

The seal of Berkeley County Schools is a circular emblem. It features a large, stylized letter 'B' in the center, rendered in a dark blue color. The 'B' is composed of two main vertical strokes and a curved base. The words 'BERKELEY COUNTY SCHOOLS' are written in a serif font around the perimeter of the seal. At the bottom of the seal, the year '1862' is inscribed. The seal is set against a light blue background that also features a faint, larger version of the same seal.

Student Handbook

2023-2024

Berkeley County Schools. 1453 Winchester Avenue. Martinsburg, WV 25405

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Department Location Guide

Berkeley County School Administrative Offices 1453 Winchester Avenue . 304.267.3500

North Entrance of 1453 Winchester Avenue:

- Communications
- Equity and Inclusion
- Federal Programs
- Human Resources
- Teaching & Learning

South Entrance of 1453 Winchester Avenue:

- Finance & Payroll
- Pupil Services
- Technology

Offices of Special Education 401 South Queen Street . 304.264.5055

- Special Education Administration & Coordinators
- BCBA/Behavior Specialists
- Hearing & Vision Impaired
- Occupational and Physical Therapists
- PERC – Parent Engagement Resource Center
- School Psychologist
- Workforce Exploration Program

Ramer Center 515 W. Martin Street . 304.263.0166

- Attendance Office
- Head Nurse
- Academic Coaches & Mentors
- Communities in Schools
- Homeschool Liaison
- PASS Coordinator
- Project Aware
- The Martinsburg Initiative

Operations 50 Coast Guard Drive Kearneysville, WV 25430 304.267.3500

- Child Nutrition & Wellness
- Print Shop
- Warehouse

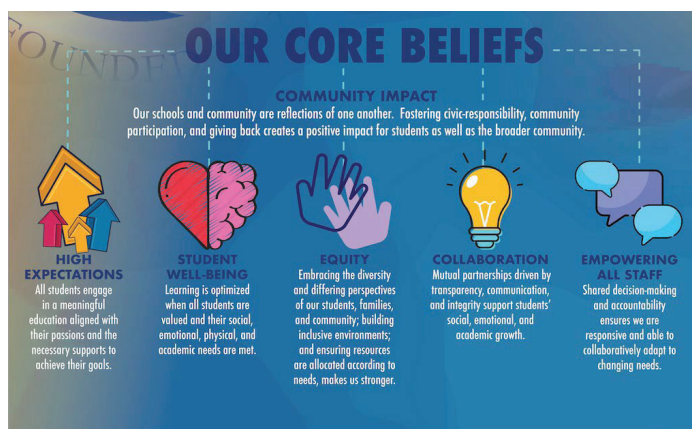




BERKELEY COUNTY SCHOOLS

Berkeley County Schools will provide a county-wide system of education that ensures that all students graduate from high school prepared for success in high-quality, post-secondary opportunities in college, vocational/technical training and/or careers.

Vision / Mission Statement ————— Core Beliefs



Mission:

We provide a safe, inclusive, and adaptive learning environment with multiple pathways to success

Vision:

We inspire and empower all learners, preparing them for limitless opportunities

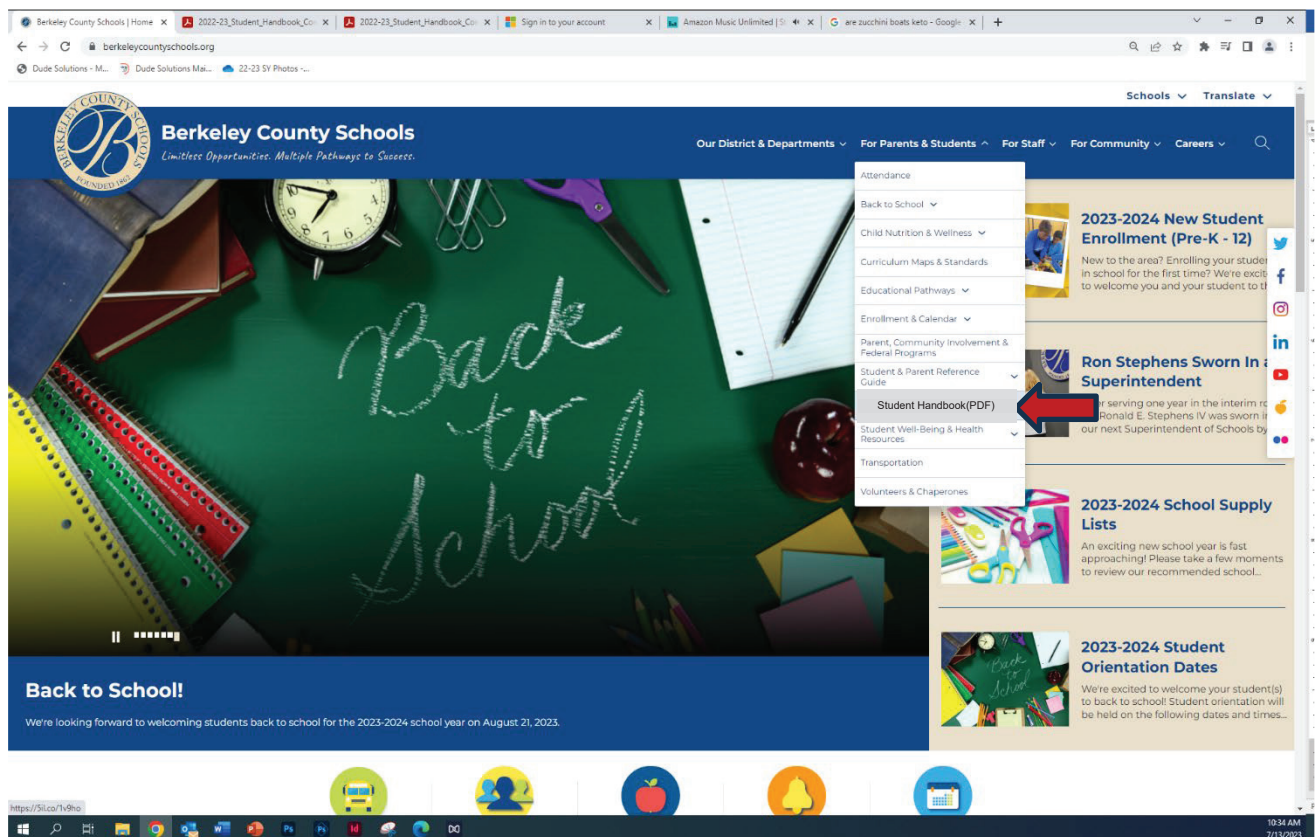
Core Beliefs:

- **Student Well-Being:** Learning is optimized when all students are valued and their social, emotional, physical, and academic needs are met.
- **High Expectations:** All students engage in a meaningful education aligned with their passions and the necessary supports to achieve their goals.
- **Equity:** Embracing the diversity and differing perspectives of our students, families, and community; building inclusive environments; and ensuring resources are allocated according to needs, makes us stronger.
- **Empowering all Staff:** Shared decision-making and accountability ensures we are responsive and able to collaboratively adapt to changing needs.
- **Collaboration:** Mutual partnerships driven by transparency, communication, and integrity support students' social, emotional, and academic growth.
- **Community Impact:** Our schools and community are reflections of one another. Fostering civic-responsibility, community participation, and giving back creates a positive impact for students as well as the broader community.

