19.8. Employment of Athletic Directors**

An athletic director is defined as a person employed by the Board to work in the school's athletic program pursuant to the provisions of WVC §18A-2-1a.

The Board is authorized to employ athletic directors to work in the public schools under the supervision of a school principal and in accordance with the rules of the county board. The athletic director is responsible for planning, management, operation and evaluation of the athletic program for the school or schools to which s/he is assigned. The responsibilities of an athletic director may include, but are not limited to the following:

- ❖ Supervising athletic games;
- ❖ Overseeing the athletic budget;
- ❖ Hiring game officials;
- ❖ Scheduling athletic contests;
- ❖ Knowing and upholding all county, West Virginia Secondary Schools Activities Commission (WVSSAC) and league rules;
- ❖ Maintaining proper records as required by West Virginia Secondary Schools Activities Commission (WVSSAC) for school participation;
- ❖ Scheduling transportation for athletic teams;
- ❖ Preparing and verifying athletic eligibility lists;
- ❖ Supervising coaches and, if appropriately certified, observing and evaluating coaches;
- ❖ Securing all needed personnel for basic athletic event operations;
- ❖ Procuring and caring for athletic equipment; and
- ❖ Performing other duties involving athletics as assigned by the principal or as a part of a county job description for athletic directors.

**(WVC §18A-2-1a)**

**H.B. 4299 authorizes the Board to utilize bus operators from another county to operate leased buses under certain conditions. This authority would only be important to you if you were in a situation where you leased a bus to the Senior Citizens or some other permissible group and you did not have a regular bus operator available to drive. You could offer the assignment to a regularly employed driver from another county.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review:</b>
<b>File: T.1. Student Transportation</b>	<b>September, 2011</b>

The Pendleton County Board of Education shall have authority to provide, at public expense, adequate means of transportation for all children of school age that live more than two miles distance from school. Enrolled students, employees or persons approved by a county board of education are the only passengers to be transported by the county school transportation system.

Pendleton County buses may also cross county lines to transport students transferring from one district to another by mutual agreement of both county boards of education. The agreement shall be recorded in the meeting minutes of each participating board.

The Board may also transport school children participating in Board-approved curricular and extracurricular activities. ~~In all cases~~ **Generally speaking** buses or other transportation vehicles owned **or leased** by the Pendleton County Board of Education may only be operated by drivers regularly employed by the Pendleton County Board of Education. **However, leased buses may be operated by bus operators regularly employed by another county board in this state if bus operators from the owning county are unavailable.**

Buses may be used for extracurricular activities only when the insurance coverage required by law is in effect.

The only other transportation specifically authorized by statute is the transportation of participants in projects operated, financed, sponsored, or approved by the Commission on Aging. If these participants are provided transportation services, all costs and expenses incident in any way to the transportation shall be borne by the Commission on Aging or the local or county chapter thereof.

**(WVC §17C-14-12; §18-2-5; §18-5-13; §18-5-16; §18-9A-7; SBP 4334 and SBP 4336)**

[Home](#)

SB 211 establishes the traffic offense of operating a motor vehicle while texting without the use of hands-free technology; establishing the offense of operating a motor vehicle while using an electronic communication device without the use of hands-free technology; defining terms; providing exceptions; clarifying means of enforcement as a primary offense; providing penalties; providing for increased fines for multiple offenses; assessing points against driver's license for multiple offenses; exempting offense from the assessment of court costs and fees; and limitations.

<p>PENDLETON COUNTY BOARD OF EDUCATION  <b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>  <b>File: T.3. School Bus Maintenance and Safety</b></p>	<p><b>Adopted: August 20, 2003</b>  <b>Last Review: September, 2011</b></p>
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**(P) T.3.7. Prohibition of Texting and using Handheld Wireless Communication Devices while Driving**

WVC §17C-14-15 makes it a traffic violation for a person to drive or operate a motor vehicle on a public street or highway while texting or using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

“Driving” or “operating a motor vehicle” means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays.

Forbidden texting does not include:

- ❖ Texting after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
- ❖ Inputting, selecting or reading information on a global positioning system or navigation system; or
- ❖ Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.

Forbidden use of cell phones, pages, portable computers and other electronic communication devices while driving does not include:

- ❖ Using a device after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary;
- ❖ A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic; the operator of an authorized emergency vehicle or school bus operator in the performance of their official duties;
- ❖ A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies; or
- ❖ The activation or deactivation of hands-free equipment or a function of hands-free equipment.

Any person who violates the provisions of this code is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of this code.

Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.

**(WVC §17C-14-15; SBP 4336)**

[Home](#)

June 15, 2012 – Ann Bennett

The elementary grades 1-3 would like to change from VG-G, etc. to ABCDFI. I would like to get this approved so the teachers could begin using it in September.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>I. INSTRUCTION</b>	<b>Last Review:</b>
<b>File: I.15. Academic Achievement</b>	<b>September, 2011</b>

**(P) I.15.3. Primary School Reports to Parents (Grades 1-3)**

Standardized report cards are distributed to the students at the end of each grading period (nine weeks) to provide the parents with an evaluation of his/her progress in his/her subject areas and indication of weaknesses and strengths. Report cards are sent home with students approximately one week following the end of the nine week period, with the exception of the end of school when the report cards are mailed home.

The grades on the report cards are reflective of the students' progress toward mastery of state approved Content Standards and Objectives.

The current grading scale for grades 1-3 are as follows:

- ~~VG~~ — ~~Very Good~~
- ~~G~~ — ~~Good (Progress is commendable)~~
- ~~S~~ — ~~Satisfactory (Average)~~
- ~~I~~ — ~~Shows Improvement (Better than before)~~
- ~~U~~ — ~~Unsatisfactory (Work is not acceptable)~~

Average	Grade	Meaning of Grade
93-100	A	Very good work
85-92	B	Better than average
75-84	C	Average
65-74	D	Weak – Needs improvement
00-64	F	Work is unsatisfactory
I**		

\*\*A mark of "I" means that the student did not complete the required work for a nine-week period. The student will be allowed to complete the required work during the following nine-week period and get the "I" changed to the appropriate letter grade, which he/she has achieved. If the student fails to make up the required work during the allotted time his/her grade will automatically be recorded as an "F" and be given a percentage grade of 50. An "I" is generally given when unusual circumstances exist such as illness that prevents the child from doing the required work.

The grading scale for music, health and physical education for grades 1-3 shall be:

O - Outstanding

S - Satisfactory (Average)

U - Unsatisfactory (Work is not acceptable)

The above grading scale for grades 1-3 shall be effective beginning with the 2012-2013 school year.

Following and incident at the end of the 2012 school term, Mr. Lambert contacted me and asked me to draft a policy which would provide guidance for school personnel who may have to deal with unacceptable behaviors by senior students who have made some bad choices prior to the graduation date.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>I. INSTRUCTION</b> <b>File: I.24. Commencement Exercises</b>	<b>Adopted: August 2, 2011</b> <b>Last Reviewed:</b>
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The Board of Education and Administration shall annually plan and hold a commencement exercise for those members of the senior class who have met the academic requirements established by the State Board of Education and Pendleton County Schools.

Student attendance is optional and up to the discretion of the student and his/her parent(s) or legal guardian(s). If a student does not attend graduation exercises, the diploma should be sent to the Superintendent of Schools. The student may then obtain the diploma from the Superintendent after the school has completed graduation exercises.

Participation in Commencement Exercises is a privilege, which can be denied in those instances where a student's behavior has led to a suspension from school, the duration of which will extend beyond the date of the Commencement Exercises. Behaviors which may lead to such a suspension include but are not limited to the following:

- ❖ Disruptive/Disrespectful Conduct
- ❖ Insubordination
- ❖ Defacing School Property/Vandalism
- ❖ False Fire Alarm
- ❖ Threat of Injury/Assault Against Employees or Students
- ❖ Trespassing
- ❖ Illegal Substance Related Behaviors

State Board of Education Policy 4373 declares that 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. Therefore, may be denied the opportunity to "walk" owing to disciplinary issues.

Foreign exchange students may participate in graduation exercises and receive a certificate of attendance.  
(SBP 4373)

Oct 13, 2011 Mr. Lambert:

The following is a draft of a policy which summarizes the requirements of State Board Policy 5202 in regards to issuing permits to professional personnel who meet certain requirements. This policy establishes guidelines for you to employ personnel when a fully certified person is not available. I am sure Don is aware of the procedures to be followed in seeking permits from the State Department, but it is good to have information in the manual for employees and other central office personnel who may not be familiar with the process.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>	<b>Last Review:</b>
<b>File: P.2. Employment of Professional Staff</b>	<b>September, 2011</b>

**(P) P.2.15. Permits Issued to Professional Educators**

**General Criteria for First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel**

The First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel may be issued for any specialization recognized on the Professional Teaching and Support Certificate. An Initial First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel may be granted to an individual employed for a specific assignment who has completed 1) a minimum of a bachelor's degree through an accredited institution of higher education as defined in §126-136-4.54; 2) the general requirements specified in §126-136-9.1.1; 3) the minimum GPA specified in §126-136-9.8; and 4) the conditions for issuance specified in §126-136-11.1.3.

**Validity Period**

The First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel shall be valid for one school year and shall expire on June 30. An educator employed on or after January 1 may be issued a Permit valid until June 30 of the following school year.

**Conditions for Issuance**

The applicant for the First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel must submit evidence of satisfying the following:

- ❖ College/University Coursework. – For all endorsement areas except school psychologist, verification by the designated official at the institution of higher education through which the program is being completed that the applicant has completed 25% or six semester hours, whichever is greater, of the state approved program in the specialization(s) for which the permit is requested. For the endorsement area of school psychologist, verification by the designated official at the institution of higher education through which the program is being completed that the applicant has completed 70% of the state approved program in the specialization for which the permit is requested; **AND**
- ❖ Professional Commitment. – Submission of the Professional Commitment verifying the applicant's enrollment in the state approved program; **AND**

- ❖ Recommendation of Superintendent. – Receive the recommendation of the county superintendent verifying that the applicant is the most qualified candidate for the position, and has been hired for the position.

### **Five Year Limit**

All requirements for the Professional Teaching or Student Support Certificate must be completed within five years of the original issuance of the First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel. The position held by an educator issued a First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel is not subject to posting provided the educator meets the annual renewal requirements specified in §126-136-11.2 and completes the state approved program within five years. The State Superintendent may extend the five-year limit, if extenuating circumstances as identified in §126-136-14.4.2, warrant the extension.

