

# CCS Policy Manual



\*This document only contains policies that have been recently revised or adopted. As more policies are adopted/revised, they will be included.

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**Board Committees**

The Clay County Board of Education shall authorize the president to appoint such special committees as are deemed necessary. The functions of committees shall ordinarily be fact-finding, deliberative, and advisory and their reports shall be made to the Board for discussion and action. The president of the Board and the superintendent shall be ex-officio members of all committees. Announcements of committee meetings will be made at meetings of the board, and the time and place of committee meetings incorporated into the minutes for the purpose of public announcement.

Adopted: July 1976  
Revised July 2023

## Board of Education Meetings

The purpose of this policy is to establish rules by which the date, time, place, and agenda of all regularly scheduled meetings and the date, time, place, and purpose of all special meetings of the Board are to be made available in advance to the public and news media. It is also the purpose of this policy to establish rules for attendance and presentations at any Board meeting where there is not room enough for all members of the public who wish to attend. This policy also establishes procedures related to the conduct of all meetings.

### Scope

This policy shall apply to all regular and special meetings of the Clay County Board of Education. This policy shall also establish procedures to be observed in relation to emergency meetings requiring immediate official action by the Board. School closing, and consolidation hearings shall be regarded as special meetings and may have different procedural rules than appear herein. The notice requirements for special meetings and the notice requirements contained in W.Va. Code §18-5-13a and West Virginia Board of Education Policy 6204 shall be observed for such hearings.

### Meetings

#### *Regular Meeting*

The Board shall establish a regular meeting schedule during its organizational meetings, conducted on the first Monday in July, in accordance with the provisions of W.Va. Code §18-5-1c. The agenda for all Regular Meetings shall be established by the Board President in consultation with the Superintendent. However, any two members of the Board in agreement with one another may direct that an item be placed upon the agenda of an upcoming regular meeting by communicating such direction to the Superintendent in advance of the publication of the agenda. Agendas may be amended up to two business days before a Board meeting to include items not known at the time the original agenda was prepared. But the amended agenda must be provided to the public and media in the same manner as the original agenda.

#### *Special Meeting*

A Special Meeting is a meeting held between the regularly scheduled meetings of the Board. A Special Meeting of the Board may be called by the President of the Board or by any three members of the Board in agreement with one another. All Special Meeting notices must include a statement of the purpose for the meeting. The statement of purpose must describe with reasonable precision the matters requiring official action that will be addressed during the Special Meeting. Apart from the statement of purpose, no other agenda will be required. However, if the Special Meeting will deal with several matters, the meeting notice must state that the Special Meeting will address the items with a Special Meeting agenda.

Said Special Meeting agenda must be prepared as a separate document in the usual and ordinary manner and must be posted at the same time and in the same manner as the Special Meeting Notice.

### *Emergency Meeting*

An Emergency Meeting is one requiring sudden and immediate official action. Only true emergencies where the health, safety, and welfare of persons or severe property damage or other unknown and unanticipated events of a comparably serious nature may occasion the call of an Emergency Meeting of the Board. The notice requirements for Regular Meetings and Special Meetings need not be fully observed in convening Emergency Meetings. A statement of the nature of the emergency shall be reflected in the minutes of an Emergency Meeting. Notice of an Emergency Meeting must be given in a reasonable and timely manner given the circumstances of the emergency. An Emergency Meeting notice must, at a minimum, explain the nature of emergency and be posted by the usual means, if at all practicable. This explanation of the emergency must also be repeated within the official minutes prepared for this meeting.

### *Statutory Meeting*

Any meeting that is required by statute. The same procedures that are observed in providing notice of Special Meetings shall be observed in providing notice of Statutory Meetings.

### *Pre-Meeting Procedures*

#### *Notice of Regular Meetings*

Notices of all Regular Meetings shall be posted and maintained in a manner accessible to the public located in the administrative office of the Board. All such Regular Meeting notices shall be posted at least three business days in advance of a scheduled Regular Meeting. If the notice is posted during business hours, the date of the posting shall be included as one of these three business days. However, the day of the meeting shall not be included as one of these three business days. Each such notice shall state the date, time, place, and include an agenda for the meeting. If a Regular Meeting is cancelled or postponed, a notice of such cancellation or postponement shall be posted in the same location as soon as is feasible and reasonable after the cancellation or postponement has been determined. Notice of Regular Meetings may also, at the discretion of the Superintendent, be published on Clay County School's Website, social media on the internet, and/or posted at other locations on Board-owned property.

Notice of changes to a posted agenda shall be provided in the same manner as the initial notice, except those changes must be posted at least two business days in advance of the meeting. Emergency changes to an agenda need not be posted in advance of a meeting but reasonable efforts will be made to do so where feasible.

#### *Notice of Special Meetings*

Notices of all Special Meetings shall be posted and maintained on a bulletin board that is accessible to

the public located in the Board's administrative office. All such notices shall be posted at least two business days in advance of a scheduled Special Meeting. If the notice is posted during business hours, the date of the posting shall be included as one of these two business days. However, the date of the meeting shall not be included as one of these two business days. Each such notice shall state the date, time, place, and purpose of the meeting. If a Special Meeting is cancelled or postponed, a notice of such cancellation or postponement shall be posted in the same location as soon as is feasible and reasonable after the

cancellation or postponement has been determined. Notice of Special Meetings may also, at the discretion of the Superintendent, be published on Clay County School's Website, social media on the internet, and/or posted at other locations on Board-owned property.

#### *Notice of Media*

The Superintendent shall cause advance notice of all Regular and Special Meetings to be provided to the media that regularly cover matters relating to the Board. The Superintendent shall cause advance notice to be provided to other members of the media upon request. Such notice shall not be required in advance of Emergency Meetings.

#### *Meeting Procedures*

The President, or in his/her absence, the Vice President shall preside over all meetings of the Board. In the absence of both, the Superintendent shall preside until the Board elects a president pro tempore.

#### *Compliance with Open Governmental Proceedings Act*

The President of the Board and each member of the Board shall be familiar with the provisions of the Open Governmental Proceeding Act, W.Va. Code §6-9A-1 *et seq.* and shall undertake to observe the requirements of the Act in all matters related to conduct of Board meetings. Executive sessions shall not be recorded by mechanical or other means. However, the Board minutes shall identify the stated and authorized reason for each executive session and shall record the people in attendance. Executive sessions shall be attended only by members of the Board, the Superintendent, and any other person designated by the Board. All matters discussed by the Board in executive session shall be regarded as confidential by all persons in attendance and shall not be divulged to the public. Nothing having the effect of regulation or policy, or action shall be decided in executive session.

#### *Reconvening Meeting When Space is Limited*

In the event that the place where a meeting is initially convened has inadequate space to safely and/or comfortably accommodate members of the public who desire to attend or make presentations to the Board, the President of the Board may adjourn the meeting and reconvene the meeting at an alternate location on a date and at a time announced at the time of adjournment. A notice identifying the alternative location, date and time shall be posted at the location of the adjourned meeting. In the event a meeting is reconvened to a different date, the notice requirements attending Special Meetings shall be observed.

### *Telephone/Electronic Attendance*

Although the practice is discouraged and should ordinarily be used only where circumstances compel the same, members of the Board may attend and participate in any Board meeting by means of telephone or videoconference. Telephone or electronic equipment shall be configured to allow those present, including members of the public, to observe and/or hear the members who are attending and participating by telephone and/or other electronic means, and shall also be configured to permit the Board member(s) who is participating in this manner to observe and/or hear the meeting proceedings.

### *Consideration of Materials by Reference*

All documents or materials that are referenced in an agenda or statement of purpose of a Special Meeting shall be available for public inspection at the meeting where such documents or materials are considered.

### *Parliamentary Procedure*

The Board shall observe *Robert's Rules of Order, Newly Revised*, as a guide for conducting its business. However, the Board may use fewer formal procedures when the same are better suited to the needs of the Board. In no case shall *Robert's Rules of Order, Newly Revised* be applied in any manner to thwart the will of a majority of the Board or to alter the application of state or federal law.

### *Voting*

Voting must take place in view of the public in an open manner. Voting may be accomplished verbally or by a show of hands. Ballots of any kind are prohibited. The outcome of all votes shall be announced by the presiding officer. Any member may request a roll call vote immediately following the presiding officer's announcement of the outcome of a non-roll call vote.

### *Quorum*

Three of the five members of the Board shall constitute a quorum. A majority of those members present and eligible to vote shall be required for the passage of all motions.

### *Duties of Superintendent- Secretary of the Board*

The Superintendent and his or her staff shall \_be responsible for preparing and publishing agendas of regular meetings and statements of purpose and/or agendas of special meetings. The Superintendent shall cause agendas to be in the hands of Board members at least three (3) days prior to regular meetings. The Superintendent, in his or her capacity as Secretary of the Board, shall cause minutes to be prepared within a reasonable time after each meeting. Minutes prepared by the Superintendent for approval by the Board shall be provided to Board members at least three days in advance of regular meetings. The minutes shall include: the date, time, and location of the meeting; the name of each Board Member present and absent; a verbatim text of all motions voted upon; the names of the Board Members who move and second motions; the disposition of all motions; and, if a roll call vote is requested, the vote of

each Board Member by name. The Superintendent shall be responsible for safeguarding the minutes and all other official records of the Board. Approved minutes shall be available for public inspection during regular business hours. The Superintendent shall be responsible for seeing that all reports and other documents that may need to be examined for purposes of clarification or background be in readiness at all meetings of the Board.

#### *State Law*

This policy shall not be interpreted to conflict with W.Va. Code §6-9A-1 *et seq.* To the extent that any provision herein is determined by a court of competent jurisdiction to so conflict, the same shall be stricken and the remaining portions of the policy shall remain intact and in full force.

#### *Public Participation*

All residents of Clay County and other interested parties shall be welcome at any or all regular, special, or annual meetings of the Board of Education. Individuals or groups who wish to speak or make some other presentation before the Board, must submit a written request to the Superintendent no later than fifteen minutes prior to the start of the meeting and must be done as follows:

- The written request shall provide in writing their full name, contact information such as phone number and mailing address, state the purpose and topics to be presented, and whether the speaker is speaking as an individual or as a spokesperson for a group.
- Individuals attending remotely must provide prior written notice to the Superintendent via email. The email request must be provided no later than 24 hours prior to when a scheduled Board meeting is to commence in order for accommodations to be made in order for delegation to be heard.
- Time allotted to each delegation (individual or group) will be 5 minutes or the amount of time calculated by dividing the total number of registered speakers into the total time set aside for public participation.
- The delegation portion of any Board Meeting shall not exceed 30 minutes in total length, unless extended by majority vote of the Board.
- The Board President may use his/her discretion in allowing more time for the delegation.

Adopted: July 1976  
Revised: January 1988  
Revised: July 2023

## Policy Development, Adoption and Dissemination

The Board of Education is the policy making body of Clay County Schools. The adoption of written policies is the basic method whereby the Board expresses its leadership of operation of the county school system. The Board shall have the authority to adopt, revise, and repeal policies as set forth in these guidelines. The formal adoption of policies shall be recorded in the minutes of the Board. Only those written policies which have been adopted according to existing procedures and which have been properly recorded in the Board's minutes shall have the force and effect of and be regarded as official Board policies. All policies that are in effect prior to the enactment of these procedures shall remain in effect unless revised or repealed as set forth herein.

### Policy Proposals

- The Board of Education shall have the authority to move the adoption of new policies or the revised/deletion of existing policies at any regular or special meetings of the Board.
- Policy proposals may originate with the Board members; the Superintendent; Board guardian, or custodian; any student of the county's public, or any such student's parent, guardian, or custodian; any resident of the county; any of the county's faculty senates; any of the county's local school improvement councils; consultants hired by the Board; committees appointed by the Board; or any government official or agency which monitor's the county's public schools.
- All initial proposals shall be made in writing to the Superintendent. Within forty-five (45) days, the Superintendent shall forward a copy of the proposal to all Board members.
- Once a policy proposal has been forwarded to Board members, there is no requirement that a Board member makes a motion concerning the proposal or that the Board takes action on the proposal.

### Public Comment

- Before a new or revised policy will be placed on the Board's agenda for consideration of placement on the public comment, the Superintendent must be satisfied that the new or revised policy is grammatically correct and consistent in style with related policies, and that it is properly titled and coded in accordance with the Board's policy classification system.
- All policy proposals to be considered for adoption by the Board shall be placed on public comment by the Board of Education at a properly noticed regular or special meetings of the Board.
- The agenda for the meeting must reflect that the proposed policy will be considered for placement on public comment and must state where a copy of that proposed policy may be reviewed by interested parties.
- Copies of all policy proposals placed on the public comment by the Board shall be distributed to each school and or work site within three (3) working days.

- The Board shall take no further action upon such policy proposals until the next regular or special meeting held after the conclusion of the public comment period.
- After a policy proposal is placed on public comment and for the two weeks thereafter, the Superintendent shall accept written comments on the policy proposal. The Superintendent shall prepare for distribution to the Board a summary of all written proposals on public comment again.
- In response to comments received regarding a policy proposal, the Board may move to amend the proposal. If the motion to amend the policy proposal is passed by the Board and the amendments substantially alter the original proposal, the Board shall place the proposal on public comment again.
- If either no amendment or only minor amendments are made to the proposal, the Board shall consider the adoption of the policy proposal no earlier than the first properly noticed regular or special meeting held after the conclusion of the public comment period.

## Enactment of Board Policies

### *First Reading Required*

Before a new or revised policy is enacted, and before an existing policy is repealed, the proposed action shall be given a first reading in open session at a Board meeting. The agenda for the meeting must reflect that the proposed action will be given a first reading, and the agenda must state where a copy of the proposed action may be reviewed by interested parties. If a policy is being revised to bring it into compliance with current law or practice and does not have any substantive changes, the Board may, upon the recommendation of the Superintendent, adopt said policy upon first reading.

### *Form of Proposal on First Reading*

Before a new or revised policy will be placed on an agenda for first reading, the Superintendent, as Secretary of the Board, must be satisfied that the new or revised policy is written in language which is grammatically correct and consistent in style with related policies, and that it is properly titled and coded in accordance with the Board's policy classification system.

### *Board Action Following First Reading*

Following the first reading, the Board in open session, shall:

- direct that the proposed action, without modification, be returned to the Board for second reading; or
- direct that the proposed action be modified in specified respects, or modified by the Superintendent or a committee to meet certain standards, and returned to the Board for second reading; or
- direct that any of the actions described above, be taken, in which case the proposed action, with or without modification, may be enacted only following

- another first reading and after the other requirements of this part 3 are met; or
- fail to advance, or decide not to advance, the proposed action to second reading, in which case the proposed action shall die.