Berkeley County Schools Student Handbook is online...www.berkeleycountyschools.org

All Berkeley County Board of Education Policies and Procedures identified in this Handbook can be accessed through your child's school or online at www.berkeleycountyschools.org. You may request a paper copy from your school office. Policies are referred to by their alpha code. You are advised that the Board of Education may revise or create policies over the course of the school year. State law, West Virginia Board of Education Policies, and Berkeley County Board of Education Policies and Procedures that are enacted after the publication of this Handbook shall supersede any such references herein.

To locate the Berkeley County Schools Student Handbook, please visit: berkeleycountyschools.org/studenthandbook.



STARTING SCHOOL

What you need to know . . .

STUDENT HEALTH

ANNUAL STUDENT EMERGENCY INFORMATION UPDATES

Student health concerns that affect learning or attendance must be communicated and updated annually. It is extremely important that parents/caregivers provide these ANNUAL updates on important contact information, primary and secondary telephone/cellular phone numbers, and email addresses for those who care for the student.

Student enrollment and ANNUAL emergency information updates are made online at www.berkeleycountyschools.org/update. The link is also located on your school website.

WEST VIRGINIA IMMUNIZATION REQUIREMENTS

- A child will **NOT** be permitted to attend Berkeley County Schools until **documentation of immunization is presented to the school staff or school nurse**. Immunizations must comply with requirements of the West Virginia Bureau of Public Health for enrollment.
- For students **entering** school for **first time, grades K – 12**, unless medically exempted, the following immunizations are **REQUIRED**:

DTP (Diphtheria, Tetanus, Pertussis)	Minimum of 4 doses; one dose after the 4 th birthday
Polio	Minimum of 3 doses; one dose after the 4 th birthday
MMR (Measles, Mumps, Rubella)	2 doses; 1 st dose after the 1 st birthday
Hepatitis B	3 doses; last dose after 6 months of age
Varicella (Chickenpox) *(See note)	2 doses; 1 st dose after the first birthday

- For students **entering Pre-kindergarten**, unless medically exempted, the following immunizations are **REQUIRED**:

DTP (Diphtheria, Tetanus, Pertussis)	4 doses; booster after age 4 NOT required
Polio	3 doses; booster after age 4 NOT required
MMR (Measles, Mumps, Rubella)	1 dose; after the 1 st birthday
Hepatitis B	3 doses; last dose after 6 months of age
Varicella (Chickenpox) * (See note)	1 dose; after the 1 st birthday

*Note – A varicella vaccine is not indicated if the student has had a history of a chickenpox infection. WV allows parents to report the history, verbally or in writing. Please provide approximate month, date, and year of occurrence.

- For all **7th grade students**, the following immunizations are **REQUIRED**:

Tdap (Tetanus, Diphtheria, Pertussis)	1 dose for students after age 11
MCV4 (Meningococcal)	1 dose

- For all **12th grade students**, the following immunizations are **REQUIRED**:

Tdap (Tetanus, Diphtheria, Pertussis)	1 dose after age 11, if not obtained for 7 th grade
MCV4 (Meningococcal)	2 nd dose required if 1 st dose obtained before age 16

- The Following Immunizations are **RECOMMENDED**:

Influenza (flu)	Annual dose for all ages, 6months and older
HPV (Human papillomavirus) for cancer prevention for boys and girls	2 doses for ages 9-14 3 doses for ages 15 and older
Meningococcal B to protect against another type of meningitis.	1 dose for ages 16 and older

- An updated copy of a student's immunization record containing recommended immunizations should be sent to his/her school in the fall. While the recommended immunizations are not required for school attendance, state law requires our schools to record updated immunizations.
- Immunizations are available through your child's physician or by appointment at the Berkeley County Health Department (BCHD). The BCHD's phone number is (304) 263-5131. For additional information about immunizations, please contact the West Virginia Immunization Program at 1-800-642-3634 or online at www.dhhr.wv.gov/oeps/immunization.

HEALTH PROMOTION / SCHOOL HEALTH SCREENINGS

School health services are coordinated by the School Nurse. Parents should contact their child's School Nurse regarding any health concerns by calling the school.

WV Dept. of Education policy defines the "HealthCheck" guidelines for a comprehensive health and dental screening for new enterers in Pre-K and Kindergarten and all students entering grades 2, 7, and 12th grades. The screening forms should be signed / dated by your child's licensed health care provider and dentist and completed within the prior 12 calendar months.

After a new enterer meets the enrollment criteria, all future screenings for vision, speech, and hearing will be based on school, teacher, parent or medical provider requests related to individual student needs.

STUDENT ILLNESS

Children should not attend school when ill. Attendance is important to a student's academic success. However, when a child is ill it is in the best interest of the child and those around him to keep him home from school. Having a communicable condition may cause a student to be removed from the school until medical clearance for the child's return is given. These guidelines are endorsed by the Berkeley County Health Department and are established to keep the health of all students in mind:

When may a student return to school after an illness? The following guidelines will help you decide if your child is ready to return to school after an illness:

- Fever free for the past 24 hours without the use of fever-reducing medications such as Tylenol. A fever is defined as a temperature $\geq 100.5^{\circ}$ F.
- No vomiting or diarrhea within the past 24 hours.
- After at least 24 hours of antibiotic therapy for bacterial illnesses (strep throat, pneumonia, etc.)

- The child's appetite and activity level have returned close to normal.
- Cold symptoms are mild enough so as not to interfere with your child's ability to participate in the activity of a normal school day or infect other students. (Cold and cough medicines, including cough drops, cannot be given to students by school staff without a doctor's order.)
- If your child was sent home with a rash, he or she may return when the rash is resolved or with a doctor's note stating that the child is not contagious.
- If your child's doctor has prescribed medication that will need to be given during the school day, please remember that an order from the doctor is necessary. Most area physicians have these forms. If not, the school nurse will fax a form to the physician's office.
- During your child's doctor visit, remember to obtain a medical excuse for your child's absence. If you have any questions as to whether your child may return to school after an illness, please feel free to call the School Nurse for advice.

MEDICATION ADMINISTRATION

Medications can be administered at school when absolutely necessary and when proper prescriptive information and parental consent have been provided. Parents should administer medication at home if at all possible. Students are not permitted to self-medicate or carry on their person medications while on school property with the exception of inhalers or emergency medications ordered and recommended by their physician, parent, and school nurse. All medications including over-the-counter and cough drops must have a physician's order. Medications must be in the original container from the pharmacy with child's name, medication and dosage, date and physician's name. In addition, an "Administration of Medication" form must be completed with signatures of the parent or guardian and physician. This form can be found on the BCS website. (*Student Health Information-Medication Form*). It will designate the kind of medication, amount to be given, and the schedule to be followed. If the dosage of medication should change, the parent must indicate so in writing. A new medication form is required and a correctly labeled medication bottle must be received. Medication given three (3) times a day (such as antibiotics) should be given at home. Parents **MUST** bring medication to the school office.

PROCEDURES TO CONTROL LICE IN THE SCHOOLS

The following procedures are supported by US Center for Disease Control standards (cdc.gov) and are designed to facilitate consistency, appropriate treatment, privacy, and respect.