### **Exception for a School Nurse**

A school nurse who is employed on a First-Class/Full-Time Permit or Authorization for School Nurse is not required to have a minimum of a bachelor's degree. The applicant must provide evidence of holding a Nursing Diploma or Associate Degree in Nursing and hold a valid registered nurse license issued by the West Virginia Board of Examiners.

### **Renewal of the First Class/Full Time Permit for Professional Teaching and Student Support Personnel**

The holder of a First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel who continues to be employed in the specialization reflected in the Permit must submit evidence of satisfying the following:

- ❖ College/University Coursework. – Completion of six semester hours of required coursework from an accredited institution of higher education as defined in §126-136-4.5 reflecting a minimum 3.0 GPA within the institution; **AND**
- ❖ Professional Commitment. – Submission of the Professional Commitment verifying the applicant's enrollment in the state approved program; **AND**
- ❖ Recommendation of Superintendent. – Recommendation of the county superintendent verifying that the applicant is the most qualified candidate for the position.

### **Extenuating Circumstances for which the First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel may be issued**

The State Superintendent may extend the five-year limit if extenuating circumstances, as identified in §126-136-14.4.2, warrant the extension. A county superintendent may request, in writing to the State Superintendent, an extension of the First-Class/Full-Time Permit for Professional Teaching and Student Support Personnel for an employee, including the county superintendent, who meets one of the three extenuating circumstances described in §126-136-14.2. The superintendent's letter must be accompanied by the appropriate application and processing fee. The State Superintendent shall render a decision; however, the permit may not be extended beyond one school year or more than once.

- ❖ The county superintendent shall submit verification from the designated official at the college or university through which the applicant is completing the state approved program that no required coursework was available during the school year; **OR**
- ❖ The county superintendent shall submit the applicant's description of how a major hardship other than illness prevented the applicant from completing the required coursework.  
**(SBP 5202)**

November 8, 2011: Drug and Alcohol request from Mr. Hedrick

Currently our contract bus drivers are not in the same pool as our regular drivers who must submit to random drug and alcohol testing as defined in P.5.5... We can conduct random periodic testing according to our policy, at least once every three years. We have not done so in the past and have no procedures in place to do so at present. Therefore, I would like to add our contract drivers to our “random pool along with our “regular drivers.” Requires changes in File: P.3. and File: P.5.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.3. Employment of Service Personnel</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2011</b>
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**(P) P.3.14. Guidelines for Contract Bus Drivers**

**Drug and Alcohol Testing:**

Contract drivers shall be required to be tested for the following substances: 1) Marijuana; 2) Cocaine; 3) Opiates; 4) Phencyclidine (PCP); 5) Amphetamines; 6) Alcohol.

Contract drivers are not required to hold a CDL; ~~therefore, they are not in~~ however, they will be included in the same pool of regular drivers who must submit to random drug and alcohol testing as defined in P.5.5. *Required Alcohol and Controlled Substances Testing.* The ~~alternate~~ procedure for testing contract drivers shall be as follows:

**Pre-employment Testing:**

Prior to the first time a driver performs safety-sensitive functions, the driver shall be required to undergo testing for alcohol and controlled substances.

**Random Periodic Testing:**

The Pendleton County Board of Education reserves the right to conduct drug and alcohol testing on contract drivers on a random, unannounced basis at least ~~once every three years.~~ in the same manner it tests regular and substitute bus drivers. The timing of the testing shall be at the discretion of the Superintendent or his/her designee.

- ~~❖ Similar to federal regulations, the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of contract drivers.~~
- ~~❖ Similar to federal regulations, the minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of contract drivers.—~~

- ❖ Drivers shall be tested for alcohol or controlled substances at various times on an unannounced, random basis.

- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of safety-sensitive driver positions.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of safety-sensitive driver positions or such other percentage rate as is published by the DOT Federal Highway Administration in the Federal Register.
- ❖ The selection of drivers for random alcohol and controlled substances testing shall be made by the scientifically valid method of a computer-based random number generator that is matched with drivers' Social Security numbers.
- ❖ A driver may only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- ❖ If an employee (driver) has not been chosen through a scientifically valid method within a three year period, the Pendleton County Board of Education may request the employee to submit to a drug and alcohol test.

### **Post-accident Testing:**

As soon as practicable following an accident, the contract driver shall be tested for alcohol and controlled substances

### **Reasonable Suspicion Testing:**

The Board's determination that reasonable suspicion exists to require the driver to undergo a substances.

The testing of contract drivers shall be conducted by the same service providers that tests regular drivers, but under a separate contract.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b></p> <p><b>File: P.5. Transportation Employees’ Alcohol and Controlled Substance Testing</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review:</b></p> <p><b>September, 2011</b></p>
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The Pendleton County Board of Education has a vital interest in maintaining a safe, healthy and efficient work environment for its employees. Likewise, the Pendleton County Board of Education is committed to students, parents and the general public to operate its facilities safely and prudently. Consistent with these interests and according to the regulations promulgated by the United States Department of Transportation, Federal Highway Administration, pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Pendleton County Board of Education has adopted and implemented these Transportation Employees Alcohol and Controlled Substance Testing Procedures. These procedures create obligations and requirements over and above those articulated by the Pendleton County Board of Education Drug-Free Workplace policy.

**(P) P.5.1. Employees Required to Undergo Testing**

All employees of the Pendleton County Board of Education identified as "Driver" in these procedures will be tested for the following substances: 1) Marijuana; 2) Cocaine; 3) Opiates; 4) Phencyclidine (PCP); 5) Amphetamines; 6) Alcohol. **The definition of "Driver" includes Contract Bus Drivers.**

**(P) P.5.3. Definitions:**

- ❖ **Driver** has the same meaning such term has under 49 C.F.R. #382.107, and includes any person employed by the Board who operates a commercial motor vehicle including, but not limited to, the following persons employed by the Board: bus operator, substitute bus operator, chief mechanic, mechanic, assistant mechanic, truck drivers who hold a commercial driver's license (CDL), maintenance staff members who hold a CDL, school bus supervisors who hold a CDL, supervisor of maintenance and supervisor of transportation if either of these employees hold a CDL, and other employees of the Board who are required to hold a CDL to perform their jobs. In addition to the above employees of the Pendleton County Board of Education, other employees to be included in the drug and alcohol testing program will be those employees who hold a valid West Virginia certification as a bus operator license and may be transporting students in vehicles owned by the Board and/or state. **In Pendleton County, "Driver" also includes "Contract Bus Drivers".**

**(P) P.5.5. Required Alcohol and Controlled Substances Testing**

**Random Testing:**

- ❖ Drivers shall be tested for alcohol or controlled substances at various times on an unannounced, random basis.
- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of safety-sensitive driver positions.

- ❖ Consistent with applicable federal regulations (49 C.F.R. #382.305), the minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of safety-sensitive driver positions or such other percentage rate as is published by the DOT Federal Highway Administration in the Federal Register.
- ❖ The selection of drivers for random alcohol and controlled substances testing shall be made by the scientifically valid method of a computer-based random number generator that is matched with drivers' Social Security numbers.
- ❖ A driver may only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- ❖ If an employee (driver) has not been chosen through a scientifically valid method within a three year period, the Pendleton County Board of Education may request the employee to submit to a drug and alcohol test.

This policy is the result of Mr. Lambert asking me to do some research and “brainstorming” on the issue of employee/student fraternization. This is always a delicate issue in public schools, especially in this time of an expanding use of social networking and our changing cultural values. My research revealed that more and more public schools are taking an early stand against improper employee/student relationships of any kind.

First Amendment rights are always an issue that is brought to bear when individuals are questioned about the use of social networking, but I doubt that such an argument would play well in a case where an employee crosses the line between school related communications and personal communications.

This is a first draft which is subject to change or any other decision the staff may make.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b> <b>File: P.9. Professional Conduct and Responsibilities</b>	<b>Adopted: August 20, 2003</b> <b>Last Review:</b> <b>September, 2011</b>
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#### **(P) P.9.6. Employee/Student Fraternization**

The relationship between Pendleton County School’s staff members and students should be one of professional cooperation and respect. Staff members must set appropriate boundaries with students and conduct themselves in a manner that will maintain professional relationships with students at all times.

It is the policy of the Board of Education to prohibit any type of close personal relationship between a school staff member and a student that may reasonably be perceived as unprofessional, including, but not limited to the perception of a dating relationship.

It is also the policy of the Board of Education to prohibit any type of sexual relationship, sexual contact, or sexually-nuanced behavior between a staff member and an enrolled student without regard to the student’s age.

School staff is defined as the following:

- ❖ any individual employed by the Pendleton County Schools, including any student teachers, practicum students and fieldwork students;
- ❖ employees of contractors or agencies and independent contractors; and
- ❖ Board approved volunteers.

Student is defined as any individual enrolled in the Pendleton County Schools.

#### **Prohibited Behavior**

Staff members are prohibited from engaging in any of the following types of conduct, regardless of whether the conduct occurs on or off school property or whether the conduct occurs during or outside

of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.

- ❖ engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;
- ❖ fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the staff person as more than a teacher, administrator, or advisor;
- ❖ initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs. Electronic and online communications with students, including those through personal accounts, should be accessible to supervisors and should be professional in content and tone;
- ❖ socializing with students outside of class time for reasons unrelated to any appropriate purpose; and
- ❖ providing alcohol (regardless of age) or drugs — either prescription or illegal (except for those provided in accordance with district policy on medication administration to students).

The prohibition extends to students of the opposite sex or the same sex as the staff member and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

### **Reporting Procedures**

Any person with knowledge or suspicion of an improper relationship between a staff member and a student must immediately report the conduct to the school administration or the Superintendent's Office. Nothing in this paragraph is intended to relieve mandated reporters of their obligations under West Virginia law to report suspected child abuse. (See File: (P) P.9.3. *Reporting Suspected Child Abuse and Neglect*)

The Pendleton County Board of Education shall promptly investigate all reasonable allegations of prohibited staff/student relationships. The Board shall utilize the investigation procedures followed for complaints of sexual harassment within the school system (File: P.21. *Racial, Sexual, Religious, Ethnic Harassment and Violence*).

Disciplinary actions for employees may include, but are not limited to warning, suspension, immediate discharge and revocation of licensure. Personnel suspensions and dismissals would be pursuant to File: (P) P.8.7. *Suspension and Dismissal* and File: (P) P.8.8. *Due Process Rights of School Personnel*.

October 13, 2011

J.P. and the people in his office uncovered a couple of questions which should be discussed.