### *Second Reading Required*

Following first reading, and before final action is taken to enact a new or a revised policy or to repeal an existing policy, the proposed action shall be given a second reading in open session at a Board meeting. The agenda for the meeting must reflect that the proposed action will be given a second reading, and the agenda must state where a copy of the proposed action may be reviewed by interested parties.

### *Timing of Second Reading*

The second reading shall not occur sooner than the first Board meeting following the meeting at which the first reading occurred.

### *Board Action Following Second Reading*

Following the second reading, the Board in open session, shall:

- adopt the proposed action, without modification in which case no further action shall be required of the Board to enact the proposal; or
- adopt the proposed action, with modification, in which case no further action shall be required of the Board to enact the proposal unless the Board so directs; or
- defeat, or fail to adopt, the proposed action, in which case the proposal shall die.

### *Refreshed Policies*

In the event a policy is reviewed and only minor revisions such as clerical edits or nonconsequential procedural changes are made, the Superintendent may request the Board waive reading and approve the policy without being placed on comment.

### *Reviewed Policies*

In the event a policy is reviewed and there are no revisions, the Superintendent may request the Board waive reading and approve the policy without being placed on comment. •

### *Dissemination and Effect of Policies*

- The members of the Board of Education, its Superintendent, and its employees are expected to know and observe all of the Board's policies.
- The Superintendent shall be responsible for maintaining a manual containing all of the Board's written policies.
- From and after the effective date of this policy, the manual shall indicate the date of the Board's action approving each policy or modification thereof. If the effective date of a policy or modification was not also the date of its approval, the manual

shall so indicate.

- The Superintendent shall establish and maintain an orderly system for making all of the Board's policies accessible to the Board's members, the Board's employees, students of the county's public schools, the county's faculty senates, and the county's local school improvement councils.
- The Superintendent shall also maintain a system for making the Board's policies available to the parents, guardians, and custodians of the Board's students, and to residents of the county.
- The Board's policies are public records open for inspection at the Board's offices.

#### Emergency Waiver of Procedures

- In emergency situations, the Board may waive any of the requirements of these procedures and take immediate action on a policy if it is determined a delay would constitute a substantial and/or irreparable detriment to the school system.
- A statement of the determination and the absence of any other alternative curative action shall be included in any motion to waive these procedures.
- However, in such a case the approval, modification, or repeal of a policy shall be considered to be temporary only.
- The procedure of this policy shall be followed in due course for the action to have permanent effect.
- Modification of the policy development and adoption procedures and approval process shall be required in the event of a State intervention, pursuant to West Virginia code 18-2E-5, for those policies dealing with any areas for which the authority of the county has been limited by the State.

#### Effective Date and Duration

- Unless otherwise clearly indicated in a policy or by the Board's action approving, modifying, or repealing a policy, each policy, modification of policy, and repeal shall take effect upon the date of final Board action approving the policy, modification of policy, or repeal.
- Unless otherwise clearly indicated in the policy or by the Board's action approving, or modifying the policy, each policy and modification of policy shall continue from year to year until and unless changed or repealed by the Board.
- In the event of a conflict between a policy of the Board and a requirement of State law and/or policy of federal law, the requirements of state law and/or policy of federal law shall prevail, and the conflicting provision of the local policy shall be considered null and void without further action by the Board.

Adopted: July 2023

## School Board Effectiveness

### Direct Links Between the Board and Local School Improvement Councils

To enable the Board to receive information, comments, and suggestions directly from Local School Improvement Council's (LSIC) regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs, the following procedure establishes direct links between the Board and the LSICs:

- The board shall meet at least annually with a quorum of members from each county school's LSIC. Meetings will be scheduled as directed by the Board in July of each year.
- At least 30 days before a Local School Improvement Council's annual meeting with the Board, the Board shall develop and submit to the LSIC an agenda identifying the items which the council chair or chair's designee is to address in the meeting. The items shall include but not be limited to, items designated from the Annual Report by the Superintendent to the State Board of Education, as well as one or more of the following issues: school performance, curriculum, status of the school in meeting the school's 5-Year Strategic Plan goals, and the status of the school in meeting the district plan.
- Throughout the year, the Board may make written requests for information from local school improvement councils or hold community forums to receive input from the affected community, as the Board considers necessary.
- In its discretion, the Board may hold additional meetings with any local school improvement council, in particular for any low performing school. LSICs may also request meetings with the Board.
- At the conclusion of each school year, the Superintendent shall prepare, for adoption by the Board, a report concerning the meeting or meetings held with the local school improvement councils during the school year. In drafting the report, the Superintendent shall consult with the councils and may request their assistance. Upon approval by the Board, and no later than September 1 of each year, the report, including any amendments made by the Board, shall be delivered by the Superintendent to the State Board of Education. •
- Additional strategies for establishing direct links between the Board and Local School Improvement Councils may include surveys, forums, designation of a member of the Board to provide or receive communication (such as the designated assignment to attend LSIC meetings), and town meetings.

## Direct Links Between the Board and Faculty Senates

To enable the Board to receive information, comments, and suggestions directly from the faculty senates regarding broad guidelines for oversight procedures, standards of accountability, and planning for future needs, the following direct links are representative of those which shall be established between the Board and its faculty senates:

- Surveys;
- Board meetings involving faculty senates;
- Meeting with faculty senate chairs, annual meeting with faculty senates and/or representatives;
- Forums;
- Designation of a board member to provide or receive communication including but not limited to visitations to faculty senate meetings; and
- Town meetings.

## Direct Links Between the Board and the Community at Large

The following are representative of steps that shall be taken to develop direct links between the Board and the Community at Large, allow for community involvement at regular board meetings, and regularly communicate with the public regarding important issues.

- Surveys of the community at large;
- Board meetings publicized and held at various locales throughout the district;
- Effective meeting management;
- Town meetings; and
- Web-based communication.

## Broad Guidelines for the School District

The Board recognizes its responsibility to provide broad guidelines for the school district, including the establishment of specific oversight procedures, development, and implementation of standards of accountability, and development of long-range plans to meet future needs.

A record shall be kept of all suggestions made under the previous sections by local school improvement councils, faculty senates, and the community at large regarding broad guidelines for oversight procedures, standards of accountability, and planning of future needs. At least annually, the record shall be considered by the Board to identify suggestions worthy of further consideration.

The Board confirms that any of its existing policies and resolutions regarding the school district's vision, mission, planning procedures, and goals shall, until withdrawn or amended, be interpreted, and applied as specific oversight procedures, standards of accountability, and long-range plans to meet future needs.

## Use of School-Based Accreditation and Performance Data

To meet the education goals of the State of West Virginia and such other goals as the Board may establish, the

Board shall use school-based accreditation and performance data provided by the State Board of Education, as well as other available data, in Board decision-making.

## Policy Review

The Board shall at least annually, before August 1, review the provisions of this policy and make such amendments as the Board finds necessary to effectuate the requirements of West Virginia Code 18-5-14, as amended.

Adopted: October 1994  
Revised: November 2003  
Revised: July 2023

### Evaluation of the Superintendent

The Clay County Board of Education believes it is essential that it evaluate the Superintendent's performance annually to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the district with the best possible leadership.

The Board shall evaluate the performance of the Superintendent in accordance with a process and criteria authorized by State Board of Education Policy 5309, Policy 5800, and local policy.

On July 24<sup>th</sup>, 2023, in a regular meeting the Clay County Board of Education approved the adoption of the Superintendent Performance Evaluation Process as outlined in WVBE Policy 5309 and the template developed by the West Virginia Association of School Administrators and The West Virginia School Board Association. Accordingly, and submitted approval as such by the West Virginia Board of Education.

#### §126-143-6. Required Process Criteria

The process by which the district board of education shall annually evaluate the performance of the Superintendent shall include the following criteria:

- The process shall require the district board and the Superintendent to annually, before September 15, establish written goals or objectives for the Superintendent to accomplish within a given period of time. Each goal or objective shall include a specific timeline for completion. The timeline need not be the same for each goal or objective, and the timeline for any goal or objective may extend beyond the end of the then-current school year. At least one goal must relate to student achievement.
- Goals addressing student success and well-being, including the required student achievement goal, must support progress of the established county strategic plan goals.
- The process shall specify how the goals or objectives will be established when the board and the Superintendent seem unable to agree. To that end, the process may provide that the parties will petition the State Board to designate an individual to facilitate agreement on goals or objectives, that the Board will engage the West Virginia School Boards Association and the West Virginia Association of School Administrators to facilitate agreement, or that some other specific procedure will be followed to break the impasse.
- In a manner determined by the county board and superintendent, the process considers input from other parties, such as citizens and school employees.
- The process shall require the Board to annually, before June 30th, assess the Superintendent's achievement of the written goals or objectives, except that the assessment shall be made before March 1<sup>st</sup> ,if the Superintendent's contract is to

expire on the ensuing June 30<sup>th</sup> .

- The process shall require the Board to annually, before June 30<sup>th</sup> evaluate the Superintendent's success in improving student achievement generally across the district and specifically as it relates to the management and administration of low performing schools, except that this evaluation shall be made before March 1<sup>st</sup>, if the Superintendent's contract is to expire on the ensuing June 30<sup>th</sup>.
- The process shall require the Board to evaluate the Superintendent's performance in executive session, and to thereafter make available to the public a general statement about the evaluation process and the overall result and progress in meeting goals. The process shall specify how the Board will arrive at the general statement about the evaluation process and the overall result.
- The process shall allow for the release of additional information about the evaluation only by mutual consent of the Superintendent and the Board.
- The Board is not required to evaluate an interim Superintendents serving pursuant to W. Va. Code 18-4-1.

#### §126-143-7. Optional Process Criteria

The process by which the Board shall annually evaluate the performance of the Superintendent may include these features:

- The process may require or allow the Board to annually, before June 30<sup>th</sup>, assess the Superintendent's performance in the areas of community relations, school finance, personnel relations, curricular standards and programs, and overall leadership of the school district as indicated primarily by improvements in student achievement, testing, and assessment, except that this assessment shall be made before March 1 if the Superintendent's contract is to expire on the ensuing June 30<sup>th</sup>. If the process includes such assessments, the process shall specify how the assessments will be made, including any ratings or rankings that will be employed.
- The process may require or allow the Board to assess annually, before June 30<sup>th</sup>, the Superintendent's performance of any of the other duties of the chief executive officer of the Board as delineated in the Superintendent's contract or other written agreement with the Board [W.Va. Code §18-4-10(1)], and the degree to which the Superintendent keeps the Board apprised continuously of any issues that affect the Board or its schools, programs, and initiatives. [W.Va. Code §18-4-10(9).]

#### §126-143-9. Use of Evaluation Results

The Board may use the results of its evaluation of the Superintendent's performance to determine whether to offer the Superintendent a new contract and the level of compensation or benefits to offer the Superintendent in any new contract

### *Annual Evaluation of the Superintendent*

The Board shall annually evaluate the Superintendent's performance using only the process established in this policy.

#### §126-143-9. Evaluation Training.

As an integral part of the process for evaluating the performance of superintendents for the 2023-2024 school year and subsequent school years, all county board members and superintendents shall receive evaluation training approved by the WVDE and conducted jointly by the West Virginia School Board Association and the West Virginia Association of School Administrators.

#### §126-143-11. Severability

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

References: West Virginia Code § 18-4-6, "Evaluation of County Superintendent"  
West Virginia Board of Education Policy 5309, "County Superintendent  
Performance Evaluations," 126 C.S.R. 143

Adopted: July 2023

### Charter Public School

The West Virginia Board of Education (WVBE) Charter Public Schools Policy 3300 details the processes and procedures districts must follow in meeting the requirements of W.Va. Code §18-5G-1 and establishes a clear and transparent process allowing for the creation and operation of charter schools. To this end, charter schools are afforded significantly greater autonomy than non-charter public schools in exchange for greater expectations and accountability than non-charter public schools.

Pursuant to W.Va. Code §18-5G-5, county board's of education are ultimately accountable and responsible for the actions of the charter school, the safety and security of enrolled students, and its ability to deliver the educational options and outcomes specified in the charter contract. In addition to any duties and responsibilities outlined in the charter contract, a charter school and its governing board are responsible for adhering to WVBE Charter Public Schools Policy 3300..

In accordance, the Clay County School System hereby adopts the West Virginia Board of Education Charter Public Schools Policy 3300 effective July 24<sup>th</sup>, 2023, which can be viewed in its entirety at <https://wvde.state.wv.us/policies>

Adopted: July 2023

## Expense Reimbursement

Travel expenses incurred for official business travel on behalf of the County shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

### Mileage Reimbursement

The Board of Education shall reimburse any employee for each mile traveled when the employee is required to use a personal vehicle in the course of employment. Reimbursable mileage includes actual miles traveled using the shortest practical route, excluding normal daily commuting mileage. The rate of reimbursement shall be at the IRS approved rate. Travel in the course of employment does not include travel between separate worksites when the employee is employed in two half-time positions.

Travel must be authorized for official school business. Authorization must be secured for each out-of-county trip prior to the date travel is scheduled to begin. All out-of-state travel requests must be submitted at least one month in advance of the trip. Out of state trips must have board approval prior to the scheduled date of travel.

Employees are responsible for submitting a properly completed travel reimbursement form to the Finance Office for payment within two weeks of the travel. The validity of payment for job-related expenses shall be determined by the finance department in accordance with the Superintendent's administrative guidelines. Pre-approval for estimated travel expenses by the Superintendent shall be required as a condition of reimbursement.

### Lodging Reimbursement

The Board may pay the expenses of employees when they attend professional meetings with prior approval in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent.

Reimbursement for lodging shall include the actual expense for overnight accommodations and all applicable taxes and surcharges. A receipt must accompany the reimbursement form.

### Meal Reimbursement

Reimbursement for meals will be made for actual costs and are not to exceed a maximum amount per day in accordance with West Virginia State Purchasing Travel Policy. The prescribed per diem amounts will be deducted of any of the meals that are already paid for through registration fees for a conference and deducted through the total meal allocation for the day. Such reimbursement may only be made when overnight travel is required.

Employees must submit itemized receipts for authorized expenses. Authorized expenses include

but are not limited to meals, lodging, tolls, and registration. Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

#### Registration or Conference Fees

Fees or charges for attendance at conferences, meetings, seminars, or workshops are reimbursable. Reimbursement for a registration fee is allowable if a receipt supports the cost for the amount paid. Accrual of personal credit card "rewards," or any other reward under similar affinity programs (including credit points or rewards directed to non-profit organizations) is strictly prohibited.

This policy does not and is not intended to address every issue, exception, or contingency that may arise in the course of travel but provides guidance to the Superintendent in the issuance of the administrative guidelines hereunder.