- When a student is found to have lice, siblings of the student may be examined. Screening will be performed at the nurse's discretion based on an assessment of the situation.
- Any child found to have lice will be referred to parents by telephone, letter, or home visits, if needed.
- Information will be sent home with the student with directions for treatment and follow-up. If the parents cannot be reached during the school day, and the student must remain in school, he/she may remain in the classroom.
- Since the school nurse may serve several schools, each school will designate one or two persons (principal, instructional leader, guidance counselor, secretary, or aide) as referred to in the WV Basic and Specialized Health Procedures Manual. These individuals will be trained by the nurses to perform hair assessments and recheck the child upon his/her return to school.
- A student may return to school after the school nurse or designee has rechecked him/her, and it has been determined that appropriate treatment has been administered.
- School personnel will provide factual information to students regarding head lice, reducing the negative attitudes toward affected students.
- Each school/school nurse will try to resolve the problem before referring to attendance workers.
- The student's absence may be excused 3 days for the first incident and 2 days for the second incident. Subsequent re-infestations will be unexcused in a school year.

STUDENT ACCIDENT INSURANCE

The Berkeley County Board of Education does not provide medical insurance or accident insurance for students. Parents are encouraged to provide this coverage either through their own family medical coverage or by purchasing student accident insurance. The Board of Education, through Young Group, Inc. Insurance Agency in Martinsburg, makes arrangements that each student receives an enrollment packet for student accident insurance. If any parent is interested in this coverage and does not receive an enrollment packet at the beginning of the school year, please contact Arndt-McBee. Berkeley County Board of Education maintains liability insurance coverage.

CHILD NUTRITION

Berkeley County Schools Office of Child Nutrition and Wellness is committed to providing all children in our schools with nutritionally balanced meals that are also appealing. Should you wish further information on the program or want to share some suggestions or comments, please feel free to call the Office of Child Nutrition and Wellness at 304-267-3500.

BREAKFAST & LUNCH

A well-balanced breakfast plays an important role in a child's ability to learn. WV Feed to Achieve law recognizes the importance of this role and mandates that schools implement breakfast strategies to include Breakfast After First, Grab and Go, or Breakfast in the Classroom. Please contact the individual school to see which breakfast strategies are implemented.

A well-balanced lunch is provided around the noon hour daily. Parents may choose to prepare their child's lunches at home. Please be sure to pack a well-balanced, nutritious lunch. Glass and metal containers should not be sent to school for safety reasons. All liquids must be in plastic containers and capped tightly. Milk may be sold separately on a cash basis.

SCHOOL MEAL PRICES***

	Elementary Full Price	Secondary Full Price	Reduced Price
Student Breakfast	\$1.25	\$1.50	FREE
Student Lunch	\$1.50	\$1.75	\$0.40
Single Extra Milk	\$0.25	\$0.25	\$0.25
Adult Breakfast	\$3.00	\$3.00	
Adult Lunch	\$4.00	\$4.00	

***Prices Subject to Change

FREE or REDUCED-PRICED MEALS AVAILABLE

Berkeley County Schools offers meals to students at full-price, reduced price and at no cost, depending upon eligibility standards established by the federal government. Confidentiality is always protected as all students access their accounts through a scanning device. If you believe your child qualifies for free or reduced meals, you are encouraged to apply for reduced or free meals at your child's school or online at www.berkeleycountyschools.org. **Applications must be completed yearly and applications expire on June 30th.** BCS Office of Child Nutrition and Wellness will notify the household after a determination of eligibility has been established. If you

do not receive a letter of approval or denial from the Child Nutrition Office after submitting a complete application please call 304-267-3510, ext. 13259. **We cannot backdate the application to cover previous charges.** The benefits become effective from the date the school marks the application as received in our system. If you receive a bill and you believe your child should be receiving Free or Reduced priced meals, please call us immediately. If you received benefits in school year 2022-2023, they will be extended via grace period to October 3, 2023. If we do not have a complete approved application by October 4, 2023, your child will not receive this benefit and will be charged full price for school meals until application is made. Applications may be submitted at any point in the school year.

During the 2023-2024 school year, West Virginia schools that qualify will participate in the USDA Community Eligibility Program (CEP). This program, enacted as a result of the Healthy, Hunger-Free Kids Act, is an innovative universal free-meal service. Schools that qualify for the 2022-2023 school year are Back Creek Valley Elementary, Bedington Elementary, Berkeley Heights Elementary, Bunker Hill Elementary, Burke Street Elementary, Eagle School Intermediate, Gerrardstown Elementary, Martinsburg High, Martinsburg North Middle, Martinsburg South Middle, Mountain Ridge Intermediate, Opequon Elementary, Orchard View Intermediate, Rosemont Elementary, Tuscarora Elementary, and Winchester Avenue Elementary. ***Subject to change based upon federal regulations and qualifications.

IDENTIMETRICS

All Berkeley County schools use identiMetrics scanning as part of an effort to provide security for your child's cafeteria account, to eliminate clerical errors, and to provide an easy, fast way for students to identify themselves in the meal line. Although the software scans the finger, it does not store a copy of the fingerprint. Instead, it creates a template of finger points and characteristics. The data file is stored in the county's database and is treated with the same high security as all student records and is never delivered to any other agency. If you do not wish to have your child participate, please make that request in writing to your child's school annually and other arrangements for identifying your child's account will be made.

SPECIAL DIETARY NEEDS

Berkeley County Schools follows a centralized menu. Any individual menu modification requests must be supported by a medical authority and must affect one of the major life functions/activities as designated by the Americans Disabilities Act. Students requiring special diet modifications/accommodations from our school nutrition program are required to complete a Medical Plan of Care for School Food Service **annually**. This information will assist in making the necessary modifications to the regular menu and be signed by a recognized medical authority. In order to dismiss a Medical Plan of Care for School Food Service, a written dismissal must be submitted by a recognized medical authority on letterhead, prescription pad, or another Medical Plan of Care for Food Service. To obtain one of these forms, please contact the School Nurse at your child's school or contact the Office of Child Nutrition and Wellness at 304-267-3500 ext. 13268. One may also find the form on-line at www.berkeleycountyschools.org.

WELLNESS

Student safety is our number one concern. Due to the growing number of students requiring special dietary considerations, any outside food or drink for celebrations, rewards, or fundraising must be prepackaged and have a nutritional label detailing ingredient. WVBOE Policy 4321.1 states that parents may only provide food for their own child. WVBOE Policy 4321.1 does not allow candy, soft drinks, or any product containing caffeine or artificial sweeteners and must follow the USDA Smart Snacks ruling.

BILLING PROCEDURE

Bills are generated and mailed around the 10th of each school month (for the previous month's charges). Payment is due on the 25th of each month. Please note that accounts with a \$70.00 balance or higher for 30 days will result in the request for payment at the point of service. Failure to pay account balances will result in possible legal action.

Starting the 2022-2023 school year, monthly bills and balance notifications for any balances over the \$70 threshold may be sent via email. This email will allow parents/guardians the option to pay on-line or apply for free and reduced benefits in a timelier fashion. Parents/guardians wishing to place restrictions on their student's account must submit a written request to the BCS Child Nutrition Office. Any requests will be kept on file and must be renewed annually. All request to dismiss the restriction will also need to be submitted in writing to the BCS Child Nutrition Office.

Parents have the option of checking balances and paying lunch accounts on-line at www.schoolcafe.com. Bills may also be paid by check or cash at each school. If you would like to pay by credit card, cash, or check, please visit or call the Child Nutrition Office at 304-267-3500 ext. 76004.