Question 1:

This is a "blast from the past"..We had a sick leave bank committee meeting recently and the requesting party is an employee is now a 1/2 time employee. The question was asked by a committee member, does a 1/2 time employee receive 20 full days (equal to 40 half days) or simply 20 1/2 days of sick leave under our current policy?

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In this case, I believe a half-time employee is never entitled to more than a half day of personal leave when absent because of illness or other acceptable reason. You could not legally pay her for a full day of service when s/he is on her own personal leave. In my view, this would be true of days withdrawn from the Sick Leave Bank. S/he would be entitled to withdraw the amount of time per day equal to her employment status (full or part-time).

Now to the question of does this person get 20 days from the Sick Leave Bank or 40??? I have revisited this question and reviewed the law and your policy a couple of times over the past year and my conclusion is that before you can answer that question you have to determine what "day" means. My research tells me that "day" means the same whether an employee is full-time or part-time. When the committee approves 20 days for an employee it means 20 of that person's day. No, a half-time employee would not get 40 half days. S/he would get 20 the same as a full-time employee.

Does this half-time employee contribute 2 full days of personal leave to the Sick Leave Bank each year or 1 day??? I believe the logical answer is 1 day. If benefits are pro-rated, then the contribution should be also. However, the law will not allow a donation of less than a full day.

Question 2:

Vicki here in payroll raises a good question which I don't have an answer to....Our policy has always stated that is listed below....but what does it mean if a person only wants to donate one day? Are they entitled to only 10 days at a time and 50 per year? If so, should we not clarify?

#### Contribution of Sick Leave Days

The first year of the establishment of the Sick Leave Bank, all members shall contribute two days. In every year thereafter, each member shall be assessed a donation of two days unless he/she notifies the payroll department he/she wishes to donate only one day. Such notice shall be given by September 30 the current school year.

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Your current policy clearly says that an employee must contribute two days to the "Bank" to establish his/her membership; however it implies that an employee maintains his/her membership in the "Bank" by donating at least one day per year. The rules also allow you to suspend contributions to the "Bank" in times of a surplus and to require additional contributions in times of need. Regardless of need, employees may not contribute more than two days per year. There is no

mention of a reduction in benefits if an employee only donates one day per year; therefore the trustees do not have the power to reduce benefits. The trustees could vote to modify the language in the policy to require all members to contribute two days each year contributions are required to maintain a healthy balance in the “Bank”.

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After much thought, I recommend that the trustees consider removing the option of employees opting to donate just one day during any contract period. It raises too many questions about equal treatment of employees who contribute to the “bank” and whether the number of days an employee may withdraw from the “bank” should be determined by how many days s/he contributes in any one year. This change will keep everyone on equal footing and it will ease the burden in the finance office.

**Question 3:**

Information provided by Howard Seufer alerted J.P. to the fact that Leave Bank Policies and Leave Donation Policies should contain the statement that school boards may not withhold retirement contributions from that portion of an employee’s compensation which is attributable to donated leave or leave withdrawn from a personal leave bank

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>P. PERSONNEL – PROFESSIONAL AND SERVICE</b>	<b>Last Review:</b>
<b>File: P.14. Personal Leave and Vacation Policy</b>	<b>September, 2011</b>

**(P) P.14.3. Sick Leave Bank**

Pursuant to the provisions of §18A-4-10 the Pendleton County Board of Education hereby establishes a Sick Leave Bank for professional and service personnel effective February 17, 2005. This Sick Leave Bank shall provide Pendleton County employees the option of offering assistance to fellow employees on those occasions when additional sick leave days are needed because of a "Catastrophic medical emergency". "Catastrophic medical emergency" means a medical or physical condition that:

- ❖ Incapacitates an employee;
- ❖ Is likely to require the prolonged absence of the employee from duty; and
- ❖ Will result in a substantial loss of income to the employee because the employee has exhausted all accrued personal leave.

*Special note: The U.S. District Court {Tawney v. BOE (1977)} has ruled that pregnancy is not a disease and is often untaken voluntarily and is a desired condition; therefore it is not within the definition of a Catastrophic Medical Emergency.*

**Sick Leave Bank Membership**

All regular (full and part-time) employees of the Pendleton County Board of Education are eligible for enrollment in the Sick Leave Bank on a voluntary basis. Temporary employees are not eligible to participate.

The initial enrollment period will run from February 17, 2005 through March 15, 2005. Any person under contract with the Pendleton County Board of Education shall be eligible to enroll and receive benefits. Under contract is to be construed as meaning all employees currently assigned to work stations within the county and those employees who are recovering from an extended illness and who are currently utilizing their accumulated sick leave days. Members who are currently on a leave of absence without pay, approved by the Pendleton County Board of Education, may join the Sick Leave Bank, but they cannot (while on leave) receive days from the Sick Leave Bank.

After the initial enrollment period established above, employees may join the Sick Leave Bank by signing a Sick Leave Bank Enrollment Form (contributing two days) on or before September 30 of the school year they choose to join. Days will be deducted within 30 days of the contribution.

Participation in the program will be limited to those who donate days to the bank each plan year. An employee's membership will automatically continue from year to year unless the employee notifies the payroll department in writing by September 30 of the current school year or terminates their employment with the Pendleton County Board of Education. A member cannot retrieve days once they have been donated.

### **Contribution of Sick Leave Days**

The first year of the establishment of the Sick Leave Bank, all members shall contribute two days. In every year thereafter, each full-time member shall be assessed a donation of two days. ~~unless s/he notifies the payroll department s/he wishes to donate only one day.~~ Part-time employees would contribute a pro-rated amount of time based upon their employment status (i.e. half-time employees contribute one day) ~~Such notice shall be given by September 30 the current school year.~~

The total of all days contributed from each professional and service member will comprise the Sick Leave Bank.

### **Surplus/Depletion of Bank**

In the event the bank becomes depleted below 100 days, all members shall be notified that they must donate additional days. However, no employee may contribute more than two sick leave days per year.

In the event the Board of Trustees determine that there is a sufficient number of days accumulated in the sick leave bank, it may announce to its members from the previous year that they will not be required to contribute days to maintain their membership for the next plan year. However, employees choosing to join the Sick Leave Bank during a year in which members are not required to donate days because of a surplus of days must donate two days to be bank to establish their membership in the bank.

By donating days to the leave bank, the employee relinquishes all claims to all personal days donated to the Sick Leave Bank.

### **Eligibility for Use of the Sick Leave Bank**

- ❖ Sick Leave Bank days shall only be used by members who have donated days in the current plan year.
- ❖ Sick Leave-Bank days may be used only by an active member who has less than five days remaining of accumulated sick leave or vacation days who is absent from work owing to an accident or illness of the employee.

- ❖ A Sick Leave Bank Enrollment Form must be completed and submitted to the payroll department before any benefits can be awarded under this policy.

### **Board of Trustees**

The Board of Trustees will be composed of the Superintendent or designee who will serve as chairperson of the Board, a Pendleton County Principal, two professional employees, and two service employees appointed by the Superintendent. No member can serve more than three consecutive years. The Board of Trustees duties shall include but are not limited to:

- ❖ Review and approve requests for withdrawals from the Sick Leave Bank;
- ❖ Review appeals from members whose requests have been denied; including the documentation they present to justify their appeal;
- ❖ Maintain a record of days available in the Sick Leave Bank;
- ❖ Determine the need for additional days in the Sick Leave Bank;
- ❖ Report abuses to the Board of Education and seek an investigation of the abuse; and
- ❖ Make recommendations for revisions to these procedures to the Superintendent.

### **Operation of the Sick Leave Bank**

- ❖ Employees who wish to utilize the Sick Leave Bank must submit a Sick Leave Bank Withdrawal Form to the payroll department of Pendleton County Schools.
- ❖ A medical doctor's statement, which includes a diagnostic code and expected date of return to work, must accompany the Sick Leave Bank Withdrawal Form before the Board of Trustees can consider the request. A second opinion may be requested by the Board of Trustees at the employees' expense.
- ❖ The withdrawal request must be approved by the Board of Trustees. Upon approval by the Board of Trustees, a maximum of 20 days shall be deposited in the recipient's account. ***(20 full days for a full-time employee and 20 pro-rated days for part-time employees)***
- ❖ If extenuating circumstances merit additional days an extension may be granted upon submission of a reapplication of the request. The total number of withdrawal days annually may not exceed 100 days for any plan member. Once an employee has received 100 days of personal leave from the leave bank, that employee shall not be eligible to receive any additional days during the current school year (July 1 through June 30) notwithstanding any other provisions of these regulations.
- ❖ Employees who have obtained a written release from their physician stating that they are able to return to work on a half-time basis shall be permitted to withdraw half days from the Sick Leave Bank for the time required for a full recovery from their illness/injury or until they have exhausted the days that have been awarded to them by the Board of Trustees.
- ❖ Unused bank days deposited in the recipient's account shall revert to the bank.
- ❖ The member may appeal to the Board of Trustees in the event an initial request or a renewal request is denied. The appeal will be considered if sufficient new data is provided.
- ❖ No member who is receiving payments from the West Virginia Worker's Compensation Fund shall be permitted to receive days from the Sick Leave Bank.
- ❖ Members who request and receive a leave of absence without pay, approved by the Pendleton County Board of Education, cannot (while on leave) receive days from the Sick Leave Bank.
- ❖ The Board of Trustees shall respond to a withdrawal request for days to be awarded to a member within five working days. All approved withdrawal requests for donations will then be forwarded to the payroll department.

- ❖ If an employee should become incapacitated, his/her application may be submitted to the committee by the employee's spouse, or if no spouse exists, then a member of the family on their behalf.
- ❖ The Board of Trustees reserves the right to request the Board of Education to investigate all alleged abuses of Sick Leave Bank privileges by a member of the Bank. Disciplinary actions shall remain the responsibility of the Superintendent and the Board.