Legal Reference: W. Va. Code §§ 18-5-13; 18A-2-14

Revised: September 2023

## Freedom of Information Act

### Purpose

The West Virginia Freedom of Information Act stipulates the following:

- W.V. Code 29B-1-3 provides that every person has a right to inspect or copy any public record of county boards of education.
- W.V. Code 29B-1-2 provides that a public record includes any writing containing information related to the conduct of the public's business, prepared, owned, and retained by a public body.
- W.V. Code 29B-1-3(5) provides that a county board of education may establish fees reasonably calculated to reimburse it for its actual cost in making reproduction of such records.

### Availability of Public Record

Persons requesting to inspect or copy a public record(s) of the Clay County Board of Education under the Freedom of Information Act (FOIA) must address such requests to the Superintendent of Schools. The request must state with reasonable specificity the information sought. Any FOIA requests received by any school or other office of Clay County Schools must be forwarded within 24 hours of receipt to the office of the Superintendent.

The Board is not required to provide information pursuant to a FOIA request that is specifically exempted from disclosure under W.V. Code 29B-1-4.

The Superintendent or designee will notify the person making a FOIA request of either:

- furnish copies of the requested information;
- the date, time, and place where the requested information may be inspected or picked up if the requestor has asked that the Superintendent provide copies of the information requested; or
- the denial of the request (in writing) with the reasons for the denial.

The Superintendent will provide reasonable facilities during regular business hours for making memoranda or abstracts from the public records. The Superintendent, if necessary to prevent undue interference with the regular discharge of the duties of the Board and the schools may impose restrictions on employee time and other resources that are reasonably necessary in order to allow the Board and the school system to function normally, providing it neither violates the spirit and intent of the FOIA nor prevents the requestor from obtaining the information requested.

### Fees

Persons seeking (a) public record(s) under the Freedom of Information Act (W.V. Code 29B-1-1 et seq.) and who request that the information contained in the public record(s) be reproduced in copy form, will be required to reimburse the Board at a rate of 60 cents per page, payable prior to release of the requested copies plus postage if applicable. All fees are to be received by the Board of Education prior to the release of the requested information.

Legal Reference: W.V. Code 29B-1-1, 29B-1-2, 29B-1-3(5), 29B-1-4, W.V. Code 6- 9A-4(12)

Revised: September 2023

## Purchasing Card

### General

The Purchasing Card (P-Card) Program provides an efficient, cost-effective method of payment for designated purchases and expenditures. The policy establishes the minimum guidelines for the Purchasing Card Program.

### Application

The Purchasing Card Program shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. All applicable laws, rules and regulations, P-Card Policies and Procedures, and other governing instruments must be adhered to as follows:

- Purchasing cards (P-Cards) will be used for business expenditures only.
- Under no circumstances shall P- Cards be used for personal purchases or to obtain cash, cash advances or cash credits.
- The Treasurer/Chief School Business Official is responsible for administering the purchasing card program. The responsibilities may be delegated to Director of Payroll and Accounting Services and/or Purchasing Card Coordinators.
- The coordinators are responsible for reconciling the respective master purchasing card statements. This includes reviewing all transactions to ensure that they are legitimate and for official business, and that all required documentation is present.
- A P-Card will only be issued to a regular full-time employee of the Board and will be issued in the name of that employee.
- A P-Card shall not be issued to temporary or part-time employees, contract employees, volunteers, or students.
- By accepting the P-Card, the employee assumes responsibility for the P-Card. It is the Cardholder's responsibility to ensure accuracy of charges.
- To control and safeguard the County the following limits are established for the use of the purchasing cards:
  - The purchasing card issued to the Treasurer/Chief School Business Official and the Director and Accounting Services may be used to make payment for the following, including but not limited to; property and liability insurance, contracted diesel fuel for buses, worker's compensation insurance, food service vendors, construction related invoices, textbooks, technology, supplies, and other vendors who may provide a rebate or will not accept purchase orders.
  - A full-time employee who is issued a purchasing card may use the card for a maximum monthly transaction limit of \$5,000 and a maximum daily transaction limit of \$5,000 unless a temporary increase is granted.
  - The P-Card is not transferable and may not be used by anyone other than the Cardholder.
  - If the P-Card is lost or stolen, or if the Cardholder suspects the P-Card or account number has been compromised, the Cardholder agrees to notify the Clay County

- Board of Education P-Card Coordinator immediately.
- The Cardholder will receive a monthly statement listing all activity associated with the P-Card. The Cardholder will be responsible for the verification and reconciliation of all account activity with the P-Card Coordinator.
  - The Cardholder will provide the appropriate documentation to the P-Card Coordinator.
  - The receipt must contain the following specific information:
    - A description of the item (s) purchased, unit price, quantity, and total cost for each item (use of generic terms such as “miscellaneous” or “various merchandise” is not acceptable).
    - No balance due or need to be marked “paid”.
    - A total price.
  - Fleet cards may be signed out by pre-approved users and are subject to the same limitations as regular cardholders. Pre-approved users must be employees. Fleet cards must be returned with an accompanying receipt the business day following the transaction. The Director of Payroll and Accounting Services is the coordinator for all board issued fleet cards. The principal or their designee is the coordinator for school issued fleet cards.
  - The Cardholder’s account will be subject to periodic internal control reviews and audits designed to protect the interest of the Board of Education.
  - The Cardholder agrees to surrender and cease use of the P-Card upon termination of employment from Clay County Board of Education for retirement, voluntary separation, resignation, or dismissal.
  - The Purchasing Card Coordinator will cancel the card and destroy the card.
  - The Cardholder may also be asked to surrender the P-Card at any time deemed necessary by the Board’s administrative staff.
  - Misuse or fraudulent use of the P-Card will result in disciplinary actions and may be grounds for dismissal and criminal investigation up to and including prosecution.

Reference: WV Code § 12-3-10a State Board of Education Policy 8200

Revised: September 2023

Commercial Agents / Soliciting

Commercial agents or representatives of firms / businesses are prohibited from canvassing school personnel and/or students on school property without direct explicit written consent from the Superintendent. No endorsement of any publication or product shall be made for use in the school or community.

Students or other agents representing groups outside the school may not canvass school personnel or students without direct explicit written consent from the Superintendent.

No individual or group of individuals is permitted to solicit funds in the community for the school or in the name of the school without the direct explicit written consent from the Superintendent.

Adopted: September 2023

## Gifts, Bequests and Donations

The Superintendent may accept on behalf of the Board gifts, bequests and donations which are not inconsistent with Board policy. The Board shall not accept gifts, bequests, and donations whose management and application, as set forth by the wishes of the donor or testator, would be inconsistent with board policy or unduly restrict the Board control.

All gifts, bequests, and donations accepted in the name of the district shall become the property of the Board. Any monetary gift/donation valued at more than \$500 shall be deposited in the district's accounts as determined by the Board. Gifts/donations of less than \$500 may be deposited in the activity fund of the school.

Gifts, bequests, and donations shall:

- Be subject to safety inspections;
- Be fitting and appropriate for the district, as determined by the Superintendent;
- Contain no blatant advertising or unsightly commercial recognition;
- Include installation costs unless waived by the Board; and
- Not require excessive maintenance or maintenance costs.

### Donations

Donations of money, materials and/or services shall meet the following criteria:

- Proposals shall be directly related to school purposes and involve proper expenditures of school funds;
- The Principal and Superintendent shall recommend the donation proposal before it is submitted to the Board for approval;
- All donation plans shall comply with Board policies and administrative procedures; and
- Donated funds for proposals not approved by the Board shall be returned to the appropriate organization/ individual.

### Donations of Equipment

A donation or loan of new or used equipment which is electrical and/or mechanical shall meet the following criteria:

- The Principal, Director of Facilities and Superintendent shall certify that the equipment is needed; and
- All equipment shall meet applicable safety standards.

### Gifts to Employees

No employee shall accept, for personal use, any gifts valued at over \$25 during any calendar year from current or potential suppliers or vendors. Personnel are also prohibited from accepting rebates

in the form of gifts or gratuities valued at over \$25 during any calendar year from organizations or persons to whom they have referred or may refer parents and students. Exceptions may be made for those businesses who offer discounts to various employee groups.

Adopted: September 2023

**Tobacco Control**

Clay County Board of Education works to promote the adoption of healthy lifestyles by students and employees and to provide a healthful environment in which students and staff members may learn and work. The purpose of this policy is to promote achievement of these two goals by prohibiting the use or consumption of tobacco products in school buildings, on school grounds, in school-leased or owned vehicles, and at all school affiliated functions to improve the health of West Virginia students and school personnel.

For purposes of this policy, tobacco products shall be defined as any substance containing tobacco nicotine, any other chemical substitute or paraphernalia intended for the manufacture sale and/or use of tobacco or nicotine products. The Board recognizes that the use of tobacco presents a health hazard that can have serious consequences for both the user and the non-user and is, therefore, of concern to the Board.

Students under 18 may not have any tobacco product at any time. The use of tobacco products has a direct link to numerous health problems, and this policy is intended to prevent students, school personnel, and visitors from being exposed to secondhand smoke and to prevent youth addiction to tobacco products. Use or possession of tobacco, tobacco products, or non-tobacco substitutes, in any form, is forbidden on all school property, including all school buses and Board vehicles, and at school sponsored events. Any student in violation of this policy shall be subject to the consequences outlined in the Student Code of Conduct, and by local Board and State Board policies. This policy is intended to promulgate a positive, pro-active approach to tobacco control. In addition, school personnel shall act as positive role models for students by not distributing or using tobacco products in school buildings, or school grounds, in school leased or owned vehicles, and all school affiliated functions.

In compliance with state board policy, these regulations apply to any building or other property owned or operated by the Board of Education, the surrounding grounds, Board employees and students. This policy also applies to all vehicles owned or operated by the Board and includes private automobiles or other non-Board owned vehicles used for school activities when students are present.

No tobacco product shall be used at any time by any person in any area defined above. School personnel supervising students off school grounds are prohibited from using any tobacco products while in the presence of students or any time while engaged in any activities directly involving students.

In recognition of the difficulty that people habituated to nicotine have in withdrawal, the Board of Education will work with these employees to encourage their participation in a tobacco cessation program. Additionally, a staff development program will be conducted on this topic upon request.

Enforcement of this policy in outdoor stadiums, etc., will be an educational process. Announcements must be made prior to and during events to remind the public of this tobacco policy. Signs are to be posted indicating that tobacco use is prohibited. Printed programs must also remind the public of this policy.

Upon employment each staff member shall be required to sign the appropriate form verifying that he/she has been advised of the Drug-Free/Tobacco-Free Workplace policy and will abide by this policy while employed by the school system. 20 U.S.C. 6081 et seq. WV Code §16-9A-4 WVBOE Policy 2422.5

School personnel who violate this policy shall be subject to the following sequential and progressive penalties:

- 1st Offense - Written reprimand to be placed in the employee's personnel file.
- 2nd Offense - One-day suspension without pay.
- 3rd Offense - Three-day suspension without pay.
- 4th Offense - Five- day suspension without pay and a hearing for possible dismissal for insubordination.

New employees shall sign an acknowledgement that he or she has read this policy and will abide by it as a condition of employment. The signed statement will be maintained in each employee's personnel file.

Adopted:        September 2023

## **Anti-Harassment and Violence Policy**

The purpose of this policy is to prevent racial, sexual, religious/ethnic or disability harassment or violence, by or toward students and staff, to protect the academic environment, and to assure that Clay County Schools respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals. The Clay County Board of Education aims to ensure that the learning and working environments are free from harassment or violence.

### **Application**

This policy applies to any student, staff member or member of the public during any school related activity or during any education sponsored event whether in a building or other property used or operated the Clay County Board of Education or in another facility being used by the Clay County Board of Education. The term "staff members", as used in this policy, shall encompass all employees, volunteers, and independent contractors of the Clay County Board of Education.

No student, staff member or member of the public, during any school related activity or during any education sponsored event, whether in a building or other property used or operated by the Clay County Board of Education or in another facility being used by the Clay County Board of Education, shall engage in sexual, racial, ethnic/religious, disability harassment or violence. Persons found to have violated this prohibition shall be subject to the penalties outlined herein.

Amorous relationships between staff members and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties outlined herein.

### **Definitions**

#### *Sexual Harassment*

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or
- creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include but is not limited to:

- unwelcome verbal harassment of a sexual nature or abuse;
- unwelcome pressure for sexual activity;
- unwelcome, sexually motivated, or inappropriate patting, pinching or physical contact;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment regarding an individual's employment or educational status;
- unwelcome behavior, verbal or written words or symbols directed at an individual because of gender; or
- The use of authority to emphasize a student's sexuality in a way that prevents or impairs their full enjoyment of educational benefits, climate, or opportunities.

### Racial Harassment

Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

### Religious/Ethnic Harassment

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

- has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

### Sexual Violence

Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas:

- sexual violence may include, but is not limited to:
- touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;

- threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or
- threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

### Disability Harassment

Disability harassment is intimidation or abusive behavior toward a student based on a disability when the conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

Disability harassment may include, but is not limited to the following:

- verbal acts and name calling;
- non-verbal behavior such as graphic and written statements; or
- conduct that is physically threatening, harmful or humiliating.

Disability harassment includes disability discrimination, which is when a person with a disability is treated less favorably than a person without the disability in the same or similar circumstances. It occurs when coworkers, a supervisor, or even third parties (such as clients or vendors) subject an employee to unwelcome actions, comments, or conduct because of the employee's disability. Illegal harassment occurs either when putting up with unwelcome conduct is a condition of keeping your job or the conduct so severe or pervasive that it creates a "hostile work environment."

### Racial Violence

Racial violence is a physical act of aggression or assault upon another because of, or in a manner related to, race.

### Religious/Ethnic Violence

Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

### Disability Violence

Disability violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to a disability.

### Assault

Assault is an act done with intent to cause fear in another of immediate bodily harm or death or the threat to do bodily harm to another with present ability to carry out the threat.

## **Complaint Procedures**

Any person who believes he or she has been the victim of religious/ethnic, racial, sexual or disability harassment or violence by a pupil, teacher, administrator or other school personnel of the county board of education, or any person with knowledge or belief of conduct which may constitute religious/ethnic, racial, sexual or disability harassment or violence toward a pupil, teacher, administrator other school personnel, or other person, should report the alleged acts immediately to the Human Rights Officer, by any means, including at [ClayHumanRightsOfficer@k12.wv.us](mailto:ClayHumanRightsOfficer@k12.wv.us). The Clay County Board of Education encourages the reporting party or complainant to use the report form available from the building administrator or available from the Clay County Board of Education Administration Office. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the county superintendent, the state superintendent, the West Virginia Human Rights Commission, or to a law enforcement agency.