USDA NONDISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: How to File a Complaint, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

TRANSPORTATION

BUS STOPS

The Department of Transportation will designate bus stops for the pick-up and discharge of passengers in accordance with West Virginia school transportation regulations.

- Bus operators will pick-up and discharge passengers only at their designated stop(s).
- If a student is to ride a different bus and/or picked up or discharged at an alternate established bus stop, the bus operator must be provided with a note from the parent which has been **signed by the school principal**.
- Parents are responsible for providing supervision for all K-3 students at all bus stops until the bus arrives for both pickup and delivery. If no one at the bus stop to get a student in grades K-3 off the bus, after the 3rd incident of this, student could temporarily

lose transportation privilege.

- Designated bus stops are limited to a primary (home) and one secondary stop in the same school district. Transportation to any additional sites will be the responsibility of the parent.
- Transportation is not provided for students who choose to attend a school outside their own district.

STUDENT CONDUCT ON BUSES

The Berkeley County Board of Education policy for Expected Behavior in Safe and Supportive Schools applies while students are on a school bus and at a school bus stop.

- The bus operator is in charge of the bus and passengers. Passengers must obey the operator. Insubordination will not be tolerated.
- Be courteous; use no profane or obscene language or gestures.
- Do not eat, drink or chew gum on the bus.
- Keep the bus clean.
- Controlled substances and tobacco products are prohibited on the bus, as well as JUULs and Vape devices.
- Do not be destructive.
- Stay in your seats at all times.
- Keep head, hands and feet inside bus at all times.
- Bus operator is required to assign seats.
- No glass bottles or aerosol cans. Any type of water bottle must be kept in backpack.
- All band instruments must be encased and be able to be held on the student's lap.
- Skateboards, animals and toys are prohibited on school buses.
- Be at the designated bus stop 5-7 minutes prior to bus arrival.
- No unauthorized or inappropriate phone or other electronic device use.

The interventions and consequences included in the Expected Behavior in Safe and Supportive Schools Manual apply to all students riding school buses and at school bus stops. If a student violates any of the posted rules, he or she will be given a verbal warning. The second violation will result in a Warning Letter to take home to be signed by the parent and returned to the driver the next day the student rides the bus. The third violation will result in a Bus Conduct Report, indicating 1 to 10 days suspension from riding the bus, depending on the behavior. The parent will be notified and a copy of the Bus Conduct Report, indicating the offense, will be sent to the parent via the student. (*Parent copy: white; School copy: yellow;*

Transportation copy: pink) The white copy goes home to the parent, the yellow copy is given to the school's administration, and the pink copy goes to the transportation department.

Any Level 3 or Level 4 misconduct may result in suspension from the bus for up to 10 days and may result in suspension and/or expulsion from school. No verbal or written warning will be given. Only Bus Operator signature required. When a Level 3 or Level 4 behavior occurs, the bus operator will fill out a "Bus Conduct Report" indicating the infraction(s). The report will be signed by the bus operator and the white copy sent home to the parent/guardian via the student. (*Parent copy: white; School copy: yellow; Transportation copy: pink*) The white copy goes home to the parent, the yellow copy is given to the school's administration, and the pink copy goes to the transportation department. When the student has been suspended for 3 violations of any of the Student Bus Regulations, a meeting with parent, student, transportation representative, and school administrator will be conducted during the suspension.

Students who repeatedly violate the Student Bus Regulations and/or endanger other students, will be recommended to the Berkeley County Board of Education for expulsion from the bus. Students suspended from a bus are suspended from riding ANY other bus to or from school, including field trips, and extra-curricular trips.

SCHOOL BUS SAFETY GUIDELINES

Parents

- Dress your child in brightly colored clothing that drivers can see easily;
- Provide a book bag or backpack to carry books and notes;
- Clip or trim drawstrings of coats, book bags, and backpacks to avoid catching in door closing.
- Have an alternative plan for your child in the event of weather-delayed openings or early closings - let your driver know if your child is to be picked up or dropped off at a different spot (note must be approved and signed by principal prior to giving to bus driver).
- Teach your child to take 3 steps away from the bus and 10 steps forward before crossing in front of the bus and follow the "thumbs-up" rule where drivers signal to students with a thumbs-up when it is safe for students to cross.
- As a driver and a parent, drive carefully and obey all school bus signals.
- You may not enter a school bus without the consent of the school bus operator.

Students

- Obey all school bus rules and driver's instructions the first time;
- Wait for the driver's signal BEFORE crossing in front of the bus; (thumbs up)
- If you drop a book or paper, check for traffic before stopping to pick it up;
- Always check for traffic yourself before crossing;
- Cross in FRONT of the bus; do not go near the BACK of the bus;
- Don't push or shove at the bus stop or on the bus;
- Keep everything - arms, heads, papers, etc., inside bus.
- It is at the driver's discretion whether or not electronic devices, toys/trinkets, etc. are allowed on buses. Students must comply with those rules.

STUDENT RIGHTS

Student's rights and freedoms are respected in all school policies and activities. Parents may review the Expected Behavior in Safe and Supportive Schools Manual online at www.berkeleycountyschools.org and may request a copy of the Manual at any school or by contacting the Communications Office at (304)267-3500.

DURING THE SCHOOL YEAR

What you need to know . . .

GENERAL INFORMATION AND PROCEDURES

ATTENDANCE

See Berkeley County File: JB

Regular attendance is a requirement of the delivery of a quality educational program. A direct relationship exists between students' daily school attendance and academic performance, graduation and good work habits. Daily attendance is necessary for students to meet their schools' academic program standards as each day's learning builds on the work previously completed. While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance, and to provide an environment conducive to, and encouraging of, attendance.

Under West Virginia law, compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program and beginning with the 2011-12 high school freshmen cohort class of students continue to the seventeenth birthday. Exemption from attending the public schools during these years shall be for the causes or conditions listed in W.VA. Code §18-8-1a. Each cause or condition shall be subject to confirmation by the Superintendent. Whenever your child is absent, you must contact your child's school to

advise that the student will not be in attendance. A written note with parent's signature (no more than 10 per school year) or other allowable excuse documentation, as listed below, should be sent to the school when the student returns with the reason for absence. This rule may be suspended due to Covid or other major community health event. The following are excused absences:

- Illness
- Death in the family
- Verified dental or physician appointment
- School approved curricular or extra-curricular activities
- Verified court appearance
- Failure of bus to run or extremely hazardous conditions
- Religious Holiday
- Verified leave of educational value

Schools will utilize an automated calling system to notify parents/guardians when students are absent from school. Parents are encouraged to communicate with the school to provide documentation of the reason for each student's absence. It is important to have meaningful conversation between the school and the families to promote student attendance. School counselors and attendance workers are available to assist families in situations where the students are having difficulty with school attendance. There are many reasons for student absences. Support cannot be provided when school personnel are unaware of the reasons for student absence. Written notice will be served to parents or guardians of any student having five (5) total unexcused absences. The five (5) day written notice will inform parents or guardians that the student has reached five (5) unexcused absences, and that parents must contact the school's principal or other designated representative. Any student having 10 or more unexcused absences may result in a legal complaint filed against the student, parent or guardian.

Under West Virginia law, a student who is absent from school will be allowed to make up work within a reasonable number of days.