### **Limitations**

- ❖ An employee is not required to reimburse the Bank for days they have used.
- ❖ Normal pregnancies shall not constitute any eligibility for Sick Leave Bank days.
- ❖ No employee may be compelled or coerced to enroll in the Sick Leave Bank.
- ❖ If the Board of Trustees determines by a majority vote that revisions to these procedures are necessary; the revised procedures are to be submitted to the Superintendent of schools. If the Superintendent agrees with the change, he/she will submit the recommend changes to the Board of Education for its consideration. Stakeholders shall be given the normal access to comment on policy and procedural changes as defined in Board policy regarding such changes. Comments shall be shared with the Board of Trustees for review and a final recommendation from that body prior the Board's adoption of any recommended changes.
- ❖ Sick Leave Bank Days may not be used to:
  - Qualify for or add to service for any retirement system administered by the state; therefore, the Board may not withhold retirement contributions from that portion of an employee's compensation which is attributable to donated leave or leave withdrawn from a personal leave bank; or
  - Extend insurance coverage pursuant to §5-16-13 of the code.
- ❖ Each personal leave day contributed:
  - Is deducted from the number of personal leave days to which the donor employee is entitled;
  - Is not deducted from the personal leave days without cause to which a donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
  - Is credited to the receiving employee as one full personal leave day;
  - May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
  - May be used only for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic medical emergency ends revert back to the leave bank.  
(WVC §18A-4-10)

### **(P) P.14.4. Personal Leave Donation Program**

West Virginia Code §18A-4-10(f) requires the Pendleton County Board of Education established a leave donation program pursuant to which a donor employee may transfer accrued personal leave to the personal leave account of another designated employee. This program is designed to offer assistance to employees who have exhausted all accrued personal leave, is not eligible to receive leave (or any more leave) from the sick leave bank, and requires additional personal leave because of a medical or physical condition that incapacitates the employee or an immediate family member for whom the employee will provide care.

The Board may not limit the number of personal leave days a donor employee may transfer to a receiving employee who is his or her spouse, nor may it limit the total number of personal leave days an employee receives under the program. However, the Board may limit the number of days a donor employee transfers to a receiving employee who is not his or her spouse.

A medical doctor's statement which describes the "Medical Catastrophic Emergency afflicting the employee and the expected date of return to work, must accompany the Personal Leave Donation Form before the Personnel Office can consider the request.

### **Definitions:**

For the purposes of these regulations, the following words have the meanings specified unless the context clearly indicates a different meaning:

- ❖ "Catastrophic medical emergency" means a medical or physical condition that:
  - Incapacitates an employee or an immediate family member for whom the employee will provide care;
  - Is likely to require the prolonged absence of the employee from duty; and
  - Will result in a substantial loss of income to the employee because the employee:
    - Has exhausted all accrued personal leave; and
    - Is not eligible to receive personal leave or has exhausted personal leave available from a leave bank established pursuant to this article;
- ❖ "Employee" means a professional educator or school service person who is employed by the Board and is entitled to accrue personal leave as a benefit of employment;
- ❖ "Donor employee" means a professional educator or school service person employed by the Board who voluntarily contributes personal leave to another designated employee; and
- ❖ "Receiving employee" means a professional educator or school service person employed by the Board who receives donated personal leave from another employee

***Special note: The U.S. District Court {Tawney v. BOE (1977)} has ruled that pregnancy is not a disease and is often untaken voluntarily and is a desired condition; therefore it is not within the definition of a Catastrophic Medical Emergency.***

The following conditions must be met in implementing the Personal Leave Donation Program:

- ❖ The donor employee voluntarily agrees to the leave transfer;
- ❖ The donor employee selects the employee designated to receive the personal leave transferred; and
- ❖ The receiving employee requires additional personal leave because of a catastrophic medical emergency.
- ❖ The maximum number of days that may be donated to a non-spouse employee shall be five
- ❖ The donated leave may not be used to:
  - Qualify for or add to service for any retirement system administered by the state; ; therefore, the Board may not withhold retirement contributions from that portion of an employee's compensation which is attributable to donated leave or leave withdrawn from a personal leave bank; or
  - Extend insurance coverage pursuant to §5-16-13 of the code;

- ❖ Each personal leave day contributed:
  - Shall be deducted from the number of personal leave days to which the donor employee is entitled;
  - Shall not be deducted from the number of personal leave days without cause to which the donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
  - Shall be credited to the receiving employee as one full personal leave day;
  - May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
  - May be used only for an absence due to the purpose for which the leave was transferred.
  - Any transferred days remaining when the catastrophic medical emergency ends revert back to the donor employee.
- ❖ An employee may not be coerced or compelled to contribute to a leave donation program.

*Special Note: Professional personnel who receive donations from service personnel shall receive pay at the professional personnel rate—not the service personnel rate.*

*Service personnel who receive donations from professional personnel shall receive pay at the service personnel rate.*

**(WVC §18A-4-10F)**

In February, J.P. and I exchanged some e-mails in which we were discussing some confusion between several transportation policies, especially those associated with curricular and extra-curricular trips. As a result of those discussions, I thought it would be helpful to split up the existing File: T.1. Student Transportation and create a new File: T.1.1 Guidelines for Curricular and Extracurricular Trips. This action will separate the general transportation guidelines from the more demanding curricular and extra-curricular guidelines. In the process, I have inserted some new language suggested by you and cleared up a couple of contradictions between policy statements which got by me. Significant editing and amended language are highlighted.

The new look T.1. and T.1.1. are as follows and so far as I know the changes have not been adopted by the Board because we generally wait and submit changes once each year.

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b></p> <p><b>File: T.1. Student Transportation</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review: September, 2011</b></p>
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The Pendleton County Board of Education shall have authority to provide, at public expense, adequate means of transportation for all children of school age that live more than two miles distance from school. Enrolled students, employees or persons approved by a county board of education are the only passengers to be transported by the county school transportation system.

Pendleton County buses may also cross county lines to transport students transferring from one district to another by mutual agreement of both county boards of education. The agreement shall be recorded in the meeting minutes of each participating board.

The Board may also transport school children participating in Board-approved curricular and extracurricular activities. In all cases, **only school bus operators employed by the Board shall operate type A1, A2, B, C and D buses on such trips.** ~~the bus or other transportation vehicles owned by the Board of Education may only be operated by drivers regularly employed by the Board of Education.~~ Buses may be used for extracurricular activities only when the insurance coverage required by law is in effect.

The only other transportation specifically authorized by statute is the transportation of participants in projects operated, financed, sponsored, or approved by the Commission on Aging. If these participants are provided transportation services, all costs and expenses incident in any way to the transportation shall be borne by the Commission on Aging or the local or county chapter thereof. (WVC §17C-14-12; §18-2-5; §18-5-13; §18-5-16; §18-9A-7; SBP 4334 and SBP 4336)

[Home](#)

**(P) T.1.1. Student Transportation Service Procedures**

The Pendleton County Board of Education shall provide transportation to and from school for all school age children living more than two miles distant from the school they attend. Public school students who live on a regular school bus route, two miles or less from their designated school, may be transported on a school bus, provided their enrollment on the bus does not exceed the seating capacity of the bus so assigned or bus safety is not a factor.

Regular established school bus stops should be at least two-tenths of a mile apart. Where transportation service exists, the route may be discontinued only as directed by the Board upon the recommendation of the Superintendent, unless emergency conditions exist; whereupon the Superintendent shall use his/her discretion and subsequently submit a plan for the elimination of transportation problems to the Board. New school bus routes shall not be established where the distance involved is two miles or less one way.

Once students have boarded a school bus, either going to school or home from school, they shall not be permitted to leave the bus for transportation in private vehicles. An exception may be made if the student is being picked up by a parent or guardian and the appropriate bus drivers and principals are made aware of such a transfer.

[Home](#)

**(P) T.1.2. School Personnel Responsibilities**

The Board of Education expects its bus drivers and all others associated with school transportation to be fully acquainted with and to respect the policies, rules and regulations governing the transportation of pupils as approved by the Pendleton County Board of Education, State Department of Public Safety (State Police) and the State Motor Vehicles Commission along with all regulations described in the Commercial Drivers License Manual. All bus drivers shall be provided with the most recent copy of SBP 4336 - West Virginia School Bus Transportation Policy and Procedures Manual.

Drivers shall keep accurate accounting of the residences of all students they transport. In the event of any student no longer riding an assigned bus, any new student riding a bus, or any student changing the school they are attending the driver is to immediately report the information to the school principals and provide a written note attached to their monthly reports. Bus drivers shall deliver completed reports to the Transportation Supervisor two days after the end of the school month. Failure to report promptly shall be considered neglect of duty. All school buses shall be parked, stationed, or stored at a place designated by the Director in Charge of Transportation.

[Home](#)

**(P) T.1.2.1. Parental Responsibilities**

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

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

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

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

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

[Home](#)

### **(P) T.1.2.2. Student Responsibilities**

Students who are receiving transportation services from the Pendleton County Board of Education shall:

- ❖ Walk on the left side of the road facing traffic;
- ❖ Wait on the bus at the designed stop in an orderly manner;
- ❖ Board the bus in an orderly manner;
- ❖ Follow the school bus operator=s/aide=s instructions at all times;
- ❖ Comply with Policy 4373 Student Code of Conduct;
- ❖ Be responsible for vandalism that occurs on a seat in which they ride;
- ❖ Not eat, drink, or place objects in their mouth that may cause a choking hazard while on the bus except for medically necessary foods or medications according to SBP 2422.8 – Medication Administration;
- ❖ Change seats only with permission of the school bus operator when the bus is not in motion;
- ❖ Avoid unnecessary conversation with the school bus operator;
- ❖ Keep heads and arms inside bus windows at all times;
- ❖ Report any open exit or released hatch to the school bus operator immediately; and
- ❖ Provide enrollment information to the school bus operator.

Students shall not:

- ❖ Ride in stepwell or forward of front row seats;
- ❖ Stand while bus is in motion, at any time a seat is available;
- ❖ Throw, or pass, any object of any nature into or from the bus through a door or window;
- ❖ Use profane or obscene language; or
- ❖ Open emergency exits, except during emergencies, unless directed by the school bus operator.

[Home](#)

### **(P) T.1.3. Student Commutes – Home to School**

Students generally arrive at school via one of these means: walking, riding in a private vehicle, or riding a County-operated school bus. The following principles are provided for the child's safety and the efficiency of the total school operation.

- ❖ Those students who walk should always walk on the left side of the road facing traffic and cross the highway only after carefully checking both ways for on-coming traffic.
- ❖ Following the dismissal bell, those students who walk, will assemble at a safe place away from school bus loading and wait for directions from teachers who will help them safely exit the area. All students present during the dismissal procedures are expected to comply with the authority and directions of the teachers in charge.

- ❖ Parents who deliver their children to school are asked to let them out of the car along a sidewalk, where applicable. Automobile drivers are to be careful not to block the route of arriving, departing or unloading school buses. Drivers who overtake buses with loading lights activated will be reported to the school administration by any employee who witnesses such action and a letter of warning will be sent to the offending driver.
- ❖ Students who ride the school bus shall obey the posted rules and regulations governing school bus passengers. They should become familiar with those rules as soon as possible. In addition to those posted guidelines, the following shall be observed:
  - A bus driver has the same authority as a teacher or parent while students are on the bus and all passengers should be respectful to the bus drivers and obey their instructions;
  - Students are expected to remain in assigned seats unless the bus driver gives permission to do otherwise; and
  - Upon arrival at school, students are expected to directly enter the school and report to their homerooms.
- ❖ Any student who plans to ride another bus or go home in any manner other than usual shall present a written excuse to the principal prior to leaving the school grounds. The student shall not be permitted to ride another bus that is already loaded to rated capacity.
- ❖ All students should make it a point to be consistently safe whatever manner of transportation they use.