In each school facility or department, the building administrator is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report, the administrator must notify the Clay County Board of Education's Human Rights Officer/Title IX Coordinator at [ClayHumanRightsOfficer@k12.wv.us](mailto:ClayHumanRightsOfficer@k12.wv.us), immediately without screening or investigating the report. A written report of the complaint will be forwarded simultaneously to the Human Rights Officer. If the report was given to the building administrator verbally, he/she shall summarize it in written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any harassment or violence report of complaint as provided herein will result in disciplinary action. If the complaint involves the building administrator, the complaint shall be made directly to the Human Rights Officer.

The Clay County Board of Education hereby designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of harassment or violence from any individual, employee or victim of harassment or violence and from the building administrator as outlined above. If the complaint involves the Human Rights Officer, the complaint or reports shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in this policy. The name of the Human Rights Officer, including a mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Clay County Board of Education are assigned to work. Submission of a complaint or report of harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report. Use of formal reporting forms is not mandatory.

## **Investigation**

- The Human Rights Officer (or Superintendent if the complaint involves the Human Rights Officer), shall upon receipt of a report or complaint alleging religious/ethnic, racial, sexual or disability harassment or violence, immediately undertake or authorize an investigation. The investigation may be conducted by administrative employees of

the Clay County Board of Education or by a third party designated by the Superintendent. If the complaint concerns the Superintendent, a third-party investigator will be designated by the Clay County Board of Education.

- The investigation must at least consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may know the alleged incident(s) or circumstances causing the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.
- The investigator(s) shall determine whether the alleged conduct constitutes a violation of this policy.
- In determining the appropriate response and/or punishment, consideration shall be given to the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances, as outlined above.
- School officials may take immediate steps, at their discretion, to protect the complainant, pupils, teachers, administrators or other personnel, or person, pending completion of an investigation of alleged religious/ethnic, racial, sexual or disability harassment or violence.
- The investigation will be completed as soon as practicable and, in most cases, not later than ten working days after receiving the complaint, a written report will be forwarded to the county Title IX Coordinator and the Superintendent by the investigator. The investigator shall make a written report to the Superintendent and Human rights Officer, if not the investigator, upon investigation completion. If the complaint involves the Superintendent, the report may be filed directly with the Clay County Board of Education. The report shall include a determination of whether the allegations have been substantiated as factual and whether they are violations of this or any other policy.
- The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the Superintendent, or, if the Superintendent is the subject of the complaint, by the president of the Clay County Board of Education.
- Confidentiality of the filing of complaints, the identity of subjects and witnesses to any complaint and of any action taken because of such complaint is essential to this policy's effectiveness. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected when legally possible, and violations of such confidentiality may itself be grounds for disciplinary action.

## **Action and Reporting**

Upon receipt of a report substantiated by the investigation, the Superintendent or the Clay County Board of Education will take appropriate action against those found to have violated this policy. Such action may include warning, suspension, exclusion, expulsion, termination and revocation of licensure. If a person who is not an employee or student of the Board is found to have violated this policy, that person may be prohibited from entering any school building, facility, or property.

The Superintendent or the Clay County Board of Education shall also initiate other appropriate actions to ease tensions and affirm the values of respect and understanding.

The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when an investigation shows that harassment or violence did occur and shall include all action taken in response to the incident.

### **Reprisal**

The Clay County Board of Education will discipline any pupil, teacher, administrator, or other school personnel who retaliates against any person who reports alleged religious/ethnic, racial, sexual or disability harassment or violence or any person who testifies, assists or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes any form of intimidation, reprisal, or harassment. The Board will discipline, as deemed appropriate, any pupil, teacher, or administrator or other school personnel who falsely report religious/ethnic, racial, sexual or disability harassment.

### **Right to Alternative Complaint Procedures**

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

### **Dissemination of Policy**

- This policy or a summary shall be conspicuously posted throughout each school building and all the Clay County Board of Education facilities in areas accessible to pupils and staff members.
- This policy shall appear in the student and staff handbooks and if no handbook is available, a copy will be distributed to all students, faculty, and staff.
- Annually, the Clay County Board of Education will provide training for students and staff on these regulations and on means for effectively promoting the goals of this policy. School administration will maintain copies of the sign-in sheets verifying attendance at the training session(s). This policy shall be reviewed annually for compliance with state and federal law and state board of education policy.

Adopted: September 2023

## Freedom of Speech and the Press in School-Sponsored Media

The purpose of this policy is to establish Clay County Schools believes that freedom of expression and freedom of the press are fundamental principles in a democratic society that provide all citizens with the right to engage in a vigorous discussion of ideas, and that a robust and free student press is critical to the development of informed and civic-minded adults. Freedom of expression through school-sponsored media is protected by the First Amendment to The United States Constitution, the West Virginia State Constitution, Article III, Section 7, and the Student Journalist Press Freedom Protection Act.

It is the policy of Clay County Schools to ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

### Definitions

“Libel” is the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person’s reputation.

1. Criticism of public officials, public figures, school policy, or the work performance of teachers, administrators, school officials and/or other school employees is generally protected unless it meets the definition of libel, above.

“Orderly operation of the school” is educational student activity sponsored by the school, including classroom work, school assemblies and similar gatherings, school-sponsored athletic contests, band concerts, school plays, and scheduled in-school lunch periods.

“Prior restraint” is any action taken to prohibit, prevent, or stop the creation, research, production, or distribution of school-sponsored media. This includes, but is not limited to, verbal statements that a story may not be distributed or should not be researched or written; deletion of material including sentences, photographs, or portions of a broadcast; interfering with printing or distribution decisions; and destruction of already-distributed school-sponsored media.

“Prior review” is the review by a school administrator before publication or distribution of school sponsored media.

“Slander” is the speaking of false statements of fact that seriously harm a living person’s reputation.

1. Criticism of public officials, public figures, school policy, or the work performance of teachers, administrators, school officials and/or other school employees is generally protected unless it meets the definition of slander, above.

“Student media adviser” means an individual employed, appointed, or designated by a public high school to supervise or provide instruction relating to school-sponsored media.

“Student journalist” means a public high school student who writes, edits, photographs, records, or prepares information for inclusion in school-sponsored media.

“School-sponsored student media” means any material that is prepared, substantially written, published or broadcast, in any media, by a student journalist under the direction of a student media adviser and distributed or generally made available to members of the student body. School-sponsored media includes, but is not limited to, newspapers, magazines, websites and other internet-based media, yearbooks, TV, radio, podcasts and video productions. School-sponsored media does not include media intended for distribution or transmission for classroom purposes only, or non-school-sponsored student media.

#### Student Freedom of Expression in School-Sponsored Student Media

Student journalists and student media advisers are responsible for determining the news, opinion, feature, and advertising content of school-sponsored student media. Student journalists may create an editorial hierarchy (e.g., student editorial board, editor in chief, section editors, etc.) for determining content.

No student journalist shall be disciplined, penalized, restrained, or otherwise censored, punished, or subject to any form of retaliation when acting in accordance with this policy.

There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the “Exceptions,” listed below. School officials have the burden of showing prior justification for their limitation of student journalist expression and shall afford students a timely opportunity for appeal.

Any reason for prior review shall be clearly communicated to the student journalist in writing, and at no time will school-sponsored student media be held for prior review longer than seventy-two (72) hours.

#### Student Media Advisers

Student media advisers may provide feedback to students, including teaching professional standards of English and journalism. Student media advisers assist in determining, assigning, or approving the content of student media. If the adviser believes the student media has met the criteria for exclusion listed in “Exceptions” below, the content may be excluded and is subject to the appeal process. The appeal process is outlined below.

A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in protected speech or refusing to infringe on conduct that is protected by the First Amendment to the United States Constitution, the West Virginia State Constitution, Article III, Section 7, and the Student Journalist Press Freedom Protection Act. No financial decisions relating to the student media program will be based, in whole or in part, on the past, present, or potential content of school-sponsored student media.

#### Exceptions

This policy does not authorize or protect school-sponsored media that:

1. Is libelous or slanderous;
2. Constitutes an actionable invasion of privacy;
3. Is obscene;
4. Violates federal or state law; or
5. Expressly incites students to engage in the commission of an unlawful act or acts, or violate a lawful school policy, or is likely to cause the material and substantial disruption of the orderly operation of the school.

When determining substantial disruption of the orderly operation of the school, administrators must base a forecast of material and substantial disruption on specific facts. In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. Actual or potential heated discussion or debate alone is not sufficient evidence of a material and substantial disruption.

School officials shall have the burden of providing to the student journalist prior written justification for their limitation of school-sponsored media.

#### Appeals

The student journalist shall have the right, within five (5) business days of receiving the written reason for limitation of school-sponsored student media, to appeal the decision to the Superintendent. Appeals must be filed in writing. The Superintendent shall convene a hearing within five (5) business days. The student journalist shall have the right to have the student's parent or legal guardian and the student media adviser present. The burden of proof shall be on the principal or his or her appointed representative to demonstrate that the media in question has met the criteria for exclusion. The Superintendent shall render a written decision within forty-eight (48) hours of the hearing.

The student journalist shall have the right, within five (5) business days of receiving the Superintendent's written decision, to appeal to the School Board. The School Board shall hear the appeal at the next regularly scheduled Board meeting. The School Board shall render a written decision upon hearing the appeal.

Adopted: August 2023

## HIV/AIDS EDUCATION

The goal of this policy is to assist in the protection of students by providing them with the knowledge and skills necessary to avoid behaviors that will put them at risk of infection with the human immunodeficiency virus (HIV). The human immunodeficiency virus (HIV) is the virus that causes the condition of Acquired Immune Deficiency Syndrome (AIDS). Our district instructional program shall include the following components:

### Instructional Program

- HIV/AIDS prevention education shall be integrated into current programs of study such as, but not limited to health, science, developmental guidance, and social studies at grades 6-12. Presented in a developmentally appropriate context, concepts related to HIV/AIDS education may be introduced from kindergarten through twelfth grade.
- Programs shall be comprehensive to provide not only knowledge about the disease AIDS, but also have a focus on the behaviors and skills necessary to prevent exposure to the virus. Students will also be encouraged to develop a compassionate response to persons who have contracted HIV/AIDS.
- All high school students will, upon completion of course requirements for graduation, unless exempted by their parents/guardians, have received appropriate AIDS prevention education. Such instruction shall normally be delivered within the health course requirements for graduation.
- Guidelines, such as those published by the Centers for Disease Control and the Aids/HIV Education Curriculum as developed by the West Virginia State Department of Education shall be used in the curriculum development.

### Staff Development

- Provisions shall be made for all school staff to receive in-service training about the nature of the AIDS epidemic and means of controlling its spread, and the role of the school in providing education to prevent transmission.
- Educational personnel responsible for classroom instruction shall receive staff development that will enable them to implement effective HIV/AIDS education programs.
- Educational personnel responsible for delivering instruction shall periodically participate in staff development activities that will provide current information related to AIDS education.

### Parent Involvement

- Parents or guardians shall be made aware of and invited to staff development programs related to AIDS prevention education.
- As curricular materials are developed and/or adopted, parents or guardians shall be made aware of these materials. The HIV/AIDS curriculum and materials shall be available for parental examination.

- Inclusion of HIV/AIDS education in curricular areas such as science, social studies, and developmental guidance is warranted to assure total understanding of the disease and its consequences.

#### Curriculum Development

- Clay County Schools shall provide a comprehensive AIDS education program to be implemented during the school year.
- The HIV/AIDS prevention education curriculum shall be developed with the assistance of professional personnel, parents, and community representatives.
- Inclusion of HIV/AIDS education in curricular areas such as science, social studies, and developmental guidance is warranted to assure total understanding of the disease and its consequences.

#### Exclusion of Students from HIV/Aids and Sexually Transmitted Disease Instruction in Health Education Classes

- Clay County Schools will teach health education which includes instruction in grades six through twelve in the prevention, transmission and spread of HIV/AIDS and other sexually transmitted diseases.
- Parents will be provided a letter from the school notifying the parent that HIV/AIDS prevention education will be provided at the school. A form will be attached to the letter for parents to complete if they wish to request that their child be excluded from HIV/AIDS education.
- Once the parents' request has been received, it is the responsibility of the school principal to communicate this information to all appropriate personnel. The classroom teacher and other personnel are then responsible for assuring that the parents' request is honored. For those students who are to be excluded, an alternative learning experience shall be assigned. Credit may not be withheld for students excluded, but completion of alternative assignments is required.

Reference: West Virginia Codes: §18-2-5, §18-2-7, §18-2-9, §18-5-15D, §18-5-34

Revised: September 2023

Clay County Board of Education Virtual School Policy

Reference SB 630: West Virginia §18-5F-1 et seq.

Clay County schools provide opportunities for Virtual classes to promote the education of each student through the innovation of online learning, equipping students with the knowledge to achieve personal and professional success in becoming college and career ready. A full-time virtual option is available for students in grades 6-12 through Clay County Schools Virtual, using Imagine Learning's Edgenuity courses. Virtual learning enables students to learn from remote sites, learn at times other than the normal school day, and learn at a different pace and gives students access to courses that would not be available in their area. Our district will provide a mentor/facilitator who will receive regular reports about your child's progress and will serve as the student's first point of contact for academic problems. Parents and the mentor/facilitator will play a shared role in the student's success.

Scope

This policy establishes a virtual education program that offers eligible students in grades six through twelve an online pathway for earning a high school diploma. The mission of the virtual school is to assure consistent, high quality education for our students through courses delivered via technology, promote efficacy, and equity in course offerings, and provide options for implementation across our school system. The virtual school initiative helps bridge the barriers of time, distance, and inequities for all students by providing access to resources. To ensure a successful virtual experience for students, access to internet and technology, family support, academic support, and consistent communication between teacher, student, family, and school are essential.

Authority W. Va. Code §18-5F-1 et. seq.

Definitions

- ☐ Eligible student - a student eligible for attendance in public schools in a school district that provides a virtual instruction program
- ☐ Full-time student – student enrolled for the full instructional day and completing required courses comparable to the traditional course load for students at their programmatic level and completing required courses for a WV public school diploma
- ☐ Part-time student – student enrolled up to 50% of the instructional day (4 periods, two of which are core classes)
- ☐ Virtual course - any virtual pathway course offered by Clay County Schools that meets the specified state-approved standards for that course
- ☐ Virtual instruction program - a program implemented that provides a full-time online or blended program of instruction for students enrolled in any composition of grades six through twelve.
  - Full-time virtual program - formal education program in which a student learns through a total online learning environment/platform. This is the model used for Clay County Schools

#### Virtual Instruction Program.

- Blended virtual program – formal education program in which a student learns at least in part through an online learning environment/platform and in part in a supervised setting at school.
- Independent study with online instructional support - a more flexible learning environment where students complete courses aligned to current standards while offering direct access to a certified teacher via email and scheduled appointments. Students in an independent model have 24-7 access to coursework with deadlines imposed.