McKINNEY-VENTO ACT

If your family lives in any of the following situations:

- In a shelter
- In a motel or campground due to the lack of an alternative adequate accommodation
- In a car, park, abandoned building, or bus or train station
- Doubled up with other people due to loss of housing or economic hardship

Your school age children may qualify for certain rights and protections under the federal McKinney-Vento Act.

Eligible children have the right to:

- Receive a free, appropriate public education.
- Enroll in school immediately, even if lacking documents normally required for enrollment.
- Enroll in school and attend classes while the school gathers needed documents.
- Enroll in the local school; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is in the best interest of the child.
 - If the school district believes that the school you select is not in the best interest of your children, then the district must provide you with a written explanation of its position and inform you of your right to appeal its decision.
- Receive transportation to and from the school of origin, if you request this.
- Receive educational services comparable to those provided to other students, according to your children's needs.

If you believe your children may be eligible, contact the local liaison to find out what services and supports may be available. The local Liaison is:

Hal Van Metre

515 W. Martin St., Martinsburg, WV 25401

Phone: 304-263-0166

email: hvanmetr@k12.wv.us

SCHOOL COUNSELING PROGRAM

The Berkeley County Schools' school counseling program is designed to provide every student with the academic, career and personal/social knowledge and skills necessary to graduate and successfully function in the 21st century society. Certified school counselors deliver equitable, comprehensive, preventative and developmental counseling programs which promote quality learning for all K-12 students. Parents are invited to contact the School Counselor for assistance regarding their child's academic, career, and/or personal/social concerns. *Feel free to call the school to request an appointment.*

DROP OUT PREVENTION PROGRAM

Each school's School Assistance Team (SAT) coordinates the Drop-Out Prevention Program. Much of the effort focuses on early identification of potential dropouts. Students who lose interest in school or "turn off" are identified early by the teacher who will then work with the Guidance Counselor to provide alternatives for these students to help them get back on track. The Berkeley County School System is focusing on alternative methods to reach these students and to provide them the complete K - 12 education that will help them acquire skills to become productive, sound citizens.

CHILD ABUSE AND NEGLECT

West Virginia State Law requires teachers to report suspected cases of child abuse or neglect. The law further protects the teacher against liability for referring such cases in good faith

PARENT LIABILITY

West Virginia State Law states that parents shall be held responsible for damage caused by their children on public or private property for amounts up to \$2,500.

PUBLIC ACCESS TO INFORMATION

Any citizen may review Board of Education Policies and Administrative Regulations online at www.berkeleycountyschools.org, at any school or at the County Board Office, 1453 Winchester Avenue, Martinsburg. Comments are always received from school employees and the public prior to the adoption of any new policy.

State school law may be reviewed by reading School Laws of West Virginia, which is available at the schools, the Public Library and the Central Office. You may contact the Principal if you have any questions concerning the school or the School System.

STUDENT RECORDS - Family Educational Rights and Privacy Act (FERPA)

Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access. Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the [School] to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202**

NOTICE FOR DIRECTORY INFORMATION AND MILITARY RECRUITERS

The *Family Educational Rights and Privacy Act* requires that Berkeley County Schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. Berkeley County Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow us to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Berkeley County Schools to disclose directory information from your child's education records or information to military recruiters, without your prior written consent, you must notify the District in writing by October 1.

Berkeley County Schools has designated the following information as directory information:

- **Student's name**
- **Address**
- **Telephone listing**
- **Electronic mail address**
- **Photograph**
- **Date and place of birth**
- **Major field of study**
- **Most recent educational agency or institution attended**
- **Dates of attendance**
- **Grade level**
- **Participation in officially recognized sports and activities**
- **Weight and height of members of athletic teams**
- **Degrees, honors, and awards received**
- **Student ID number, user ID or other unique identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (a student SSN, in whole or in part, cannot be used for this purpose).**

EQUITY AND INCLUSION

The world is changing, and in an ever-changing society, it is imperative for our students to receive an equitable education geared to honor the rich differences represented in all aspects of our school system.

The Equity and Inclusion Department coordinates and implements quality initiatives designed to equip our students with the knowledge and skill sets to needed in our 21st Century global society.

The initiatives include – and are not limited to – areas of professional learning opportunities for professionals and service personnel, curriculum and instruction, cultural proficiency and competency, diversity, multiculturalism, equity, inclusion and culturally responsive teaching. The initiatives and programs align with:

- West Virginia Code §18-8-5a;
- West Virginia Board of Education Policies 2322, 2510, 2315, and 4373;
- Berkeley County Board of Education Policies IDF, IBA, and JGG;
- West Virginia and Berkeley County Board of Educations' Strategic Plans; and
- West Virginia Evaluation Standards for administrators, teachers, and school counselors.

NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is *funded in whole or in part* by a program of the U.S. Department of Education
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental or psychological problems of the student or student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.

- *Receive notice and an opportunity to opt a student out of -*
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law;
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Inspect, upon request and before administration or use -*
 1. Protected information surveys of students,
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

For more detailed information, refer to Berkeley County File JR, which is available for your review at the school or online at www.berkeleycountyschools.org. The School District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Berkeley County Schools will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities, *if any are to be conducted*, and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

FIELD TRIP PREPARATION AND CHAPERONE PROCEDURES

These procedures are intended to serve as a basic guide for individuals who will serve as chaperones for Berkeley County Schools. Prior to the trip, it is the responsibility of the supervising teacher to inform all chaperones as to all pertinent information and training. The teacher will discuss in detail these guidelines with all chaperones prior to departure. This should include but is not limited to the following:

- Health and safety issues
- Supervisory responsibilities
- Expected Behaviors in Safe and Supportive Schools Manual review
- Emergency procedures
- Taking roll
- Trip itinerary
- Trip goals
- Any other information specific to the health, safety, and welfare of the students in their charge
- Appropriate permission and insurance forms, completed prior to the trip

Note: All chaperones must be approved by the Berkeley County Board of Education prior to any trip.

Volunteer and Chaperone Background procedures:

School district procedure requires that individuals serving as chaperones for all overnight field trips and some daytime activities must have Level 1 approval, which requires a criminal background screening. To apply for Level 1 approval, volunteers must first apply online via Berkeley County Schools' volunteer registration system (Secure Volunteer).

Registrations are processed in 3-5 days, sometimes longer at the beginning of the school year and then must be submitted to the Berkeley County Board of Education for approval. Once approved, the

volunteer's name will appear on the *Level 1 Approved Volunteer* list at the school(s) for which they registered.

Approved Level 1 Volunteers can have direct authority over students on field trips, sports trips, etc.

- **Approved at Level 1 Volunteers.** The volunteer's name will appear on the *Approved Level 1 Volunteer* list at the school(s) for which they registered. Approved Level 1 Volunteers will receive written notice when approved along with an identification card. The card will be valid for two (2) calendar years. Volunteers not approved for Level 1 will be contacted if there is a problem with the background check by the authorized vendor with a copy of the background results along with instructions for disputing the background results.
- **Berkeley County Schools' Employees Serving as volunteers.** When a school-district employee (professional or service) serves as a volunteer and not as an employee, the employee will be considered as an Approved Level 1 Volunteer.
- **Other West Virginia school district personnel as volunteers.** When a volunteer holds a West Virginia Teaching/Administrative/Student Support certificate, the volunteer will be considered as an Approved Level 1 Volunteer. Other school district personnel must submit background results to the Berkeley County Schools' Department of Human Resources.