[Home](#)

**(P) T.1.4. School Bus Scheduling and Routing**

The generation of school bus schedules and routes along with periodic review and at least annual modification is the responsibility of the Director of Transportation. The Director of Transportation shall have the responsibility of scheduling bus routes in such a fashion that riding time and duplication of service shall be minimal. Route assignments to drivers are for a specific area of the County and may be extended or shortened within the assigned area as the student residents in that area change. The Director of Transportation should include principals in the planning of bus schedules where their schools are involved or where specific problems occur. Any driver who knowingly fails to pick up children assigned to his/her route at the beginning or during the school term, shall be considered in neglect of duty and shall be subject to disciplinary action. Drivers are also required to follow the route and schedule as established and to be at each stop at the appointed time as nearly as can be safely accomplished. In the generation of schedules and routes the following guidelines shall be followed:

- ❖ A school bus route shall generally not be established for children who live less than two miles from school.
- ❖ Regular established school bus stops shall be at least two-tenths of a mile apart. The Director of Transportation shall have the authority to make necessary adjustment in unusual circumstances.
- ❖ In case of emergency road conditions, the driver may have the authority to change bus stops for safety reasons.

**Standards for the duration of school bus transportation times for students to and from school:**

The high quality standards for transportation adopted by the state board pursuant to §18-2E-5D shall include standards for the recommended duration of the one-way school bus transportation time for students to and from school under normal weather and operating conditions as follows:

- ❖ For elementary school students, 30 minutes;

- ❖ For middle school, intermediate school and junior high school students, 45minutes; and
- ❖ For high school students, 60 minutes.

The Board may not create a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, 2008, which exceeds by more than 15 minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the state board in accordance with subsection (a) of §18-2E-5D unless:

- ❖ The county board adopts a separate motion to approve creation of the route and request written permission of the state board to create the route; and
- ❖ Receives the written permission of the state board to create the route.

The Board may not create, nor may the state board permit, the creation of a new bus route for the transportation of students in any of the grade levels prekindergarten through grade five to and from any school included in a school closure, consolidation or new construction project approved after the first day of July, 2008, which exceeds by more than 30 minutes the recommended duration of the one-way school bus transportation time for elementary students adopted by the state board in accordance with subsection (a) of §18-2E-5D.

The state board shall provide technical assistance to county boards with the objective of achieving school bus transportation routes for students which are within the recommended time durations established by the state board.

[Home](#)

**(P) T.1.5. Payment In Lieu of Bus Transportation**

Circumstances and conditions may sometimes exist that justify the payment of an in lieu of transportation fee to the parents/guardians of certain students. In such cases the parent/guardian shall receive the same county reimbursement rate per loaded mile that other persons receive for performing services for the school system (**loaded mile means transporting students to and from school**). However; the Board recognizes that on rare occasions extreme travel conditions may exist and in such cases it authorizes the Superintendent to further review the circumstances to determine if there is justification to deviate from the standard plan.

The Superintendent shall make a recommendation to the Board after he/she, in collaboration with the Director of Transportation, has investigated the existing conditions. The appropriate school officials shall fully explain the circumstances to the parents/guardians of the student and secure their approval of the plan. The plan must be in writing, signed by the Superintendent and the parents/guardians and shall be executed annually if the need for such an arrangement extends beyond the current school term.

[Home](#)

**(P) T.1.6. Transporting Special Needs Students**

To assist with the efficient and safe transportation of special needs students in the Pendleton County school system the following guidelines shall be implemented:

- ❖ Students with disabilities' Individualized Education Program (hereinafter IEP) shall specify the bus modifications and support required for transporting the student when appropriate.
- ❖ When transportation of a student with disabilities necessitates a transfer while en route, appropriate supervision at the point of transfer remains the responsibility of the county school system.
- ❖ Vehicle requirements for use in transporting students with disabilities shall be guided by West Virginia Board of Education Policy 4334, "Minimum Requirements for Design and Equipment of School Buses for West Virginia."
- ❖ The county school system may terminate bus transportation service if the parent persistently fails to meet the bus at a designated stop. For these situations, due process procedures shall be made available to the parents and students.
- ❖ The school bus operator and/or the bus aide, when appropriate, shall:
  - Assist and supervise students with disabilities.
  - Complete first aid training. School bus operators and school bus aides transporting students with disabilities shall be trained on Section 1 of the "West Virginia School Bus Operators Training Manual."
- ❖ The special education director or designee shall provide the following information to the transportation director or designee:
  - Student's name and address.
  - Parent's name, address, home and work telephone numbers.
  - Emergency health care information and/or health care plan.
- ❖ When the IEP requires that medicine is to be provided to a student with disabilities while being transported, the procedures shall be in accordance with the Administration of Medication Policy
  - Aides shall receive training by the school nurse in medication administration or in the delivery of other basic or specialized health care procedures as specified in West Virginia Board of Education SBP 2422.7, "Standards for Basic and Specialized Health Care Procedures."
- ❖ Parents/guardians of students with disabilities shall assist in the transportation of their child by:
  - Providing documentation on the special care needed.
  - Bringing the student to the bus stop and providing the necessary supervision.
  - Picking up the student at the designated time at the designated bus stop.
  - Contacting the school bus operator if the child is to be absent.
- ❖ The transportation system shall implement SBP 4373 in conjunction with West Virginia Board of Education Policy 2419, "Regulations for the Education of Exceptional Students."

[Home](#)

Amended/Revised:      October 4, 2004; December 21, 2005; October 9, 2007; March 25, 2008;  
    August 26, 2008; February 9, 2010; September 6, 2011

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b></p> <p><b>File: T.1.1. Guidelines for Curricular and Extracurricular Trips</b></p>	<p><b>Adopted: August 20, 2003</b></p> <p><b>Last Review: September, 2011</b></p>
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County owned or leased vehicles, which fall into the category of bus transportation, and are used to transport students to school-sponsored activities, must meet state school bus or public transit ratings.

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

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

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

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

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

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

**Supervision of Students**

The bus operator is always in charge of the bus and his/her directions must be followed; however, SBP 4336 West Virginia School Bus Transportation Policy and Procedures Manual mandates that a professional employee shall accompany any group of school students on curricular or extracurricular trips. Each additional bus shall be supervised by a professional employee or person approved by the Board. The principal shall assure that provisions for specialized health care needs for passengers are made if necessary. The school shall provide a list of persons to be transported on the bus to the bus driver. At the discretion of the Superintendent, additional Board approved chaperones may be assigned.

The Pendleton County Schools approved teacher/chaperone-student ratio is as follows:

- ❖ 1- 10 students = one teacher/chaperone
- ❖ 11-15 students = two teachers/chaperones
- ❖ 16-20 students = three teachers/chaperones

### **Teacher Compensation and Substitutes:**

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

A substitute teacher may be provided for all professional employees approved to participate in these activities.

### **Overnight vs. Day Trips**

Competitions which take place within a 150 mile radius of Franklin shall be approved as day trips. Competitions which take place in locations such as Charleston shall be approved as overnight trips.

Students and sponsors who are participating in events that have a starting time prior to 10:00 a.m. may be approved for an overnight stay the night before the competition and an overnight stay the day of the event if said event extends beyond 5:00 p.m.

### **(P) T.1.1.1. Field Trips and Excursions**

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

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

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

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

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

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

[Home](#)

**(P) T.1.1.2. Curricular and Extra-Curricular Trips in County Owned or Leased Vehicles**

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

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

**(P) T.1.1.3. Curricular and Extra-Curricular Trips Where County Owned or Leased Vehicles are not Utilized**

From time to time students may travel individually to an event. This usually occurs when the distance is short or when the number of participants to be transported is so small the cost of using a bus is prohibitive. In such instances, the school employee in charge shall inform the principal of his/her intent to utilize this mode of transportation one week in advance of the event.

The student must present to the school employee in charge, **IN WRITING PRIOR TO THE TRIP**, a completed (P) *T. 1.1.3.1. Parental Waiver of Liability Form*. Only one form per school year will be required for students who participate in more than one activity or who participate in an activity that is comprised of multiple trips such as athletics, band, etc.

In these instances, the school employee in charge of the activity and the Pendleton County Board of Education's liability is limited to the period of time extending from the student participant's arrival at the event site until he/she is dismissed from the event by the person in charge. All other liability for the participant's safety lies with the parents or their designated driver/chaperone. Parents are **STRONGLY** advised against allowing students to drive to events unaccompanied by his/her parents or other responsible adult. (See (P) *T. 1.1.3.1. Parental Waiver of Liability Form*)

These regulations shall be observed for trips that include, but are not limited to:

- ❖ Athletic trips;
- ❖ County sponsored events such as math/science field days, programs involving all schools; and
- ❖ Band and vocational trips approved by the Superintendent;

[Home](#)

(P) T.1.1.3.1

**PARENTAL WAIVER of LIABILITY FORM**  
\_\_\_\_\_ **School Term**

I understand and agree that my child/children may from time to time be transported in personal vehicles not owned or operated by the Pendleton County Board of Education and that the Board is not legally responsible for my child's wellbeing. I also agree that in the event I provide transportation in my personal vehicle that I accept full responsibility and hereby release the Board.

The Pendleton County Board of Education's and its agents' liability is limited to the period from the student participant's arrival at the event site until he/she is dismissed from the event by the person in charge. All other liability for the participant's safety lies with the parent or his/her designated driver/chaperone.

Student: \_\_\_\_\_

Student: \_\_\_\_\_

Student: \_\_\_\_\_

Student: \_\_\_\_\_

\_\_\_\_\_  
Parent's Signature

Date: \_\_\_\_\_

**(THIS FORM IS TO BE RETURNED TO THE SPONSOR OF THE ACTIVITY)**

[Home](#)

**(P) T.1.1.4 Professional Personnel Transporting Students in Private Vehicles**

When no other option is available, professional personnel may transport students to an activity in their private vehicle provided they have a valid driver's license, the vehicle has an up-to-date state inspection sticker, and proof of adequate insurance coverage is on file in the Superintendent's

**Principal's** Office

Employees may submit a request for mileage reimbursement for approved trips.