#### Student Eligibility and Requirements

Students who meet the following requirements are eligible to participate in the virtual education program:

- ☐ Enrolled in Clay County Schools as a full or part-time student.
- ☐ Enrollment deadlines are the first week of each semester. The Superintendent may approve enrollment after the established deadlines to accommodate student transfers into the district or other unusual circumstances.
- ☐ Successfully complete a district defined virtual education orientation course/program/session with his/her family.
- ☐ Meet school system and/or state enrollment requirements for the county school system, including health requirements such as immunizations, physicals, dentals, etc.
- ☐ Meet school system and/or state enrollment requirements for the course(s) in questions including successful completion of any prerequisite courses.
- ☐ Maintain a minimum grade of a 70 percent on a numerical grade scale in courses taken during the current academic year.
- ☐ Have access to consistent, daily internet service.
- ☐ Have reliable transportation to and from tutoring site for students with special needs.
- ☐ Maintain weekly communication between online student and the school district.

#### Attendance

Students who are enrolled in the full-time virtual program and otherwise meeting all course requirements are exempt from attendance requirements. Students participating in the virtual education option will be considered as being in attendance if the students are successfully progressing in the virtual education coursework. Successful progression will mean completing courses to graduate with one's four-year cohort or taking the West Virginia Secondary Schools Activity Commission (WVSSAC) required number of courses to participate in extracurricular activities.

The county school system reserves the right to set specific attendance requirements for each virtual course. The superintendent or his designee is authorized to develop alternate attendance policies for virtual courses, provided that students in such programs are given notice of the attendance requirements. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation or removal from the class or a charge of truancy, if appropriate.

All virtual program students will be enrolled as a student in the school ~~zone~~ in which they reside.

These students will be counted in the average daily membership.

### Extracurricular Activities

Students enrolled as a full-time student in the virtual program are eligible to participate in co-curricular and extracurricular activities in the school in which they are enrolled. Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program including any applicable WVSSAC requirements. Student residency for purposes of participating in extracurricular activities will be determined in accordance with applicable Clay County Schools' policies and WVSSAC policies, [www.wvssac.org/rules-and-regulations/](http://www.wvssac.org/rules-and-regulations/).

### Course Progression

Students are required to progress through online courses at a rate comparable to the progression of a traditional class. Student performance will be monitored and reported on regular intervals consistent with a traditional day program.

### Dropping Online Course/Transition Back to Traditional Course

Students may drop an online course and transition to a traditional course (or vice versa) as deemed appropriate by the principal in collaboration with the student's teacher, Student Assistance Team (SAT), and/or Individualized Education Program Team. Students may drop an online course and transition to a traditional course (or vice versa) within five days without grade penalty.

- ☐ Students and families request to drop a course by contacting the building administrator and virtual school coordinator.
- ☐ If a student withdraws from a virtual class after five days into the semester and enrolls in the same course at their school, then the grade the student had online will be transferred to the traditional teacher with whom he/she is enrolled. If the student does not enroll in the class at their school, the student will receive a grade of Withdraw Failing if he/she drops the course after fourteen days. This grade will be used in calculating the student's grade point average for extra-curricular participation and for class rank.

### Assessment, Grading, Diploma

All virtual pathway students will participate in all state and accountability requirements. The student is required to participate at their school of enrollment on days identified by county. A student may not be permitted to enroll in virtual school the following school year if they have not met all state testing and West Virginia Department of Education accountability requirements for the previous year.

Upon satisfying all public school graduation requirements (WVBE Policy 2510, Assuring Quality Education: Regulations for Education Programs, [wvde.state.wv.us/policies/policy.php?p=2510&alt=1](http://wvde.state.wv.us/policies/policy.php?p=2510&alt=1)), students enrolled in the virtual program will receive a high school diploma from Clay County Schools. Any virtual program course taken for high school credit, regardless of the grade in which the course was taken, will be entered onto the student transcript and calculated in Grade Point Averages, etc.

Clay County's Dual Credit Policy may apply to virtual programs. Course grades assigned to a student's transcript must follow the WV Uniform Grading Scale found in WVBE Policy 2510 Section 5.4.d.

### Removal

Students may be transitioned back to a traditional school program or removed from the virtual program for the following reasons:

- ☐ Not maintaining a 70 percent in each course
- ☐ Progression through coursework falls below the minimum comparable traditional course standard
- ☐ Attendance requirements are not met
- ☐ Cheating, falsifying information, plagiarizing
- ☐ School system policies, procedures, rules, or regulations are violated, including rules governing the use of technology as indicated in the Acceptable Use Policy signed when enrolling in school.

### Student Support

Students participating in virtual school will receive the following supports:

- ☐ In-person tutoring will be provided at the local school for courses currently taught at the local school as determined by the local school administration.
- ☐ IEP committees will meet to determine the most appropriate least restrictive environment and the most reasonable accommodations
- ☐ ELL committees will meet to determine the most reasonable accommodations

### Counseling and Guidance Services

Clay County schools will use personnel to assist with academic, career, and social needs as they arise. In conjunction with school counselors, students will be assisted with developing an educational plan based on transcripts, standardized assessments, career interests, and other pertinent data. The plan will be reviewed periodically to assess its appropriateness and progress toward completion.

### Student Responsibilities

Students should spend the first days making sure they are comfortable with the technology of online learning, and they are capable of mastering the content. Students are responsible for maintaining reliable, daily access to internet. Computer/internet problems will not be accepted as reasons for delays in meeting deadlines. Only through continuous communication and consistent work can students be successful in an online course. It is essential that students maintain weekly contact with their instructor and submit assignments on time. Students must let the administrator for virtual school know immediately if he/she needs courses on the NCAA approval list.

## Technology

- ☐ If a student is approved to work at home, the student must have appropriate computer equipment and an Internet Service Provider that provides reliable, daily internet access. It is not the responsibility of the school, county, or state to provide home computer equipment and/or home Internet access.
- ☐ Families need to ensure there is access to the necessary technology. Families need to monitor their child's progress and grades with the virtual courses. Due to the maturity and developmental level of some students, increased family involvement is required for students enrolled in the virtual school program. Families need to provide support and encouragement as students are working on their online courses. It is important that families provide structure and guidance when helping their child to complete the course work. Families also need to be a liaison between the students and the teacher as needed.

## Homeschool/Non Public School Students

Any homeschool or nonpublic school student who wishes to enroll in Clay County Schools Virtual School must enroll as a student at the appropriate middle school or high school. Homeschool and nonpublic school students wishing to participate in WVSSAC interscholastic activities and events must meet eligibility requirements as set forth by WVSSAC rule.

### Note: Course Codes

When entering course codes for Virtual Courses use the following:

Environment Codes in WVEIS:

03 WV Virtual via WV Learns

05 County Virtual, independent

Adopted: December 9, 2019

Effective: July 20, 2020

Revised: August 2, 2021

Revised: August 18, 2021

Revised: September, 2023

## Volunteer Service

The Clay County Board of Education recognizes certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Superintendent/principal shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not in accord with the Board's needs. Volunteer services could include, but are not limited to, assistance with library, office, classrooms, and cafeteria duties.

Upon recommendation and Board of Education approval, a volunteer will be provided a copy of this policy so as to inform them of the following:

- Volunteers are required to abide by all Board policies and district guidelines while on duty and
- Volunteers are covered under the District's liability policy, but the County cannot provide any level of benefits such as health insurance to cover illness or accident incurred while in service as a volunteer, nor is the person eligible for workers' compensation.

### Selection and Screening

- Each staff member shall submit to the principal the name and address of each potential volunteer whose presence will involve contact with students. The principal in collaboration with local law enforcement shall determine whether the volunteer's name appears on the sexual offender registry or has been found guilty of a felony. The principal shall notify the Superintendent of any potential volunteer who is identified as a registered sex offender. The Superintendent shall provide written notice to the offender that s/he may not be on school property without prior written authorization. The Superintendent shall also inform the principal and employees that the individual may not be used as a volunteer. All volunteers must be recommended by the Superintendent and approved by the Board.
- The Superintendent shall develop a volunteer application form that includes mandatory reporting of prior arrests or convictions of any offense that involves misconduct toward a minor. Any person who fails or refuses to complete this portion of the volunteer application form shall not be permitted to serve as a volunteer.
- A sex offender registrant who is the parent or guardian of a student, shall be permitted to participate or volunteer in appropriate parent or guardian activities, unless prohibited by court order. However, the Superintendent may direct that appropriate measures be taken to lessen the risk of the unsupervised presence of registered sex offenders in schools or school sponsored activities. Alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in order to protect students.
- The Superintendent/principal shall inform all volunteers who work or apply to work

unsupervised with children on a regular basis of the need to display appropriate behavior at all times and that they will have to provide a set of fingerprints so that a criminal records check can be conducted and that they have to pay the costs associated with the criminal records check either before they can begin their duties, or as a condition of continued service as a volunteer at the discretion of the Board.

- If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to a crime, or if criminal convictions are disclosed on the volunteer application form, the Superintendent, in his/her sole discretion, may determine that the presence of the volunteer in the schools would present an unreasonable risk to the safety and welfare of students. In such case, the volunteer will be informed that she/he may not serve as a volunteer. If a volunteer engages in behavior in violation of policies, written or oral instructions by school personnel, or engages in any behavior that is averse to student safety and welfare, or which has the potential to adversely affect student safety or welfare, the Superintendent, in his/her sole discretion, may determine to discontinue service by the volunteer.

#### Limitations

- Volunteers shall not be responsible for direct supervision of students;
- Volunteers shall not receive monetary compensation for their services;
- Volunteers shall be under the direct or indirect supervision of school personnel; and
- Volunteers must abide by the same confidentiality provisions of school personnel and shall be so instructed and trained if necessary.

## Workplace Readiness

### Purpose

In accordance with West Virginia Department of Education Policy 2510, Clay County students in grades 9-12 will be provided work-based learning experiences. Work-based experiences are educational activities that must assist the student to gain an awareness of the workplace, develop an appreciation of the relevance of academic subject matter to workplace performance, and gain valuable work experience and skills while exploring career interests and abilities. The work-based experience must also have demonstrated ability to assist the student in attaining the process/workplace objectives as defined in West Virginia Department of Education Policy 2510. Goals and objectives for the various types of work-based learning experiences shall be developed.

All students enrolled in grades 9-12 in Clay County Schools, with the approval of the student's advisors and school principal, shall participate in work-based learning experience as a requirement for graduation. It is not required that the work-based experience occurs during the regular school day or within the school calendar. Students in grades 9-10 shall be provided work-based learning experiences that promote career decision-making. Experiences provided for the student in grades 11-12 shall promote career preparation. In grades 11-12, the work-based learning experience should be related to the student's chosen career pathway.

### Definitions

#### *Career Awareness*

The opportunity for students to learn about and develop an appreciation of the broad concepts related to work, career, and educational preparation.

#### *Career Cluster*

A broad grouping of related occupations representative of the types of occupations available in the world of work.

#### *Career Development*

The process through which a student comes to understand the world of work.

#### *Career Exploration*

The opportunity within the education program for students to conduct self-assessment, access career information, examine multiple career options, and initiate education planning based on a tentative career focus.

#### *Career Integrated Experiential Learning (CIEL)*

Personalized CTE program of study developed to meet students' needs by providing them marketable job skills and opportunities to test for multiple nationally recognized certifications.

### *Individual Work Ready Competencies (IWRC)*

Individual Work Ready Competencies provides students with mild learning deficits the opportunity to gain valuable work readiness and occupation specific skills through a CTE career program of study cluster via a modified curriculum.

### *Simulated Workplace*

A career technical education initiative created to assist schools in implementing workplace environmental protocols that align with West Virginia business and industry.

### *Clinical Experience*

Clinical Experience is usually health-facility based and provides students with extensive client contact. These experiences are governed by specific instructional goals and objectives. A written contract is secured by the educational system and the participating agency, to ensure that the prescribed training has taken place. Extended time frames are the norm for these experiences, with the supervision being the responsibility of the "dual- credential, professional" (one who holds a license to teach and provide health care).

### *Community Service-Learning*

Community Service-Learning lends both service and learning goals in such a way that both occur and are enriched by each other. Service-learning projects emphasize both service and mastery of instructional goals and are designed to use volunteer community projects to reinforce classroom concepts. Projects can be classroom or individual projects and can be designed to accommodate students of any age or grade. Participation in 4-H, Jr. Achievement, and other similar youth organizations shall be considered forms of community service learning, if a community service activity takes place.

### *Field Trips*

Field Trips entail supervised class visits to work sites that have specific educational value. Trips should be planned and should correspond with instructional goals and objectives.

### *Shadowing*

Shadowing is a more active form of observation, wherein students are assigned to a specific worker for a certain period of time. While watching the worker perform his/her duties, the student may ask questions or, on a limited basis, even take part in the work if work is appropriate for the student's age. In this way, the student experiences the work environment and better understands the skills needed for specific occupations.

### *Simulations*

Simulations are not real work-based experience, but in certain situations they may constitute a good introduction activity for upper-level students or a substitute for real workplace activities. Computer-based simulations can teach important concepts in a small group setting. Teacher/instructors must integrate a learning component through pre- and post-simulation

activities to fully realize the effectiveness of simulations.

#### *School-Based Enterprise*

School-Based Enterprise is a high-level simulation of a real-world business. In the best enterprise, the exercise is a very close approximation of a real business. Goods or services are bought and sold; market research is done to determine consumers' preferences; profits or losses are the result. Students plan, manage, and operate the enterprise. The teacher plays the role of a "business consultant". A typical enterprise might be a school store selling school supplies and spirit items operated by a marketing education class. Other examples might be a typing service set up by business students or a partnership with a local bank to have finance class operate a real bank in the school.

#### *Supervised Agricultural Experience (SAE)*

SAE provides actual and simulated work-based agricultural experiences. There are three basic types of SAE. In an entrepreneurial SAE, the student is self-employed, providing a good or service that is produced on owned or rented land. Examples include landscaper or livestock producer. Agribusiness or farm placement is the agricultural version of cooperative education. Directed work experiences involve an SAE program conducted in school facilities or land laboratories. Greenhouses or fish production facilities would be examples.

#### *Career Work Skills Training*

Career Work Skills Training (CWST) is a teaching method at the secondary level that combines classroom instruction with paid, on-the-job training. In effective co-op programs, the school, business, students and parents sign a Training Agreement that clearly identifies the responsibilities of each party. The teacher and the training sponsor design a Training Plan that identifies the competencies to be learned by the students at the job site. The teacher evaluates the classroom performance and works with the training sponsor to evaluate the on-the-job performance.

#### *Regular Employment*

Regular Employment is described as an instance where individuals have paid work experience in the regular community work environment. For such employment to satisfy the work-based learning requirement, it must be related to the student's career pathway.