Level 2 Volunteers will be those who haven't had the background check, but can still participate as a chaperone as long as an Approved Level 1 Chaperone or teacher/coach is assigned to the same group.

Volunteers transporting students in their personal automobile must be an Approved Level 1 Volunteer and submit proof of a valid driver's license and proof of adequate valid insurance, to be maintained on file at the school office.

All volunteers and chaperones are still required to be approved by the Berkeley County Board of Education and complete the necessary harassment training.

Chaperones attending field trips must meet the following criteria:

- All volunteer field trip chaperones must be approved by the Berkeley County Board of Education and must be 21 years of age or older for all field trips.
- All volunteer chaperones for overnight field trips must pass Level 1 screening, which requires a background check. Principals, at their discretion, may require screening for some day trips that have limited school staff supervision.
- Approved Level 1 Volunteer(s) may be given priority in chaperoning school field trips.

IMPORTANT INFORMATION – PLEASE READ BEFORE APPLYING ONLINE FOR THE APPROVED LEVEL 1 VOLUNTEER LIST

- **Please be advised that the background costs are non-refundable if not approved as a volunteer.**
- All volunteers must present a current photo ID at the school. Acceptable forms of ID include the following: state or federally issued driver license, state ID, military ID, or alien registration card with photo. Expired photo ID cards are not accepted. Approved Level 1 volunteers must also wear his or her badge at all times while volunteering.
- Volunteers must apply to be an approved Level 1 Volunteer, at any time, but at least 3 weeks prior to the event date the school needs proof of the approval.
- Volunteers must reactivate their Level 1 approval every two years.
- For questions regarding school district volunteer requirements, call (304) 267-3500.

To apply online to be an Approved Level 1 Volunteer click on the Secure Volunteer logo at www.berkeleycountyschools.org

The background processing fee for the Secure Volunteer Background check is \$19.95.

CHAPERONES' RESPONSIBILITIES

- Be identified and be introduced to the students by the teacher.
- Understand the trip agenda and objectives.
- Understand that students assigned to chaperones are their responsibility for the full time and the complete tour. Students must stay with the chaperone. The teacher will provide a list of student's names to chaperones.
- Do not let students "go off on their own." Students must be with chaperones for the entire assigned time.
- Review the Expected Behaviors in Safe and Supportive Schools Manual and your responsibilities to enforce and abide by the provisions of that Manual
- All school rules apply. Any violations must be referred to the teacher immediately.
- Stay on schedule. Be aware of deadlines, locations and times.
- At most sites security people are available. If anyone in your group encounters problems, immediately notify security personnel. Then notify the supervising teacher.
- School personnel will provide specialized training to chaperones volunteering for any field trip requiring an overnight stay. (Chaperones should be aware that Berkeley County Drug Free Workplace Policy and Tobacco Policy are in effect on school business.) Use of tobacco products, alcoholic beverages, or controlled substances are not permitted during any school-related activity.

NOTIFICATION OF MANAGEMENT PLAN

Some schools in Berkeley County contain asbestos building materials. A management plan has been developed and a copy of this plan is located at each school where asbestos is contained. A copy is also available at the Maintenance Department, 728 South Raleigh Street, Martinsburg, WV 25401. Questions concerning this issue should be directed to Joe Burton, Director of Maintenance at (304) 267-3519.

COMMUNICATING SCHOOL INFORMATION

COMMUNICATION TOOLS

Communication regarding Berkeley County Schools' events, activities and or emergencies are shared using the following online resources:

- www.berkeleycountyschools.org – District information such as alerts, announcements, news, school calendar and more.
- NTouch - School district messaging system using app push notifications, email, text and voice messages to share district and school information, and emergencies.
- Social media platforms – Follow Berkeley County Schools on Facebook (Berkeley CountySchools) and Twitter (@BerkCoSchoolsWV), Instagram, Flickr, LinkedIn and YouTube.
- Berkeley County Schools Mobile App - Available as a free download on iTunes and the GooglePlay store. Search Berkeley County Schools WV.
- Comcast Cable Channel 18 – Scrolling District messages about county events and announcements.
- Peachjar is a third-party flyer management system that delivers school approved digital flyers to parent email inboxes. The same e-flyers can be viewed online at the BCS website or your student's school website. Parents can easily locate and view e-flyers of interest and take immediate action to sign up for promoted activities and events.

For more information regarding school communications, contact the Communications Office at (304) 267-3500 or ebobo@k12.wv.us.

SCHOOL SPECIFIC ACTIVITIES

Parental involvement in your child's school is essential to student success. School websites provide information regarding school specific events, and announcements. Be sure to familiarize yourself with it and check it regularly to stay current. School websites can be accessed from the Berkeley County Schools website. Consult your school welcome toolkit or office for details on other school level communication tools.

STUDENT HANDBOOKS

Student rights and responsibilities are shared in the county student handbook. The county student handbook is located online at www.berkeleycountyschools.org. School specific student and parent reference toolkit can be found on the school website. Students and parents are expected to review the handbook and reference toolkits. Black and white printed copies of the county handbook are available at the school offices by request.

WEATHER DELAYED OPENINGS AND EARLY CLOSINGS

During inclement weather, school delays, closings and cancellations are communicated through local media outlets, NTouch messaging, and by BCS social media. There are numerous ways to be informed regarding the status of Berkeley County Schools. **TAKE ACTION. GET CONNECTED. STAY INFORMED** with [Berkeley County Schools](#), is a publication listing all media sources who should report the status of Berkeley County Schools. For your convenience, it can be found on page 21 in this handbook and on the BCS website. Please take a moment to review your options. **Do not call your child's school or the Board of Education Office, as these lines must be kept free for emergency communications and for administrative use.**

Please monitor more than one media source for the status of Berkeley County Schools. No one source is foolproof. Most media sources post weather-related information on their websites.

It is most important that every family have a contingency plan for children in case of early closings or delayed openings if no one is home at the time the student leaves or returns from school. When school has been delayed, students should not arrive at the school earlier than the announced opening time since school staff may also be arriving late. When school is dismissed early, it is the parent's responsibility to inform children where they should go upon dismissal.

Remember to dress your children appropriately for winter weather, especially when walking to school or waiting on the school bus. A winter coat and hat are essential as well as warm boots and gloves. Always advise children to wait a safe distance from the road for the bus and when walking to school to pay extra attention to their footing.

INCLEMENT WEATHER DECISION PROCESS

Closing or delaying school is a serious decision requiring careful consideration of several factors. While our focus is the safety of our students and employees, we also evaluate the impact a closure or delay can have on student instructional time. Realizing a change in a school schedule creates inconveniences and difficulties for many BCS families, it is our goal and commitment that we make the best and most informed decision as quickly as possible and communicate that information to our BCS family.

Many factors and resources are evaluated and consulted in making these decisions in a timely manner. Our decision process for a closure or delay is:

Members of the transportation department, senior staff members and the Superintendent, monitor developing weather reports and receive regular updates from multiple weather sources as well as local and state radar. We communicate with neighboring school districts. Throughout the night, roads are driven to assess accumulation and condition. Sidewalks and parking lots are examined. Contact is made with county and state highway officials to discuss their plans to plow and treat road surfaces. This process begins no later than 4 am,

unless the decision to close can be made the night before.