**(P) T.1.1.5. Charter Buses**

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

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

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

**Contracting Authority**

It must be noted that the state of West Virginia does not recognize individual schools as legal entities; therefore, principals do not have the legal authority to enter into long-term contracts or contracts which involve county personnel and or funding (i.e., long-term contracts with vending companies, charter

buses, and other long-term contracts). Such contracts must be entered into with the Board of Education serving as the legal entity. Principals do have the authority to expend “quasi public” funds and may enter into short-term contracts involving those types of expenditures (i.e. yearbooks, class pictures, athletic contests, rings, gowns, programs, etc.)

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

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

[Home](#)

#### **(P) T.1.1.6. Transporting Groups Fewer Than Ten Students in County Autos/Vans**

Designated county owned automobiles and vans may be used to transport a small number of students on those occasions when it is not practical to utilize a full-sized bus. SBP 4336 permits the use of county-owned vehicles which have a valid inspection sticker, which are properly insured and are operated by a professional employee when the following conditions are met:

- ❖ The driver of these vehicles must have gone through a driver training program.
- ❖ **The driver has a valid driver's license.**
- ❖ Automobiles and vans with seating for 10 persons (including the driver) or less may be utilized.
- ❖ No more than one van may be used for an activity.
- ❖ Seats may not be removed from a larger capacity van to make it a 10 passenger vehicle.  
(SBP 4336)

#### **(P) T.1.1.7. Providing Student Transportation to State Academic Competitions**

Throughout the school term, students may be involved in individual state academic competitions. Effective July 1, 2010, travel arrangements for students participating in the State Academic Competitions shall be handled by the Central Office Staff member designated by the Superintendent.

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

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

This funding does not apply to departments which have specified funding sources for such trips, such as Career/Technical programs.

If a school chooses to send students to a state awards ceremony, the cost for the trip will be borne by the individual student or school.

**Groups of Ten or More Students:**

Travel will be by county owned or leased transportation. Parents may decline to send their children with the county group; however, in doing so they must understand that they are not eligible for reimbursement from the Board of Education for expenses incurred for travel.

**Groups Fewer Than Ten Students:**

Small groups of students may be transported to out-of-county school sponsored academic competitions in designated county-owned vehicles other than buses. For additional information concerning this mode of transportation, please see (P) [T.1.1.6. Transporting Groups Fewer Than Ten Students in County Autos/Vans](#)

[Home](#)

**(P) T.1.1.8. Regulations for Bus Operators**

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

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

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

Time accounting for bus drivers and other similarly situated service personnel accepting extracurricular trips shall be in compliance with the Fair Labors Standard Act as follows:  
(*SBP 4336*)

**Off Duty Time:**

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

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

### **Overnight Trips:**

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

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

### **Single Day Trips:**

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

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

### **FMCSA Regulations (Federal Motor Carrier Safety Administration):**

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

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

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

A driver who encounters adverse driving conditions, such as snow, sleet, fog, etc., and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by

FMCSA Regulations may be permitted or required to drive his/her vehicle for not more than two additional hours in order to complete that run or to reach a place offering safety for the occupants of the vehicle.

**SBP 4336 Regulations Regarding Driving Time:**

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

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

[Home](#)

June 15, 2012

Mr. Lambert requested that the following polices be drafted for review and discussion.

(P) T.4.13. Integrated Pest Control Management

(P) T.4.14. Key Control Policy

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review: September, 2011</b>
<b>File: T.4. Safety – People and Property</b>	

**(P) T.4.13. Integrated Pest Control Management**

In compliance with WVC §61-12j-1, the Pendleton County Board of Education establishes the following Integrated Pest Control Management policy. All buildings operated by the Board should exemplify cleanliness and be free of pests. In order to meet this commitment, this policy is designed to provide a responsible environment through pest-free facilities, comfort to building occupants, structural integrity of facilities and efficiency to the process of eliminating pests within buildings, and to collect and disseminate information about pests and pest control in the facilities operated by the Pendleton County Board of Education.

**Definitions:**

For the purposes of this policy, the following definitions shall apply:

- ❖ **Crack and crevice treatment** - the application of small amounts of insecticides, using application devices specially designed for this purpose, into openings commonly found at expansion joints, between different elements of construction, and between equipment and floors or walls.
- ❖ **Broadcast** - the application of pesticides over an area such as a lawn, field, room, crawl space, or other such surface. The term does not include crack and crevice or spot applications made to select plants, insects, soil, or surfaces.
- ❖ **Least hazardous materials** - the use of pest control materials, practices and methods, including the use of chemicals in a manner to cause the least practical exposure or harm to the occupants of a structure. The “least hazardous materials” takes into account the pest control method, toxicity of the product and the exposure to the occupants to the practice or methods employed to control pests, such as the use of a non-volatile material formulation and or application method as opposed to a broadcast application that creates the potential for exposure.
- ❖ **Pesticide** - the use of insecticides and herbicides that are sprayed into or around a building and the adjacent play grounds utilized by a school or day care center.
- ❖ **School** - a completed structure utilized as a public or private school, grades kindergarten through twelfth grade.
- ❖ **Space treatment** - the application of a pesticide that is intended to discharge the pesticide into the air throughout an entire room or area.

- ❖ **Spot treatment** - the application of a pesticide to a limited area where pests are likely to occur, such as portions of floors or walls, the base or underside of equipment, turf or ground and shall not be construed to be a broadcast treatment of baseboard areas. A "spot" shall not be more than 2 square feet and shall not be more than 20 percent of a surface area.
- ❖ **Re-entry period** - the time that must elapse from the completion of a pesticide application until students or school and day care employees may enter the building to conduct scheduled activities.
- ❖ **Integrated pest management** - a system of controlling pests in which pests are identified, action thresholds are considered, control options are evaluated and selected controls are implemented.
- ❖ **Control options** - are biological, chemical, cultural, manual, and mechanical methods used to prevent or remedy unacceptable pest activity or damage. Choice of control options is based on effectiveness, environmental impact, site characteristics, worker/public health and safety, and economics.

### **Education of Building Occupants on Integrated Pest Management Practices:**

- ❖ All employees shall receive training on Integrated Pest Management practices which shall include, but not be limited to, the goals and objectives of the program, health and safety matters and the use of pesticides within and around buildings.
- ❖ All students shall be informed of the intent of the program with particular emphasis on health and safety concerns.
- ❖ Special training shall be provided for any employee who may be in direct contact with devices used in the catching, counting and/or identification of pests.

### **Integrated Pest Management Plans:**

- ❖ Pest management plans shall be written for each building. Each plan shall contain the results of a survey of the facility. The survey shall record the structural maintenance, cultural or sanitation practices needed to implement a successful integrated pest management program. This survey shall be updated as required.
- ❖ Pest management plans shall contain objectives and pest threshold levels based on the school facility and the occupants of the facility. School Improvement Councils may review and approve the schools integrated pest management plan.
- ❖ Completed integrated pest management plans shall be filed with the Commissioner for compliance inspection. When any changes are made to the program, the revised integrated pest management plan shall be submitted to the commissioner prior to the initiation of the new plan.

### **Inspection and Monitoring Activities:**

- ❖ Each building shall maintain a floor plan which specifies the location and number of each trap.
- ❖ Two inspections per month will be made of each trap. Results of inspections will be listed on a "Pest Surveillance Data Sheet" and will include the date of inspection, trap number and location, trap condition, the quantity and species of pests trapped, and other evidence of pests or need for pest management, and the name of person(s) performing the service.
- ❖ Traps will be replaced every two months, or when the adhesive is no longer tacky, or the trap is full.
- ❖ All pests will be removed and disposed of after being counted and identified.

### **Control Methods:**

Once the number and type of pest(s) have been determined, a determination will be made as to the most effective means of treatment.

### **The Hierarchy of Pest Control Methods is as Follows:**

**Level 1** - Non-chemical Control Methods include pest-preventive measures that are incorporated into existing structures. Such preventive measures reduce the need for pesticide applications, and include sanitation such structural repairs as sealing cracks, and such physical and mechanical controls as screens, traps, and air doors.

**Level 2** – Least Hazardous Materials - if non-chemical pest management methods alone are ineffective or impractical, it may be necessary to incorporate a pesticide into the integrated pest management program. There are a number of pesticide materials that are determined to be of low impact to occupants because of their organic or biological nature, low toxicity, relative non-volatility, and or low or non-existent exposure to the occupants due to the manner in which they are applied as baits, gels or dusts into cracks and crevices or wall voids. The least hazardous pesticides are those with a Caution signal word (EPA toxicity categories III and IV) such as botanical pesticides - pyrethrin and the synthetic pyrethroids; the inorganic insecticides - boric acid, disodium octaborate tetrahydrate, silica gel, and diatomaceous earth; insecticidal soaps; insect growth regulators biological control agents – fungi, bacteria, nematodes; baits in tamper-resistant containers or for crack and crevice placement only. These products have no re-entry interval due to their level of safety.

**Level 3** - Crack and Crevice and Spot Treatments - Products with an EPA Caution signal word not listed under Level 2 and applied as crack and crevice or spot treatments. Products applied by these methods provide for reduced, minimal use of liquid materials that may present some, but limited volatility of the pesticide applied. The re-entry interval for which students and employees are to remain out of the facility after the conclusion of treatment is four hours or the time period specified on the pesticide label as registered by the United States Environmental Protection Agency, whichever is greater.

**Level 4**- Broadcast Applications and Space Treatments - Products with a Caution signal word applied by broadcast application or as a space treatment or products with a Warning or Danger signal word applied by any application method. Products applied as fogging agents are usually of low mammalian toxicity and pose little exposure after label re-entry times specified by the United States Environmental Protection Agency. The reentry interval for which students and employees are to remain out of the facility after the conclusion of treatment is eight hours or the period specified on the label of the pesticide product as registered by the United States Environmental Protection Agency, whichever is greater.

### **Prior Notification:**

**Employees:** All schools shall notify their employees at least 24 hours in advance of the application of pesticides. Notification to employees shall be by routine announcement or individual notice to each employee of a facility where pesticides are to be applied.

**Parents or Legal Guardians:** At the beginning of each school year or at the time a student is enrolled into the school, school administrators shall notify the parents or guardians of their right to be informed of the application of pesticides in levels 3 and 4. This notification shall contain a registration form, whereby the parent or guardian can request to be notified by the school administrator of the application of pesticides. The administrator of the school shall provide notification to the parent or guardian requesting such notification at least 24 hours in advance of the pesticide application.