#### *Internship*

Internship involves work-based activities where students work with an employer for a specified period of time to learn about a particular occupation or industry. The workplace activities involved with an internship could include special projects, a sample of a task from different jobs, or a task from an experience that outlines the expected objectives to be accomplished by the student. This may or may not include financial compensation.

**Adopted: September 2023**

## **Veteran's Honors Funeral Assistant Community Service Programs**

### **Purpose**

The Clay County Board recognizes the need to facilitate collaboration that will encourage capable young people to assist with the sounding of Taps at military funerals honoring our veterans and, thereby, help them to develop a better understanding of the sacrifices, a respect for the commitment and an appreciation of the privileges that the men and women of the armed services have protected through their service. The purpose of this policy is to increase the number of buglers qualified to sound Taps at military honors funerals of deceased veterans and to develop programs for qualified student volunteers to participate as buglers.

### **Registry of Qualified Students**

A registry of students shall be created by each school's band director/music teacher. The registry shall include Student's full name and phone number; School name and phone number; Band director/music teacher; School principal. The registry shall be kept on file at Clay County Middle / High School and in the office of the personnel director. The registry shall be made available upon request to funeral directors and established veterans' organizations. After providing the appropriate musical training, information on the historical significance and protocol necessary to ensure the integrity of the sounding of Taps, the band director/music teacher shall determine students eligible for the registry.

### **Credit**

The sounding of Taps shall be a co-curricular activity. Participation in the sounding of Taps may be credited toward work-based learning or community service. Students are responsible for verifying that credit is recorded with the designated person in their school responsible for Community Service/Work-based Learning Credit. Absences incurred through participation in the sounding of Taps shall be considered an excused absence as a school approved co-curricular/extracurricular activity. A student may not accrue more than three (3) absences per school year for sounding of Taps.

### **Responsibility for Implementation**

A central office administrator designated by the Superintendent shall distribute the Veteran's Honors Funeral Assistant Community Service Program Policy at Clay County Middle / High School. The designated central office administrator shall create a technical support reference file to assist in implementing this policy. A copy of the file shall be kept in the county office, as well as in participating schools. The technical support file may include, but is not limited to, the following: The West Virginia Department of Education Arts Coordinator, nationally recognized veterans' organizations such as Veterans of Foreign Wars, American Legion, Marine Corps League, West Virginia Division of Veterans Affairs, Bugles across America and other community

service organizations that have appropriate information on proper military protocol.

#### Liability

Student participation in the “Veterans Honors Funeral Assistant Community Service Program” is voluntary. The sounding of Taps for veterans’ funerals is not a school-sponsored event; however, it is considered a community service project for which school credit may be awarded. Parent/guardian permission must be obtained in writing for each occurrence in accordance with county board policy. A parent/guardian or student must be responsible for transportation, and this information must be a part of the permission form. The school or the county may not reimburse expenses nor provide an honorarium. In accordance with West Virginia Code § 18-2E-8e(d)(3), our district is not liable for student supervision while absent to participate in the sounding of Taps for veterans’ funerals.

#### Incentive

Participating schools may consider the following incentives: Presentation of certificates, medals, pins or other appropriate award symbols; Honorarium awarded by agencies other than the school or the County Schools; Public recognition at awards assemblies. A West Virginia Veterans certificate of recognition may be obtained from the West Virginia Division of Veterans Affairs, WV Division of Veterans Affairs 1321 Plaza East, Suite 109, Charleston, WV 25301.

Legal References: West Virginia Code §18-2E-8e

**Revised: September 2023**

## **ALTERNATIVE EDUCATION PROGRAM**

Clay County Schools Alternative Education Program offers a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The program provides a setting that not only enhances these students' probability of success, but also enhances the education of students in the traditional classroom by removing disruptive influences.

The structure of the alternative education programs for disruptive students encompasses a range of program options such as: in-school suspension; an after-school class; virtual learning options or a combination academic/work- based program. Clay County Schools shall have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students in the county.

Students may be placed by the Clay County Board of Education, Student Assistance Team (SAT), Administrator, or the Individualized Education Planning Team (IEP or Section 504 Team), as appropriate. Students identified with disabilities either through special education eligibility procedures or Section 504 of the Rehabilitation Act are placed in the alternative education program in compliance with all guidelines set forth in the Individuals with Disabilities Education Act (IDEA) and West Virginia Policy 2419.

### **Program Goals**

The Alternative Education Program is designed to provide a safe and orderly learning environment for the education of all students. The program goals are designed to assist students in:

- Remaining in school;
- Improving attendance;
- Improving academic achievement levels in core academic classes;
- Improving self-concept by experiencing success in social and academic endeavors;
- Improving self-control;
- Improving ability to manage everyday stressors;
- Improving social functioning with peers and adults;
- Reducing pressures in a more personalized atmosphere;
- Eliminating or substantially reducing academic failure;
- Encouraging parental involvement and commitment in their child's academic and personal growth; and
- Preparing for readmission into the traditional school program and/or appropriate programs to achieve high school diploma.

### **Curriculum and Instruction**

The academic and/or vocational curriculum shall be based upon the West Virginia College and Career Ready Standards. The curriculum will also include a component relative to learning and practicing responsible behavior and citizenship. Instruction shall be delivered and facilitated by a certified alternative education teacher using computer-based programming and/or traditional classroom materials. Instruction shall be consistent with the students' developmental levels; facilitated by materials which are age-appropriate, functionally appropriate, and of high-interest; characterized by individualized pacing to accommodate the entry and exit of students; reflect reasonably high expectations; delivered in a climate conducive to learning; and supported by sufficient materials, supplies, and equipment.

Units of credit will be granted for work satisfactorily completed in the Alternative Education Program. Students in alternative education programs shall receive school counseling services and/or other support services such as school social work or psychological services as indicated in the student's written plan. Community resources shall be utilized as available to address the student's needs.

### Program Completion

Each student's progress is reviewed based on student data and information. The alternative education team, that may include teachers, parents, students, administrators, counselors and/or other appropriate stakeholders, will determine readiness to reenter the traditional classroom. Appropriate transition procedures based on individual student progress and data are put in place to ensure successful reintegration. Students may complete regular high school graduation requirements and/or completion of identified program leading to a high school diploma.

Revised: September 2023

## Grading Policy and Honor Roll

Clay County Schools will adhere to the uniform grading policy for grades 2-12 as defined in the West Virginia Board of Education Policy 2510 and established for those courses for which high school credit is to be awarded.

	<b>Percentage Points</b>	<b>Grade</b>	<b>*Quality Points</b>
A = Excellent	90-100	A	4.0
B = Above Average	80-89	B	3.0
C = Average	70-79	C	2.0
D = Below Average	60-69	D	1.0
F = Unsatisfactory	0-59	F	0

\*Used to Determine Honor Roll, Principals List and Class Ranking

## Weighted Grading

Weighted grades shall be used for the following courses:

- Dual Credit Courses
- AP Courses

Weighted Courses Grading Scale:

<b>Average</b>	<b>Grade</b>	<b>Quality Points</b>
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	0

## Calculation of Grade Point Average for Purposes Eligibility for Extracurricular Activities

Pursuant to State Board of Education Policy 2436.10 (participation in extracurricular activities), in computing a student's GPA for the purposes of eligibility for participation in extracurricular activities, all subjects undertaken by the student and for which a final grade is recorded are to be considered. The total number of classes taken is divided into the total number of "grade points" earned to determine the GPA. Classes for which a pass/fail is awarded will be included in computing the GPA only if the student failed the class.

## Report Cards

The actual percentage grade for each course will be placed on the report card. **Determination of Semester Average and Final Grade:**

Semester averages at the high school shall be determined by the following method when semester exams are required:

- Each nine-week grade shall count as 40% of the total semester grade average and the semester exam as 20%.
- The final grade will be an average of the 1<sup>st</sup> and 2<sup>nd</sup> semester grades.
- Whenever a student repeats a course, both grades will be used when computing GPA and class rank. Courses may be repeated only when a student has earned a grade of F.

For elementary schools, “M” for Mastery, “P” for Progressing, and “N” for Needs Improvement will be used for the following subjects in K-2 grades:

- Science
- Social Studies
- Art
- Music
- Wellness (Health & Physical Education)

For elementary schools, “M” for Mastery, “P” for Progressing, “N” for Needs Improvement will be used for the following subjects in grade K-5:

- Art
- Music
- Wellness (Health & Physical Education)

\*The English Language Arts (ELA) grade incorporates reading, speaking and listening and language standards, which includes spelling and handwriting.

#### Preschool and Kindergarten Progress Reports

Preschool and Kindergarten students will be provided a progress report 3-times a year as a year, which will include a narrative outlining the students overall rate of progress as well as a rating for each Preschool and Kindergarten standard defined as either Emerging, Developing, At Standard, or Above Standard.

#### Missed Assignments

Arrangements for make-up work are the responsibility of both the teacher and the student. This responsibility requires cooperation on behalf of both the teacher and the student pursuant to Clay County School Board Attendance Policy. Pupils having prior knowledge of any scheduled test or assignment may be required to make-up work on the first day of returning to class. This includes both excused and unexcused absences. All work is to be completed and turned in within a period equal to the number of days missed. School leadership has the discretion to extend make-up time for students with special circumstances requiring additional time for completing assignments.

## Grade of "I" or Incomplete

An incomplete may be given when a student has not completed all required work within a grading period. The teacher shall change the grade of incomplete when the assignments have been completed and turned in on the specified date. However, incomplete assignments must be completed no later than the following grading period, as applicable.

## Recognitions

### Honor Roll:

Any student earning a 3.25 – 3.499 average in all subjects in grades 5-12 shall be listed on an honor roll for publication. Any student having an average grade of 70 or below in any one subject is automatically eliminated from the honor roll.

### High Honor Roll:

Any student earning a 3.5 – 3.999 average in all subjects in grades 5-12 shall be listed on an honor roll for publication. Any student having an average grade of 70 or below in any one subject is automatically eliminated from the honor roll.

### Principals' List:

Any student earning a 4.0 or higher average in all subjects in grades 5-12 will be listed on the principals' list for publication.

## Communication

A copy of each classroom teacher's grading procedures will be provided to students and parents and approved by the building principal annually. The district grading scale will be detailed and updated annually in each schools' student handbook.

Reference: West Virginia State Board of Education  
Policy 2510

Revised: September 2023

## **Promotion, Acceleration, Placement and Retention**

The Board of Education recognizes the personal, social, physical, and educational growth of children will vary and they should be placed in the educational setting most appropriate to their needs at the various stages of their growth. As such, each student will be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development. Such patterns should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

### **Promotion Standards Grades K-5**

In order to be promoted to the next grade, students in Grades K-5 are expected to demonstrate mastery of the West Virginia College and Career Readiness Standards in English Language Arts and Mathematics.

In grades K-2, students working below grade level in English Language Arts and Mathematics may be considered for retention.

Parents or guardians must be informed no later than February 1<sup>st</sup> of the current school year if a child's progress indicates that retention may be necessary. Notification shall be made by written letter and by checking the area of the county K-5 report card marked "Danger of Retention". Parents of students who enter school (transfer) after January 1 of the current school year must be notified of a decision to retain within two months of the date of transfer.

Building principals must be informed of the decision to retain individual students. Notification of principals shall be made prior to notification of parents.

Although parents should be notified and consulted throughout the school year, final decisions regarding promotion/retention rest with the school.

Academic achievement shall be reported by skill mastery at levels K-2, and by reported grades and reading ability at levels 3 through 5.

### **Retention Grades K-5**

The grade card must reflect that a student considered for retention is experiencing academic difficulties. Academic difficulties may be reported in one of two ways.

I.) Failing or near failing grades, as follows:

- 1) An F in Reading and /or Math, or;
- 2) A D in Reading and Math, or;

- 3) An F in any three of the following programs of study: Social Studies, Health, English, Science, Spelling, or;
- 4) A D in Reading and/or Math plus an F in any two of the following programs of study: Social Studies, Health, English, Science, or Spelling.

II.) An indication that the student is functioning one level or more below the expected reading level for the student's grade placement and/or one grade level below the student's grade placement in math.

In each of the above cases, the report card must also be marked Danger of Retention as described above.

An exception to all of the above may be made in the following case:

1. A student who was retained previously in any grade may be promoted regardless of reading level or grades earned, if promotion is in the best interest of the child, and if the child has been referred for evaluation to the SAP/SBAT team.

### Promotion Standards Grades 6-8

In general, students shall be placed at the grade level to which they are best adjusted academically, socially, and emotionally. The educational program shall provide for the continuous progress of students from grade to grade with each student spending one year in each grade, unless circumstances warrant differently. Progression in instruction shall be continuous within a rigorous, and appropriate curriculum based upon West Virginia Board Policy 2510, West Virginia College and Career Readiness Standards, and approved county curricula with students moving to higher attainment levels after successfully completing skill mastery at prior levels. Beginning in grade 6, progress will be based on successful completion of departmentalized classes. Successful progress in grades 6-8 will be defined as a minimum, average passing grade in the core areas (English language arts, math, social studies/history, and science). A passing grade on the school grade scale is a D (60% - 69%). Before promotion to 9<sup>th</sup> grade, students must obtain a minimum of:

- 3 passing credits in ELA.
- 3 passing credits in math.
- 3 passing credits in science.
- 3 passing credits in history/social studies.
- passing credits in art, health, music, and PE

The primary consideration for grade assignment shall be successful achievement in English and math. Other factors such as the student's ability to learn, social and emotional maturity, achievement in other subjects and attendance shall also be considered.

The school, the student, and the parent(s) of the student must share in the responsibility of attaining education appropriate to the needs, interests, and abilities of individuals. To accomplish this, parents and their children will be included via the Student Assistance Team (SAT) or academic team process in which recommendations for promotion and retention will be made. Any student in grades six to eight who does not pass the required number of classes will be reviewed by the SAT team. The SAT will meet at least twice to examine the student's academic, social, and

emotional growth, including mastery of the West Virginia College and Career Readiness Standards, before recommending the retention of a student.

Parents of students being considered for retention shall be notified, in writing within two weeks following the completion of the first semester of the school year. Decisions regarding promotion and/or retention shall be a collaborative decision of the student's teacher(s), principal, and any specialist that may be deemed necessary. The teacher's recommendation of whether a student should be promoted to the next grade level shall be a primary consideration when making such determination. The results of the intervention strategies recommended by the Student Assistance Team (SAT) will also be reviewed. The principal shall make the final decision regarding promotion. The school shall ensure that all students in danger of retention are:

- referred into the SAT process
- offered credit recovery during afterschool
- provided opportunities to remediate the student's difficulties before s/he is retained

If the student does not attend credit recovery, improve grades, or receive a passing academic credit for the course, retention may be a possibility.