After reviewing weather reports and shared information, the Superintendent makes the determination if roads, parking lots and sidewalks can be plowed and treated in time to safely open schools and transport students, or if a delay will be necessary. *Two hour delays are necessary when additional time is needed to evaluate changing weather conditions and forecasts.*

Once the Superintendent makes the decision, the Communications Department is notified. Staff members begin the process of informing parents and employees by using numerous media sources, social media and websites. It is our goal to communicate this information by 5:30 am.

It is important to understand that the decision is not always ideal for every area of our large county. Often weather and road conditions vary from one end of the county to another, and often conditions change quickly. You should know that careful, deliberate consideration was given to making the best decision for the majority of our student population and employees. Most importantly, the decision is made with student and employee safety as the top priority.

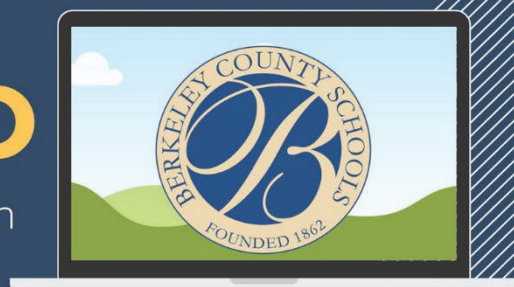
USE OF LIKENESS

Berkeley County Schools encourages our schools/district to share pictures and video of students engaged in classroom activities, extracurricular events, etc. via district and school communication channels such as websites and online publications/sources. Requests to be excluded from such publicity must be indicated through the annual emergency information completed annually from the school or district website.

GET CONNECTED

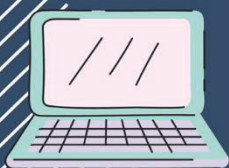


Want the latest news and information from Berkeley County Schools? Here's a few ways to stay in the know...



NTouch Text & Email Alerts; Download the BCS App

Learn more: berkeleycountyschools.org/ntouch



On the Web

Visit our website: berkeleycountyschools.org

Sign up: WV Dept of Ed alerts: wvde.state.wv.us/closings



Social Media

Follow us @ Berkeley County Schools



Local TV

WDVM Ch 25
ABC WJLA Ch 7
CBS WUSA Ch 9
FOX WTTG Ch 5
NBC WASH Ch 4

Print News

Herald Mail
The Journal

Radio

WLTF 97.5 FM
WRNR 740AM/106.5 FM
WEPM 1340AM/93.7FM



STAY INFORMED

1453 Winchester Ave. Martinsburg, WV
berkeleycountyschools.org -- 304-267-3500

REQUESTING A SIGN LANGUAGE INTERPRETER

Berkeley County Schools (BCS) has established procedures for all school principals and district administrators (or designees) to contract a sign-language interpreter when requested by staff members, students, parents/guardians, or members of the community for district or school related activities. BCS uses companies designed to provide qualified sign language interpreters or certified individuals in sign language interpreting.

Requests for sign language interpreters are encouraged to be made at least 48-hours (2-days) prior to the district/school activity. Emergency assignments (less than 24-hour notice) are, however, also available. Staff members, students, parents/guardians, or members of the community may contact the school administrator, district administrator, or person in charge of the activity to request a sign language interpreter.

ACADEMICS

What you need to know . . .

INSTRUCTION AND CURRICULUM

REPORT CARDS & PARENT/TEACHER CONFERENCES

The report card is one means of communication between school and home regarding a student's academic performance. Report cards are issued four times a year at the end of each nine week marking period. Interim reports will be issued at mid-term of the nine week marking period.

Parent-teacher conferences are scheduled formally twice a year; however, parents are encouraged to call the school and arrange a conference any time it is believed a discussion with the classroom teacher or principal might help the child's progress. Conferences provide an opportunity for parents to get to know the child's teacher, discuss the child's strengths and weaknesses with the teacher, and learn about the school and the curriculum.

Informal notes and calls may be used by teachers to inform parents of a child's progress. Often a teacher will call with good news. Open and consistent communication between home and school is important.

GRADING - GENERAL INFORMATION ABOUT THE MARKING SYSTEM

- I. All students will be graded every nine (9) weeks.
- II. Recorded Grades and Report Cards
 - A. Kindergarten students will receive
 - E = Emerging:** *Student is beginning to show understanding;*
 - D = Developing:** *Student is advancing forward, not mastered;*
 - S = At Standard:** *Student demonstrates a proficient understanding, meets grade level goal; or*
 - A = Above Standard:** *Student consistently demonstrates a deep understanding of the skill.*
 - B. First and second grade students will receive for:
 - 1. Core subjects (English Language Arts and Mathematics):
 - "E" = Emerging:** *Beginning to Understand;*
 - "A" = Advancing:** *Moving Towards Proficiency;*

"P" = Proficient: *Meets or Exceeds Grade Level Expectations;* or
"NP" = Not Making Progress Toward Standard.

2. Unified Arts (Art, Music and Physical Education):

"P" = Participates; or

"I" = Inconsistent Participation.

- C. Students in grades three through five will be graded using

1. For Handwriting

"O" = Outstanding;

"S" = Satisfactory; or

"N" = Needs Improvement

2. Art, Music, Physical Education, Science/Health, Social Studies, Reading, Math, Spelling, and Language :

A, B, C, D, and F as described in Section II. D.

- D. The following scale will be used for all students:

Letter Grade	Quality Points	Weighted Point Value
A = 90 - 100	4	5
B = 80 - 89	3	4
C = 70 - 79	2	3
D = 60 - 69	1	2
F = 0 - 59	0 (credit only)	0

- E. The weighted point value is for specifically-identified high school courses.

III. Requiring teacher to change grade prohibited.

- A. No teacher may be required by a principal or any other person to change a student's grade on either an individual assignment or a report card unless there is clear and convincing evidence that there was a mathematical error in calculating the student's grade.

IV. Restrictions

- A. All elementary schools (K-5) must use the adopted report card. No waivers will be granted.
- B. Only the above-mentioned letter grades will be recorded on the report cards and record cards.

SCHOOLOGY

SCHOOLOGY is the online grade reporting system used in all schools. SCHOOLOGY provides easy access for parents to monitor student progress. Your child's school will provide information for accessing your child's online SCHOOLOGY account.

ASSESSMENT

Berkeley County Schools upholds the state requirements for both locally provided and West Virginia Measures of Academic Progress (WV-MAP) as outlined in Policy 2340. Annually, all applicable educators complete assessment training and sign off on the

WVBE testing code of ethics ensuring that all schools and classrooms follow the required testing guidelines and maintain the security of assessment materials and student data.

LOCAL ASSESSMENTS

Berkeley County Schools administers benchmark assessments to students at all grade levels up to three times per school year. Group and individual data from benchmark assessments are used to plan for instruction and intervention.

STATE AND NATIONAL ASSESSMENTS

West Virginia General Summative Assessment (WVGSA)

All students grades 3 - 8 and 11

The Assessment for students grades 3 - 8 is completed entirely online. Students will test over multiple days, one test per day.

* The 3-8 WVGSA is computer-adaptive, such that how a student answers one question may determine the follow-up question and features a set of questions from a testing vendor. This question bank will be supplemented by items designed by West Virginia Educators.

Subjects Assessed:	Grade Levels:	Number of days to complete testing
ELA	3 – 8	up to 2 days
Math	3 - 8	1 day
Science	5 & 8	1 day

* each tested segment is estimated to take the students approximately 2 hours to complete.