### **Application of Pesticides:**

There shall be no application of pesticides made in the presence of students or employees except those employees who are Certified Pesticide Applicators. The only exception to this policy statement would be for application of a pesticide to a localized area of infestation if the

infestation causes imminent threat of bodily harm (bees, wasps, etc.). Pesticide applications are to be made only by Certified Commercial Pesticide Applicators certified under General Pest Control and Urban Pest Management or by registered technicians under the supervision of a certified applicator. All persons applying pesticides, supervising, or providing services as a consultant must complete a specialized training program in Integrated Pest Management that has been approved by the Commissioner, WV Department of Agriculture.

#### **Record Keeping:**

Records of the Integrated Pest Management program are to be kept for two years and shall be made available upon request to the commissioner to verify the maintenance of the Integrated Pest Management Program.

#### **Implementation:**

Each school shall maintain an integrated pest management file containing a copy of the integrated pest management plan, monitoring diagrams, treatment records with locations, labels of pesticide products used, and copies of material safety data sheets. Copies of pesticide labels and materials safety data sheets are to be provided to employees and to parents or guardians of students or children upon request.

### **(P) T.4.14. Key Control Policy**

#### **Introduction**

The Pendleton County Board of Education considers the safety of all students and staff to be a priority and a serious issue. This policy is designed to control access to district buildings, as well as in the building, thereby enhance overall security as well as promote accountability and prevent loss of property.

In conjunction with a key policy, a key replacement cost will be established for all lost keys. The following is a list of costs for lost keys:

- ❖ 1<sup>st</sup> time \$10.00
- ❖ 2<sup>nd</sup> time \$30.00, within a 12-month period
- ❖ 3<sup>rd</sup> time \$50.00, within an 18-month period

#### **Distribution of Keys:**

❖ **Issuing Authority** — The Superintendent or designee with the advice of **T**he building principal and other supervisory and administrative personnel will authorize the issuance of individual keys to school personnel where a need for access to the area in question can be demonstrated.

❖ **Who is Authorized Specific Keys** — Access will be given only to the areas where need can be demonstrated. Justification could include but not be limited to the following: work necessities, assigned office, assigned laboratory, and/or areas of responsibility. The Key Receipt and Agreement form will be completed by each employee issued keys. This shall be kept on file under the supervision of the Superintendent or designee.

❖ **Keys May not be Left Unattended** — All keys issued on a "permanent" basis should be retained at all times by person to whom issued. Practices such as leaving keys on desks, loaning to student aides, etc. shall not be allowed.

**The person to whom the keys are issued will be responsible for the security of such keys**

## and will be held accountable for the use of the keys at all times.

- ❖ **Lost or Stolen Keys** — Any person losing a key(s) must notify the Superintendent or designee or Department Administrator immediately to ensure against any compromise in the system. Notification should be made by telephone, e-mail, or in person.
- ❖ **Keys are not to be loaned to Unauthorized Personnel** — To protect the integrity of assigned areas; no issued key may be loaned or signed out to anyone not previously authorized by the Superintendent or designee. Authorization will be granted to any person who can demonstrate a need for access.

### **Keys shall be as follows:**

- ❖ Grand Master (external)
- ❖ Grand Master (internal)
- ❖ Building Master (external)
- ❖ Building Master (internal)
- ❖ Department Master
- ❖ Individual Room Keys

### **Key Requests/Key Inventory/Key Audit:**

All key requests shall be made to the Superintendent or designee must make all requests in writing. All requests should be made two weeks in advance of the date an individual should need keys.

A key inventory shall be maintained in each building in a key logbook. All keys shall be lettered and numbered. All keys (upon approval) shall be issued from this logbook.

A key audit shall be performed at the beginning of the school year and at the end of the school year. All personnel, if requested, shall surrender their keys during the summer months, and may be reissued the same keys at the beginning of the next school year.

### **Alarm Security of Building Policy:**

All personnel requesting a Grand Master Key, Building Entrance Master Key, Building Entrance and Building Master Key will be held accountable for the use of the alarm, and security of the building, during Non-School Days, weekends and other times when Maintenance and Custodial Staff are not on duty.

### **Terminated Employees:**

Any person terminating employment with the District will immediately turn in all keys to the Director of Human Resources or designee.

### **Policy Violation:**

Any person(s) found to have violated this policy will be subject to disciplinary action.

**PENDLETON COUNTY SCHOOLS**  
**Key Request Form**

Requested by: \_\_\_\_\_ Reason Needed: \_\_\_\_\_

Building: \_\_\_\_\_ Department: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Building or Department Administrator

**Office Use Only:**

Key Code: \_\_\_\_\_ Cut By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Key Receipt and Agreement**

Issued To: \_\_\_\_\_ Building: \_\_\_\_\_

Department: \_\_\_\_\_ School Year: \_\_\_\_\_

Key Code: \_\_\_\_\_ Key Code: \_\_\_\_\_

I accept the above key(s) with the following understanding:

1. The key(s) is the property of (School District) and is on loan to me. Use of this/these key(s) is an irrevocable privilege granted to me for the intended purpose for my personal use in the performance of my assigned job duties. By accepting the identified key(s), I hereby agree to the current key policy that has been established by the Board of Education. I further agree to return it to the issuing office upon demand or when my need for said key(s) no longer exists. I understand that any violation of this agreement may result in disciplinary action.
2. In the event that a key is lost, I authorize the payroll department to deduct the fee from my payroll check.
3. It is my full responsibility to return this property to the Director of Human Resources or designee in the event that I leave the (School District) employment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Building or Department Administrator

**Key Return Only:**

Key Code: \_\_\_\_\_ Date Returned: \_\_\_\_\_

Key Code: \_\_\_\_\_ Date Returned: \_\_\_\_\_

Signature: \_\_\_\_\_  
Building or Department Administrator

This change is being made to remove a contradiction between this policy and other policy statements. A conversation with Mr. Shew at the State Department clarified a misunderstanding on my part about using fleet vehicles.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review:</b>
<b>File: T.9. Use of County Vehicles Other Than School Buses</b>	<b>September, 2011</b>

The Board, at its discretion, may provide a fleet of vehicles necessary to meet the transportation needs of personnel as approved and designated by the Superintendent. The fleet may consist of passenger cars or vans which are suitable for transporting employees to out-of-county and in-county activities and events related to their assigned responsibilities. The fleet may be owned or leased by the Board. ~~State law requires that vehicles utilized to transport students to school sponsored events must meet state school bus or public transit ratings; therefore, these vehicles may not be used to transport students to events.~~

*SBP 4336 West Virginia School Bus Transportation Policy and Procedures Manual* permits the use of county-owned or leased fleet vehicles to be utilized to transport small groups of students (under 10) to school sponsored activities. In such instances, the vehicles which must have a valid inspection sticker, must be properly insured and must be operated by a professional employee. (See (P) T.1.1.6. *Transporting Groups Fewer Than Ten Students in County Autos/Vans*)

The size of the fleet will be limited; therefore, the Superintendent may establish a priority list for use of the vehicles available. Except in cases of unforeseen circumstances, personnel requests for out-of-county trips should be submitted to the Superintendent at least one week in advance of the date of the trip. A log-book shall be established for each vehicle in which the Superintendent's secretary will record the name of the person requesting the vehicle and the date and time of its use. All personnel utilizing county vehicles must participate in the annual driver training program presented by the Safety Coordinator and they must submit a certificate of participation to the Superintendent.

The Board recognizes that the Superintendent and/or other personnel may be required to attend meetings at which his/her spouse is appropriately invited to attend certain social portions of the meeting and in such instances it is appropriate for the spouse to be a passenger in the county vehicle. Non-employees may not be permitted to drive a county vehicle except in extreme emergency situations (i.e. sudden illness of the driver).

[Home](#)

Amended/Revised:

## GROUP III

### POLICIES NECESSITATED BY THE ADOPTION OF SBP 4373

#### (P) F.3.2. Tuition Income

**J.P.: I suggest we change the may in the first paragraph to a shall because as I read WVC §18-9A-2 you cannot count out of state students in your second month enrollment for reimbursement purposes.**

The Pendleton County Board of Education ~~may~~ shall charge all non-state resident, full-time, day students the actual cost per pupil expenditure for the school year which is payable in advance including any extra costs associated with summer school and before/after school programs.

Inter-county transfer of students will be regulated according to the West Virginia Code and agreements developed between individual counties.

The Board has the authority to provide special classes for adult education and to charge tuition for members of such classes over 21 years of age. The tuition charged shall not exceed the cost of operation and maintenance of such classes.

Likewise, the Board has the authority to establish summer and after school programs and charge tuition for students who attend the summer and after school programs. The amount of tuition charged shall not exceed the actual cost of operation of the summer school, including plant maintenance.

Any funds accruing from such tuition shall be credited to and expended within the existing framework of the general current expense fund of the Pendleton County Board of Education.  
(WVC §18-5-16a and §18-5-19b)

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The suggested changes in (P) S.5.1. will clarify that out-of-county students also includes students you might get from neighboring counties in Virginia. If you wish, these changes could be included in the annual policy manual changes this summer.

SBP 4373 points out that after the a court case in Doddridge County (Cathe A v. Doddridge County Bd. of Education), school systems cannot refuse to accept students who reside in the county and apply for admission to school regardless of their disciplinary status unless you can show the individual is a “dangerous student”. The codes still say you can deny these people entrance, but the State Supreme Court decision trumps the code! You should continue to require verification of a student’s disciplinary status because you need to know what you are getting, but you will have to educate them in some fashion which may mean an alternative placement.

[(P) S.5.4. Transfer Student’s Suspension and/or Expulsion Status]

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>S. STUDENTS</b>	<b>Last Review:</b>
<b>File: S.5. Transfer Students</b>	<b>September, 2011</b>

**(P) S.5.1. Out-of-County and Out-of-State Students**

**First-time Out-of-County and Out-of-State Residents Requesting Transfer In:**

- ❖ Requests for a transfer must be processed through the office of the Director of Student Services and Personnel;
- ❖ In general, out-of-county and out-of-state students will be accepted into Pendleton 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 additional staff may not be enrolled.
  - All transfers of students from neighboring counties and states are subject to the written approval of both boards of education.
- ❖ The Pendleton County Board of Education may shall charge all non-state resident, full-time, day students the actual cost per pupil expenditure for the school year which is payable in advance including any extra costs associated with summer school and before/after school programs.
- ❖ The student and his/her parent must supply transportation to school or an existing Pendleton 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 Pendleton County Schools will be rescinded; and
- ❖ If more than one student, who is a non-resident of Pendleton 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 Pendleton 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 Pendleton County school bus route;
- ❖ Once granted permission to attend school in Pendleton County, the students must request permission of the Pendleton County Board of Education to return to school each year. Legal class size limits may be a determining factor; and
- ❖ If more than one student, who is a non-resident of Pendleton 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.  
(WVC §18-2-5; §18-5-13; §18-5-16; 18-5-16a; §18-9A-14; §18A-4-8i; SBP 7200 & SBP 7212)

**(P) S.5.4. Transfer Student’s Suspension and/or Expulsion Status**

Prior to the admission of a pupil to any public school in Pendleton County, the school principal, acting as the Superintendent’s agent, shall require the pupil'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 §61-3-5-3 of the West Virginia Code.