Written permission from the parents for retention is not required, however parent(s) must be notified of the specific reasons for retention. The final decision in regard to retention of an individual student lies with the building principal. The SAT's recommendation for retention and the supporting documentation must be considered.

## Exceptions

In grades K-8, if a student does not meet passing criteria, that student may still be considered for promotion based upon review and recommendations by the Student Assistance Team (SAT) and approval by the Superintendent of Schools. The SAT and the school principal shall take into consideration the results of a Light's Retention Scale study of the student.

In grades K-8, if a student has been deemed eligible for an Individualized Education Plan (IEP) the student's IEP team shall make the determination for retention in collaboration with the Director of Special Education.

A student may not be retained more than once at any programmatic level.

A student who is retained in grades K-4 should be placed in a homeroom different from the current teacher and the SAT will develop a support plan responsive to the root causes for the retention for the ensuing school year.

Any school recommending a second retention for a student must have prior approval from the Superintendent of Schools.

## Grades 9-12

In grades 9-12, students earn credits towards high school graduation rather than receive promotion from one grade to another. Students must successfully complete 26 credits to graduate from Clay County High School. To graduate, students are required to meet the Graduation Requirements imposed by Clay County High School in compliance with West Virginia State Board of Education Policy 2510.

## Acceleration

A student may be accelerated when they demonstrate achievement, as well as measured ability, significantly exceeds that of his/her grade expectations. Consideration may be given to promoting a student to a grade other than the next succeeding one or permitting him/her to enroll in a course other than the next one in the academic sequence. A student may be accelerated in this manner when they have:

- mastered the grade level standards and met State-mandated requirements, if applicable, for the grade/course in which they are presently enrolled as well as for the grades(s)/course(s) that will be skipped;
- in the opinion of the classroom teacher(s), mastered the current grade/course level standards as well as the succeeding one(s); and
- demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the grade/course to which they will be promoted or enrolled.

A recommendation for acceleration can be made by the student's classroom teacher(s) through the Student Assistance Team (SAT) or for Gifted students through their Individualized Education Plan (IEP) team. A parent can request an SAT or IEP team meeting be convened to consider acceleration for their child. Parents must play a role in the decision-making process and agree to the change in placement. For a general education student, the principal must take into consideration the recommendation from the SAT and parent(s). Ultimately the Principal has the final responsibility for determining whether a student is to be accelerated.

Revised: September 2023

### Driver Education Policy

The Clay County Board of Education will offer a program of driver education as required by West Virginia Board of Education Policy 2422.2 Driver Education Regulations and W. Va. Code §18-6-4.

The Clay County Board of Education, at its own discretion, may use either dealer owned or leased vehicles or vehicles it is purchasing. Dealer loaned or leased vehicles shall be used only in compliance with the terms of a contract between the Board and the car dealer from which the vehicle(s) was acquired. Dealer owned vehicles shall be used for driver education purposes only.

Only authorized county personnel shall be permitted to operate these vehicles. In addition, eligible students currently enrolled in Clay County High School Driver Education class may operate these vehicles as part of their in-car driving practice under the guidance and participation of the Driver Education instructor.

#### Specifications for Identification of Driver Education Cars

Any identification on the car indicating "Student Driver" or "Driver Education" or similar designation shall be removed or covered prior to use for purposes other than driver education. Identification on any driver education car shall be visible to other drivers from all directions. It should indicate clearly that the car is being used for driver education and/or being operated by a student driver.

#### Standards for an Approved Course

The driver education course shall be organized and designed in such a manner that it does not preclude the ability to provide a program equivalent to or surpassing the following requirements (exclusive of the time required to pass between classes).

1. Minimum and preferred requirements of the driver education course:
  - a. Classroom instruction of 50 hours (66 hours preferred) including a minimum of eight hours in a standard defensive driving course;
  - b. In-car observation of 10 hours (18 hours preferred); and
  - c. In-car practice driving of six hours (or the equivalent according to the established and universally recognized ratio when simulation and multiple car instruction ranges are utilized)
2. Driver education shall be scheduled as a one-year program consisting of both classroom and laboratory instructional phases.
3. The course shall provide one unit of credit.
4. Student on-street practice driving lessons shall be provided in an automobile equipped with a dual control brake and an approved/certified driver education teacher shall occupy the seat beside the pupil.
5. Classroom instruction shall not exceed two hours during any 24-hour period.

6. Student in-car practice driving lessons shall be scheduled so that students will receive not more than one-half hour behind-the-wheel instruction per session and not more than one hour during any 24-hour period.
7. A minimum of two and a maximum of four students shall occupy the driver education vehicle during secondary school on-street practice driving/instruction lessons.
8. Students at least 15 years of age or older may enroll in driver education and receive instruction and practical training in the operation of a motor vehicle on the public streets and highways. Students who will not reach the age of 15 years before completion of the driver education course may enroll, if space is available after giving priority to those students who are already 15 years of age or older, but instruction shall be limited to the classroom only.
9. Any student who is at least 15 years of age or older may enroll in driver education and operate a motor vehicle on the roadways of West Virginia without a Level I Instructional Permit while accompanied by an approved/certified driver education teacher occupying a seat beside the student and in an automobile equipped with dual controls. However, it is encouraged that a student has a Level I Instructional Permit at the time the student enrolls in the course and begins the behind-the-wheel driving instruction.
10. The following course content shall be taught in the driver education program as required in W. Va. Code §18- 6-3: the development of positive social interactions, basic and advanced driving techniques; emergency driving situations, traffic regulations and laws; natural laws which affect driving; preventive maintenance of critical vehicle parts and systems; highway, community and environmental features that aid the driver in avoiding accidents; signs, signals and highway markings that facilitate the safe operation of motor vehicles; the characteristics of urban and rural driving, including the use of interstates and other modern highway systems; pedestrian safety concepts; alcohol and other drugs and their relationship to traffic accidents and/or traffic safety; role of emotions and personality characteristics in relationship to traffic safety; discussions/activities regarding the scope of traffic accident causes and accident prevention measures; fuel and energy conservation; impact of safety belt/restraining systems on injuries and fatalities; first-aid instruction; and motorcycle safety awareness in a program which shall include, but not be limited to, ensuring that the driver has knowledge and awareness of motorcycles sharing the roads of this state for the safety of motorcyclists.
11. Multiple-vehicle driving range instruction/practice driving may substitute for a portion of the time required for on-street driving practice at a 2:1 ratio. However, such instruction shall be supplemented with a minimum of two hours of practice driving per student under actual traffic conditions. A minimum program would consist of eight hours practice driving on the range and two hours on-street driving.
12. In the scheduling of students for the course, a minimum of six hours driving practice/instruction for each enrolled student is required. The amount of practice driving instruction required by licensed students will vary depending on their individual skills and experience. Therefore, licensed students shall receive a minimum of three hours in-car practice driving/instruction, testing and evaluation in a variety of highway and traffic conditions. If the student, in the best judgment of the teacher, requires additional driving instruction to hone skills and improve driving performance, such time shall be provided. Any instructional time that is not utilized by the licensed student shall be applied to

providing additional in-car practice driving to the less experienced students enrolled in the course.

#### Severability

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

Legal Reference: WVDE Policy  
2422.2

W. Va. Code §18-6-4

Adopted: December 2023

## Homework

The provision of homework is considered an effective instructional strategy to support student learning and mastery of content. Homework should be assigned with the following principles in mind:

### Quality

Teachers should only assign homework that is based upon previously taught content and skills. By definition, homework is a practice activity that provides students with additional reinforcement or repetition of what a teacher has determined as essential. Students should be provided an opportunity for guided practice prior to being assigned independent practice. Students should be provided with ample time to begin homework assignments in class while the classroom teacher is available to provide assistance. In doing so, there will be an expectation that students will have in place the necessary skills and understanding to be successful completing the assignment independently.

Teachers are encouraged to implement instructional practices that ensure homework is checked and feedback is provided to students. At all times, homework must be judiciously assigned where students are informed of exactly what is assigned (book page, questions, numbers, etc.) and the due date.

### Time

The following timelines are intended to be **used as a guide** for each grade, based on an “average” student’s ability level. Exact times will vary according to an individual student’s ability and how well the student utilizes work time made available during the school day.

Grade Level	Minutes
K	Practice
1 <sup>st</sup> Grade	10
2 <sup>nd</sup> Grade	20
3 <sup>rd</sup> Grade	30
4 <sup>th</sup> Grade	40
5 <sup>th</sup> Grade	50
6 <sup>th</sup> Grade	60
7 <sup>th</sup> Grade	70
8 <sup>th</sup> Grade	80
9 <sup>th</sup> – 12 <sup>th</sup> Grades	90-120

NOTE: An exception to the high school guideline could occur for College and Honors Courses. It is reasonable to expect that the workload for such classes would exceed a regular high school course.

## Expectations

- Principals will provide a brief overview of the school homework procedures in the student handbook.
- Each teacher shall annually establish a written homework procedure or syllabus, discuss it with all students, and provide them with a copy to share with their parents. These procedures will include grading of homework, feedback, and returning of homework.
- No more than 10% of any six-week, nine-week, semester, or final grade may be determined by homework assignments for grades 2<sup>nd</sup> – 8<sup>th</sup>. No more than 25% of any nine-week, semester, or final grade may be determined by homework assignments for grades 9<sup>th</sup> – 12<sup>th</sup>.
- Homework used indiscriminately for disciplinary purposes is prohibited.

Adopted: December 2023

## **Drug-Free Workplace**

The Clay County Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

### **Definitions**

#### *Alcohol*

Alcoholic beverages and any other intoxicating liquid which contains alcohol.

#### *Contractor*

Department, division, unit, or any person responsible for the performance of work under a contract.

#### *Controlled Substance*

Federally regulated substance listed in the Control Substances Act, (21 U.S.C. 812) and W. Va. Code §60A-2-201, et seq., which, when taken into the body, may impair one's mental faculties and/or physical performance.

#### *Conviction*

Finding of guilty, including a plea of nolo contendere, or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

#### *Criminal Drug Statute*

Criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

#### *Drug-Free Workplace*

Worksite where work is performed in connection with the employee's employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.

#### *Employee*

Person who works full-time, part-time, or under contract, including management or temporary staff.

#### *Federal Agency*

Agency as defined in 18 U.S.C. 6.

#### *Grantee*

Department, division, unit, or any person responsible for the performance of work under the provisions of a grant.

#### *Illegal Drug*

Drug which is not legally obtainable or a drug that is being used in a manner or for a purpose other than as prescribed.

#### *Legal Drug*

Prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were manufactured and as prescribed by a physician.

#### *Medical Cannabis*

Cannabis for certified medical use as set forth in the Medical Cannabis Act, W. Va. Code §§16A-1-1, et seq.

#### *Content.*

This policy ensures that workplaces are free of illegal drugs and controlled substances by prohibiting the unlawful manufacture, distribution, dispensation, possession, or use without medical authorization, of illegal or controlled substances and/or alcohol; the reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or possession of non-medically prescribed paraphernalia.

This policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled workdays, meal breaks, and/or occasions having an official connection with the job or the agency.

Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal requirements and administrative disciplinary procedures.

Employees who are in violation of the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Resources shall be provided in accordance with West Virginia Public Employees Insurance Agency guidelines.

State or county agencies that are contractors or grantees are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of a drug-free workplace, if they make a false initial certification, or if the number of drug-related convictions of employees indicates that the employer has not made a good faith effort to maintain a drug-free workplace.

As a condition of employment with the Clay County Board of Education, employees shall:

- Comply with the terms of this policy.
- Notify their supervisor of any criminal drug or alcohol violation occurring in the workplace or conviction outside of the workplace, no later than five days after such violation or conviction occurs: and
- Sign the Drug-Free Workplace Verification Statement.

Resources shall be made available to employees by Director of Personnel, according to the guidelines of the West Virginia Public Employees Insurance Agency.

Consistent with W. Va. Code §16A-15-4, an employee **shall not** be subject to discipline based solely upon the following:

- The employee has been issued a medical cannabis identification card by the West

Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, W. Va. Code §§16A-1-1, et seq.; and/or

- The employee has been issued a physician certification to use medical cannabis as part of the treatment of a serious medical condition as that term is defined by W. Va. Code §16A-2-1(a)(31); and/or
- The employee has been issued a caregiver's identification card issued by the West Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, W. Va. Code §§16A-1-1, et seq.

Employees are prohibited from using, possessing, being under the influence of, and/or storing medical cannabis in the workplace.

This policy is not intended to prohibit the lawful use of medical cannabis by employees outside of the workplace,

provided that when the employee returns to or is otherwise in the workplace, the employee is not under the influence of medical cannabis. An employee may be considered under the influence of medical cannabis when the employee manifests specific symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's position. Such symptoms may include, but are not limited to, impairment of speech, physical dexterity, agility, coordination, demeanor, and/or behavior.

Employees whose positions are subject to United States Department of Transportation drug testing requirements, such as school bus operators, are prohibited from using medical cannabis at any time in as much as applicable federal regulations do not authorize medical cannabis permitted under state law to be a valid medical explanation for an employee's positive drug test result.

Because cannabis and/or marijuana is a controlled substance under federal law, any employee who carries, possesses, or transports a firearm or ammunition as authorized and while performing the duties of the employee's position is prohibited from using medical cannabis at any time pursuant to federal gun law requirements.

### Consequences

Any employee who engages in conduct prohibited by this policy shall be subject to one or more of following actions depending upon the circumstances of the violation:

- Notification of law enforcement agency.
- Notification of the West Virginia Department of Education.
- Suspension with or without pay pending completion of any investigation.
- Suspension without pay for up to ninety (90) days.
- Termination of employment.

Under appropriate circumstances, required enrollment in and successful completion of a substance abuse/counseling program at the employees' own expense as a condition of continued employment with the Clay County Board of Education. Failure of any employee to meet the forgoing conditions will result in a denial of the employee's right to return to work, and in further disciplinary action up to and including termination.

### Return to Duty

- At the discretion of the Superintendent, an employee's return to duty after a period of

suspension without pay for a violation of this policy shall be conditioned upon the following:

- The employee must furnish a written verification of his/her successful completion of a substance abuse/counseling program; and/or
- The employee must furnish a physician's statement verifying that the employee is drug/alcohol free; and/or
- The employee furnishes proof of restoration and/or maintenance of any certification or license required for employee to legally perform his or her job duties for the Board of Education; and/or
- Completion of a pre-return-to-work urine or blood drug test that demonstrates that employee is free from drugs and alcohol (other than prescription drugs which have been prescribed for the employee in an amount consistent with the prescription).

#### Post-Accident Testing Procedures

An employee may be required to submit to drug and alcohol testing any time he or she is involved in a workplace and/or work-related accident which involves any damage to Board of Education property and/or injury to school personnel, students and/or other persons while on duty as an employee of Board of Education. Following any such accident, the employee must contact the Employer as soon as possible and follow any instructions for post-accident drug and alcohol testing.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no

urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease.