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 §18A-5-1 of the code, or who has been suspended or expelled from a public or private school in another state, due to actions described in §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.

**However**, consistent with the *Cathe A v. Doddridge County Bd. of Education, 200 W. Va. 521, 490 S.E.2d 340 (1997)*, the Safe Schools Act was amended to permit a public school to deny educational services to a student only when, following notice and a formal hearing, s/he is found to be a dangerous student. As defined by the court, and dangerous student 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, as evidenced by a pattern or series of violent behavior exhibited by the pupil, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense. Even then, the county must hold another hearing after three months to determine whether the student still meets the definition of dangerous student.

The Court directed that such a determination be made on a case-by-case basis and predicted that such a denial of educational services would be justified only in the most extreme cases.

If, when enrolling a previously expelled student, the Superintendent reasonably determines that the conduct resulting in the discipline is conduct described in the Safe Schools Act, the student may be

offered alternative education for the period of the suspension or expulsion. Consistent with WVC §18-5-15, a student has the right to petition the county board of education to challenge the Superintendent's decision to offer only alternative education instead of regular school attendance. (WVC §18A-5-1; §18A-5-1a; Superintendent Interpretation, January 26, 2007; *Cathe A v. Doddridge County Bd. of Education*, 200 W. Va. 521, 490 S.E.2d 340 (1997))

SBP 4373 mentions Student Publications briefly, but having followed some court cases over the years, I recommend a more detailed policy concerning the proper use of student publications. They should be a learning tool as well as a social outlet for students. However, having said that, with all of the social media available today, school publications may go the way of the dinosaur.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>S. STUDENTS</b>	<b>Last Reviewed:</b>
<b>File: S7. Student Rights and Responsibilities</b>	<b>September, 2011</b>

### **(P) S.7.3. Student Publications**

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.

#### **School-Sponsored Publications**

1. 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.
2. All school-sponsored publications shall be subject to editorial oversight by the school principals and the classroom teacher.
3. The First Amendment does not protect obscenity for either adults or students.
4. Obscene, libelous, vulgar and disruptive publications are prohibited.
5. Personal attacks are prohibited in all publications.
6. 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.
7. Material that encourages actions which endanger the health and safety of students may not be published or distributed on school property.
8. 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. **(SBP 4373; United States Constitution, First and Fourteenth Amendments; Constitution of West Virginia, Article III, Section 7; Hazelwood v. Kuhlmeir, 108 S.Ct. 592 (1988))**

**SBP4373 places an emphasis on preventive discipline and requires school systems to provide such programs and training for personnel on ways to utilize this approach to classroom management.**

**The new SBP 4373 also requires that school boards clearly define their positions on certain issues and Deadly Weapons in a school environment is one of them. Previously, this issue was addressed within the old Student Code of Conduct. This policy meets your obligations.**

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>S. STUDENTS</b>	<b>Last Reviewed:</b>
<b>File: S.12. Student Discipline</b>	<b>September, 2011</b>

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 its focus on academics, Pendleton County Schools are concerned that students conduct themselves in an appropriate manner and that discipline is conducted 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; and
- ❖ 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 Board shall provide for the implementation of a preventive discipline program including student involvement. The nature and focus of the program shall be at the discretion of appropriate school administrators, central office staff, parents and students as designated by the Superintendent or his/her designee. Implementation of the program shall include in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution.

The Board may also establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and any other program related to preventive discipline.

The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students

is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

*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)

### **(P) S.12.6. Deadly Weapons**

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, 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 of the following:

- ❖ Devices intended to cause injury or bodily harm;
- ❖ Any device used in a threatening manner that could cause injury or bodily harm;
- ❖ Any device that is primarily used for self-protection;
- ❖ Dangerous weapons include, but are not limited to: blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol or revolver;
- ❖ A dangerous weapon may also include the use of a legitimate tool, instrument or equipment as a weapon including, but not limited to: pens, pencils, compasses or combs with the intent to harm another;
- ❖ Dangerous weapons may also include explosives, chemical, biological and radiological materials; or
- ❖ A pocketknife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in WVC §61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

The following are exceptions to this policy:

- ❖ a law enforcement officer acting in his or her official capacity;
- ❖ a person specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; or
- ❖ programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms.

No person shall have a firearm whether loaded or unloaded in any automobile on the premises of the Pendleton County Board of Education in his automobile whether the same is locked or unlocked.

Any student who violates this policy shall be suspended immediately and shall be subject to expulsion by the Pendleton County Board of Education. Any employee who is in violation of this policy will be subject to immediate disciplinary action.

(WVC §17A-1-1; §18A-5-1a; §61-7-2; §61-7-11a)

The new SBP 4373 requires that school boards have a policy addressing the procedures to be followed when writing a school access safety plan. This policy is written on the basis of information obtained from the SBA Procedures Manual.

The School Crisis Response Plan is also a requirement and again this policy is written in general terms using information from the code and the State Department. I have read through the guidelines put out by SBA and they spell a lot of work for local school districts, especially the first time around.

<b>PENDLETON COUNTY BOARD OF EDUCATION</b>	<b>Adopted: August 20, 2003</b>
<b>T. TRANSPORTATION, SAFETY, FOOD SERVICES &amp; INSURANCE</b>	<b>Last Review:</b>
<b>File: T.4. Safety – People and Property</b>	<b>September, 2011</b>

**(P) T.4.11. School Access Safety Plan**

Funds appropriated by the legislature to the School Access Safety Fund shall be distributed by the School Building Authority on the basis of net enrollment. These funds are for improvements of school access safety and will be distributed in accordance with SBA policy and in accordance with all requirements in Attachment K of the SBA Policy and Procedures Handbook.

To qualify for School Access Safety Funding, the Pendleton County Board of Education must develop a School Access Safety Plan. The plan must be incorporated into the county CEFP. An approved School Access Safety Plan is required prior to the distribution of state funds for a project pursuant to the requirement of West Virginia Code Chapter 18-9F.

The School Access Safety Plan shall be prepared in consultation with the Countywide Council on Productive and Safe Schools. Once completed, the School Access Safety Plan shall be submitted to the School Building Authority for review and approval in order to qualify for School Access Safety funding. The plan shall be amended annually to summarize activities and to identify progress being made on projects in the plan.

The School Access Safety Plan shall become part of the county comprehensive educational facilities plan and together address the safety upgrading of existing facilities and equipment, building systems, utilities and other similar items in connection with improving the overall access safety and security of the facility. Projects must directly address planning, deterrence, detection, delay and communication issues associated with the ingress and egress of pupils, school employees, parents, visitors and emergency personnel at the schools.

A School Access Safety Audit must be performed and become an integral part of the plan. The SBA approved audit format must be used. The audit must be performed prior to formulating the School Access Safety Plan to establish a basis for current conditions and formulation of the plan. In so doing, both short and long term effects of building access safety improvements will be considered.

School Access Safety funding shall be provided by the Authority on the basis of net enrollment and the efficient use of state funds for school access safety improvement projects. In order to secure

School Access Safety funding, an amount equal to or exceeding 15% of the funding available to the county as a local match will be required. Should the Pendleton County Board of Education feel it cannot fulfill the 15% local match requirement, it may submit a financial hardship waiver request to the Department of Education for review and consideration. Upon review and approval of the request by the State Board of Education, the Authority shall waive the local match requirement and distribute the funding upon approval of the School Access Safety project by the Authority.

The School Access Safety Plan shall include the recommendations and guidelines developed by the Countywide Council along with the Board's assessment of the improvements necessary to improve school access safety. The plan shall address the access safety needs of all school facilities and include a projected school access safety repair and renovation schedule. The plan must be approved by the SBA prior to the distribution of state funds. The plan shall minimally include the key elements referenced in below.

Key elements of the School Access Safety Plan include:

- ❖ Goals and Objectives of the School Access Safety Plan
- ❖ School Access Safety Audit
- ❖ Countywide Inventory of Each Facility and Associated Reporting
- ❖ Identification of a School Safety and Security Committee
- ❖ Training/Drills for Staff and Students
- ❖ Summary of Projects within the Plan
- ❖ Finance Plan
- ❖ Annual Update
- ❖ Objective Evaluation of the Implementation of the School Access Safety Plan
- ❖ New School Design Recommendations  
(18-9F-1 et seq; SBA Policy and Procedures Handbook, Revised 9/26/11)

#### **(P) T.4.12. Crisis Response Plan**

In conjunction with support and guidance from the State Board of Education and School Building Authority, each Pendleton County school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only.

#### **Board of Education's Responsibility:**

The Board will support schools in the development and updating of school crisis response plans by providing the following guidance and support:

- ❖ Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis plan as appropriate when one agency or service provider serves all schools within the county;
- ❖ Standardized lists of existing county board policies that support the requirements of the school crisis response plan;
- ❖ Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan;
- ❖ Standardize procedures for the annual review/update of each school crisis response plan.

- ❖ Resources for training school personnel on school specific crisis response plans.

The Board is also required to:

- ❖ Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan;
- ❖ Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards.

### **Local Schools' Responsibility:**

Each school shall develop a school specific crisis response plan by using the State Board's Crisis Response Plan Templates and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted. The crisis response plans must be developed under the following requirements:

- ❖ Each school shall form a crisis response planning team. The team may consist of the school's Local School Improvement Council or a separate team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may also include one member of the board of education, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades;
- ❖ Each school, through the school's crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted;
- ❖ Each school's specific crisis response plan shall be in place and filed with Board and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first;
- ❖ Each school's crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013;
- ❖ Each school shall make a redacted copy of its school crisis response plan available, upon request, for inspection by the public with any information removed that is necessary for compliance with the necessary safeguards developed by the state.

Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board;

- ❖ Each school crisis plan shall include at least the following:
  - The school employee in charge during a crisis and a designated substitute;
  - A communication plan to be used during a crisis;
  - Protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded;
  - Disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely;

- Crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
  - Policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
- (WVC §18-9F-9; West Virginia Schools Crisis Response Plan)**