In the event that Federal, State, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable Federal, State, or local requirements. The Employer may request testing documentation from such agencies and may ask the employee to sign a release allowing the Employer to obtain such test results. An employee's refusal and/or failure to provide the necessary release to permit the Board of Education to obtain such test results **may** be deemed a refusal to test.

In the event an employee is so seriously injured that the employee cannot travel to a testing facility used by the Board of Education to provide a sample of urine, breath, blood, saliva, or other sample at the time of the accident, the employee shall provide the Board of Education with the necessary authorization(s)/release(s) for the Board of Education to obtain any medical records or other documents from his/her post-accident treatment that could indicate the presence of controlled substances, illegal or legal drugs, intoxicants or alcohol in the employee's bodily system at or near the time of the accident.

The District acknowledges that if it is a contractor or grantee under the terms of a Federal contract or grant in the amount of \$25,000.00 or more, it shall be subject to suspension of payments and termination of the contract or grant if it makes an initial false certification or if the number of employee drug-related convictions indicates that it has not made a good faith effort to maintain a drug-free workplace.

#### Conditions

As a condition of employment with the Clay County Board of Education, employees shall:

- Strictly abide by the terms of this policy: compliance is mandatory and cannot be waived by any person.
- Notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after such conviction.
- Read and sign a statement evidencing that the employee is aware of this policy and promises to abide by the terms of the policy.

#### Education

- It shall be the responsibility of the Board of Education to establish a drug awareness program for Board of Education employees to provide information on the following:
- Referral/Treatment Services
- The establishment and maintenance of a drug-free workplace.
- The penalties for workplace drug-abuse.
- Available drug-free literature including dangers of drug abuse.

#### Legal Reference:

W. Va. Constitution, Article XII, §2, W. Va. Code §16A-15-5(2), §18-2-5, and the Drug-Free Workplace Act of 1988 (41 U.S.C. 81).

Control Substances Act, (21 U.S.C. 812) and W. Va. Code

§60A-2-201

Approved: January 2024

**CLAY COUNTY BOARD OF EDUCATION**  
**DRUG-FREE WORKPLACE VERIFICATION STATEMENT**

Name: \_\_\_\_\_

Employee Identification Number: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
\_\_\_\_\_

Date Employed by Clay County Board of Education: \_\_\_\_\_

I, \_\_\_\_\_, certify that I have received a copy of Clay County Schools Policy 5020 Drug-Free Workplace

As an employee of Clay County Schools, I agree to comply with Policy 5020 Drug-Free Workplace, which states that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcohol is prohibited in the workplace. Additionally, I shall not report for work while under the influence of alcohol and/or an illegal drug.

The workplace shall be defined as a worksite where work is performed in connection with the employee's Clay County Schools employment. The workplace shall include but not be limited to facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.

The policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled workdays, meal breaks, and/or occasions having an official connection with the job or the agency.

In addition, I understand that, as a condition of employment, I shall notify my supervisor of any criminal drug or alcohol violation occurring in the workplace or conviction outside of the workplace, no later than five days after such violation or conviction occurs.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

***Revised and Adopted January 2024***

**Reduction in Force Professional Personnel: Lateral Positions**

Under the provisions of West Virginia Code §18A-1-1 all positions which meet the definition of “classroom teacher” as defined in shall be lateral positions. For all other professional positions, the county board of education is required to adopt a policy defining which positions shall be lateral positions. In adopting the policy, the board may give consideration to the rank of each position in terms of title; nature of responsibilities; salary level; and certification, licensure or both; along with the days in the period of employment.

The position of Director shall be considered lateral to the position of Director.

The position of High School Principal shall be considered lateral to the position of High School Principal.

The position of Middle School Principal shall be considered lateral to the position of Middle School Principal.

The position of Elementary School Principal shall be considered lateral to the position of Elementary School Principal.

The position of Assistant High School Principal shall be considered lateral to the position of Assistant High School Principal.

The position of Assistant Middle School Principal shall be considered lateral to the position of Assistant Middle School Principal.

The position of School Nurse shall be considered lateral to the position of School Nurse.

The position of Speech Pathologist shall be considered lateral to the position of Speech Pathologist.

**The position of Speech Pathologist Assistant shall be considered lateral to the position of Speech Pathologist Assistant.**

Should any professional position be reduced in force that is not specifically listed above, then the county Superintendent may consider that position to be lateral to other professional positions of the same subject or discipline after considering the rank of that position in terms of title; nature of responsibilities; salary level; certification, licensure or both; and days in the period of employment.

Reference: §18A-1-1, §18A-2-2, §18A-2-7, §18A-2-8a, §18A-4-7a

Revised: December 19, 2023

## Reduction-In-Force and Transfer Defining Qualification for Professional Personnel

Ritchie County Schools shall conduct all personnel reductions-in-force and transfers in accordance with the relevant provisions of the West Virginia Code, as amended. For purposes of reductions in force and/or transfers of professional personnel, when the Board of Education (Board) is required to consider the qualifications of affected employees, the following shall apply.

### Reductions in Force for Professional Personnel Generally

For purposes of reductions in force of professional positions of employment, all decisions shall be based upon seniority, certification or licensure and past performance evaluations as required by law.

Whenever the Board is required to reduce the number of professional personnel in its employment, the selection of the employee to be properly notified and released from employment shall be based upon seniority, certification, licensure and performance evaluations, subject to the following:

- All persons employed in a certification area to be reduced who are employed under a temporary permit shall be properly notified and released before a fully certified employee in such a position is subject to release;
- Notwithstanding any provision of code to the contrary, for any vacancy in an established, existing or newly created position that, on or before March 1, is known to exist for the ensuing school year, upon recommendation of the superintendent, the Board shall appoint the successful applicant from among all qualified applicants. All employees subject to release shall be considered applicants for the positions for which they are qualified and shall be considered before posting such vacancies for application by nonemployees;
- An employee subject to release shall be employed in any other professional position where the employee is certified and was previously employed or to any lateral area for which the employee is certified, licensed or both, if the employees 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 the employees seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, the employee subject to release 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; and
- If, prior to August 1 of the year, a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the Board in its sole and exclusive judgment, the Board shall rescind the reduction in force or transfer and shall notify the released employee in writing of his or her right to be restored to his or her position of employment. Within five days of being so notified, the released employee shall notify the board, in writing, of his or her intent to resume his or her position of employment or the right to be restored shall terminate. Notwithstanding any other provision of this subdivision, if there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

### Reductions in Force & Transfers for Classroom Teachers in Elementary Schools

For purposes of reductions in force and/or transfers of classroom teaching positions in Elementary Schools, the “least qualified classroom teacher” and/or “least qualified employee” to be transferred

out of the school and/or out of the grade level at issue shall be determined based on teacher qualifications as follows:

- Elementary school teachers in the relevant elementary school whose last performance evaluation conducted pursuant to W. VA. Code §18A2-12 or §18A-3C-2 was less than satisfactory shall be deemed the least qualified teacher for the purposes of completing an elementary school teacher reduction in force or transfer under W. Va. Code 18A-4-7a.
- If and only if there are no elementary school teachers in the relevant elementary school whose last performance evaluation was less than satisfactory, then the Board shall consider the following factors to determine which elementary school teacher shall be deemed the least qualified teacher for the purposes of completing an elementary school teacher reduction in force or transfer under W. Va. Code 18A-4-7a:
  - Seniority, and
  - Appropriate certification, licensure, or both.

#### Preferred Recall List

All professional personnel whose qualifications (as that term is defined by this policy) are insufficient to allow their retention during a reduction in force shall be placed upon a preferred recall list. As to any professional position opening within the area where they had previously been employed or to any lateral area for which they have certification, licensure or both, the employee shall be recalled on the basis of qualifications if no regular, full-time professional personnel, or those returning from leaves of absence with greater qualifications apply for and accept the position.

The Board shall annually notify professional personnel on the preferred list of the job application procedures and any websites used to advertise vacancies. The notice shall be sent by certified mail via the U.S. Postal Service to the last known address of the employee, and it shall be the duty of each professional person to notify the board of continued availability annually of any change in address, or of any change in certification, licensure or both.

#### Lateralality

For the purpose of this policy, all positions which meet the definition of “classroom teacher” as defined in West Virginia Code §18A-1-1 are considered lateral to one another. Ritchie County School’s Policy 5190 “Reduction in Force Professional Personnel: Lateral Positions” defines which other professional positions are lateral to one another.

Adopted: April 14, 2020

Areas of Critical Need and Shortage Policy  
**Clay County Schools**

Purpose

The purpose of this policy is to provide for the employment of retired teachers as substitutes in areas of critical need and shortage.

Findings

The Clay County Board of Education hereby finds and determines that there presently exists within Clay County, West Virginia, a critical need for substitute teachers in certain areas.

- a. For the 2023-2024 school year the areas of critical need and shortage are Elementary Education PreK-5, Gifted Education K-8, Mathematics 5-AD, Mathematics 5-9, Reading PreK-AD, Science: Earth Science, Environmental Science, and Biology 5-AD, Science 5-9, Social Studies 5-AD, Social Studies 5-9, and Special Education: Multi-cat K-AD.
- b. These areas are subject to change annually and should be updated annually by recommendation of the County Superintendent of Schools and by approval of the Clay County Board of Education.
- c. There is also a shortage of certified substitutes available to cover these areas of critical need, and the Superintendent has recommended the Board adopt a policy permitting retired teachers to substitute for an unlimited number of days to help alleviate these critical needs shortages.

Area of Critical Need and Shortage

- a. “Area of critical need and shortage for substitute teachers” means an area of certification and training in which the number of available substitute teachers in the county who holds certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers.
- b. Areas of critical need and shortage are Elementary Education PreK-5, Gifted Education K-8, Mathematics 5-AD, Mathematics 5-9, Reading PreK-AD, Science: Earth Science, Environmental Science, and Biology 5-AD, Science 5-9, Social Studies 5-AD, Social Studies 5-9, and Special Education: Multi-cat K-AD.

## Policy

The Clay County Board of Education hereby adopts a policy to permit retired teachers to substitute for an unlimited number of days in the school year, without affecting such retiree's monthly retirement benefit, to alleviate the critical needs and shortages identified above, all in accordance with the provisions of W.Va. Code §18A-2-3. The retired teacher may be employed as a substitute teacher in an area of critical need and shortage on an expanded basis only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment. The areas of critical need and shortage will be determined on an annual basis as required by Section 2b above.

## Limitations

- a. Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.
- b. A teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute.
- c. Retired teachers employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part-time employees. The substitute is not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.
- d. When a retired teacher is employed as a substitute to fill a vacant position, the position shall continue to be posted until it is filled with a regularly employed teacher who is fully certified or permitted for the position. The position will be posted electronically to the Clay County Schools website at [claycountyschools.org](http://claycountyschools.org).
- e. When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted and easily accessible to prospective employees.

## Effective Dates

This policy shall be effective for the school year 2023-2024, and the areas of critical need and shortage will be updated annually as required by Section 2b.

## State Board Approval

The Superintendent shall cause a copy of this policy to be transmitted to the West Virginia State Board of Education for its approval prior to employment of a retired teacher as a substitute beyond the period now permitted without affecting the retired teacher's monthly retirement benefit.

## Affidavit

Prior to the employment of any retired teacher as a substitute beyond the post-retirement employment limitations established by the consolidated public retirement board, the Superintendent shall submit to the consolidated public retirement board and the state board of education an affidavit, in a form approved by said retirement board, stating the name of the county, the fact that the Board has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed pursuant to this policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire and the effective date of the person's retirement.

Update Presented to the Clay County Board of Education: October 24<sup>th</sup> , 2023

Approved by the Clay County Board of Education: November 28<sup>th</sup> ,2023

## McKinney-Vento Policy

### McKinney-Vento Students

Children who are identified as meeting the Federal definition of "homeless" through the McKinney-Vento Homeless Act will be provided a free appropriate public education (FAPE) in the same manner as all other students in the county. Homeless students will not be stigmatized or segregated because of their status as homeless. The Clay County Board of Education shall establish safeguards that protect homeless students from discrimination based on their homelessness.

### Definition of Homeless Student:

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing<sup>1</sup>, bus or train station, or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

### Services to Homeless Children and Youth

The Clay County Board of Education will provide services to homeless students that are comparable to other students in the county, including:

- A. Transportation services;
- B. Public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
  - 1. programs for children with disabilities;
  - 2. programs for English learners (ELs) (i.e., students with Limited English Proficiency (LEP));
  - 3. programs in career and technical education;
  - 4. programs for gifted and talented students;
  - 5. school nutrition programs; and
  - 6. before - and after-school programs.

The Superintendent will appoint a Liaison for Homeless Children, who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children.

### School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the Board of Education in conjunction with the county's liaison, must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Board must:

- A. Continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. Enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend.

When determining a child or youth's best interest, the Board must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an

unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns when the student completes the final grade level at the school of origin.

When determining the student's best interest, the Board must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The Board must also consider the school placement of siblings when making this determination.

If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the Board must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian, or unaccompanied youth. This written explanation will include the right to appeal in a timely manner.

### Immediate Enrollment

The Board has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate, or previous academic records.

The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian, or unaccompanied youth and assist the student in getting the records and immunizations. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be considered to facilitate immediate enrollment.

In addition, the Board will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, summer school, career and technical education, advanced placement, and online learning.

### Transportation

The Board shall provide homeless students with transportation services that are comparable to those available to non-homeless students. The Board will also provide or arrange for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success.

- A. If the homeless student continues to live in the county, where the school of origin is located, transportation will be provided or arranged for the student's transportation to or from the school of origin.
- B. If the homeless student moves to an area served by another school district, though continuing his/her education at the school of origin, the Board, and the other school district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs will be shared equally.
- C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The Board will determine the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The Board of Education will work with the State Board of Education to resolve transportation disputes with other districts.

#### Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the Board must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the Board will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, District and Board of Education policies, the Board will provide the parent, guardian, or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the school, District, or State, along with a written explanation of appeal rights.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school,

2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The Board must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The Board will also refer the parent, guardian, or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

## Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, Head Start programs, administered by the county school district. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the Board takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school. The Board of Education must also provide transportation services to the school of origin for a homeless child attending preschool.

## Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the Board shall post public notice of educational rights of children and youth experiencing homelessness in each school.

## Records

The enrolling school with the assistance of the liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA). Records will be obtained/maintained in such a manner that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The Clay County Board of Education shall incorporate practices to protect student privacy.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

**Note:**

*Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).*

McKinney - Vento Homeless Act

Adopted: November 28<sup>th</sup>, 2023