For more information and resources about the 3-8 WVGSA, visit the [WV Assessment Portal](#)

11th-grade Assessment - the summative assessment for students in grade 11 is the spring **SAT School Day** assessment (initiated Spring 2018)

The assessment will take place at the students' home high school and will last roughly 4 hours. Participating students may have the opportunity to use their results for college entrance determination.

SEMESTER EXAMS

Semester exams are important for our students in the effort to promote excellence and high expectations. Exams should be administered to students earning high school credit in English, Mathematics, Science, Social Studies and Foreign Languages.

Procedures:

1. Exams are to be administered to all students in English, Mathematics, Science, Social Studies and Foreign Languages. Students in self-contained special education classes in these subject areas are exempt from this requirement. Schools shall publish an exam schedule four weeks prior to exam dates (see example below).
2. Exams may be a comprehensive mastery exam, a major end of unit or interim exam and/or a major project based upon the content standards.
3. Exams that are two periods long must be given over two days.
4. Exams are to count 1/7th of the semester grade.
5. Exemptions to this procedure, as approved by the school SAT Team, will be verified for hospitalization, death in the immediate family or other extreme extenuating circumstances. The appeal to the SAT Team must be made through the school counselor.
6. Students who have more than three exams on a given day may appeal to the principal to have an exam moved.

7. Graduating seniors in their eighth semester are excused from the second semester exam to help facilitate graduation.

TESTING OUT PROGRAM (TOP)

Students may advance or accelerate by testing out of a class. Information may be obtained at the school counselor's office.

STUDENTS MAY TEST OUT OF THE FOLLOWING:

Foreign Language

French I

Spanish I

Science

Physical Science

Biology

Language Arts

English 9

English 10

English 11

English 12

Social Studies

U.S. History 9

U.S. History 11

World History

Civics/Government 12

Mathematics

Algebra I

Geometry

Algebra II

Pre-Calculus/Trigonometry

ACCEPTING CREDITS EARNED BEFORE GRADE 9

Any student who successfully completes a high school level course prior to Grade Nine (9) shall receive full credit for that course toward graduation requirements. The student's permanent record for Grades 9 – 12 shall indicate completion of the courses. The grade for any course taken prior to Grade 9 becomes part of the student's permanent record and is calculated in the student's GPA (grade point average).

NATIONAL HONOR SOCIETY

The minimum grade point average required for eligibility to be considered for membership in the National Honor Society at Berkeley County high schools will be 3.5. For information regarding the National Honor Society, please contact the high school principal.

SECTION 504

The purpose of Section 504 of the Rehabilitation Act of 1973 is to eliminate discrimination based on disability from all aspects of school operation. It states: *"No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."* Berkeley County Schools provides eligible students with equal access (both physical and academic) to services, programs, and activities offered by our schools. Under Section 504, parents of students with disabilities have the following rights:

- To be informed of the rights available under Section 504
- To receive benefits from public education programs without discrimination
- To have their child receive a free, appropriate public education
- To have their child given an equal opportunity to participate in school programs and extracurricular activities sponsored by the school
- To inspect and review all of their child's educational records
- To have educational evaluation and placement decisions based on information from a variety of sources and by persons who know their child's educational needs, the

- meaning of the evaluation information and the placement options in the school system
Periodic review of a written 504 Plan if one is developed and, if their child is eligible under Section 504, to periodic re-evaluation before any significant changes occur in their child's placement

For more information about Section 504, please contact your child's school principal. The Assistant Director of Special Education, Kelli Gainer-Duranko, is the individual responsible for overseeing compliance with Section 504. Ms. Gainer-Duranko may be contacted: (1) by mail or in person at 401 South Queen Street, Martinsburg, West Virginia 25401; (2) by telephone at (304) 264-5055; or (3) by e-mail at khouse@k12.wv.us.

SPECIAL EDUCATION

Berkeley County Schools believes that education is a right extended to all individuals with exceptionalities and not a privilege. All individuals with disabilities ages 3 through 21, including students with disabilities who have been suspended or expelled from school, all gifted students in grades 1 through 8, and all exceptional gifted students in grades 9 through 12, have available a free appropriate public education (FAPE) which includes special education and related services in the least restrictive environment (LRE) to meet their unique special educational needs. This applies to all public agencies that provide special education and related services to our students. You can find a copy of the Procedural Safeguards at the following website: <https://wvde.us/wp-content/uploads/2022/11/25156-Procedural-Safeguards-v2.pdf>

CHILD FIND

If you suspect that your child may be experiencing learning difficulties, you may request a referral through your child's school. Please contact your child's school principal for more information. The Assistant Superintendent for Special Education, Mr. David Dilly, is the individual responsible for overseeing the Office of Special Education. Mr. Dilly may be contacted: (1) by mail or in person at 401 South Queen Street, Martinsburg, West Virginia 25401; (2) by telephone at (304) 264-5055; or (3) by e-mail at ddilly@k12.wv.us.

NOTICE TO PARENTS PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS OR INSURANCE (E.G, MEDICAID)

This notice informs parents of the Individuals with Disabilities Education Act of 2004 (IDEA) regulations at 34 CRF §300.154, effective March 18, 2013, regarding written notification and parent consent to access public benefits or insurance, such as Medicaid. Before the school district accesses the parent's or child's Medicaid or other publicly funded benefits for the first time to seek reimbursement for services provided to an eligible student, and annually thereafter, this written notice is provided to inform parents of the following:

- A prior written parental consent will be requested to release personal information from a child's education records or information about the services that may be provided for the purpose of billing Medicaid or another specific agency for Individualized Education Program (IEP) services.
- The consent form will state the student's personal education records and information that will be disclosed, the purpose of the disclosure (e.g. Medicaid billing) and the agency to which the records will be released. By consenting, parents state they understand and agree that their or their child's public benefits or insurance will be

accessed to reimburse the cost of services.

- Parents cannot be required to sign up for or enroll in public benefits or insurance programs for their child to receive free appropriate public education, that is, IEP services.
- Parents are not required to pay out-of-pocket expense such as a deductible or co-pay amount resulting from filing a claim but may pay the cost that otherwise would be paid by parents.
- Parents must be informed that their public benefits or insurance (e.g., Medicaid) will not be billed if it would:
 - result in a decrease in lifetime benefits;
 - result in the child's parents paying for services that would otherwise be covered and that are needed for the child outside of the time the child is in school;
 - result in an increase in premiums or discontinuation of public benefits or insurance; or
 - risk loss of eligibility for home and community-based waivers based on the total (aggregated) health-related expenditures for the child or the child's parents.
- Parents have the right to withdraw consent to disclose their child's personal information for billing purposes at any time.

Parents' withdrawal of consent, or refusal to provide consent, to release their child's personal information for purposes of accessing their public benefits or insurance (e.g., for Medicaid billing) does not relieve the school district of its responsibility to ensure that all required IEP services are provided at no cost to parent

West Virginia Department of Education
July 2019

WEST VIRGINIA TIERED SYSTEM OF SUPPORT (WVTSS)

Berkeley County Schools is committed to providing all students an education that will provide them with the tools for success. In order to do so, we must address not only academic needs, but behavioral and mental health needs as well.

The West Virginia Tiered System of Support (WVTSS) is a framework that has been developed to ensure that the myriad of needs are met for each student. This framework supports the whole child. The graphic below was designed by the West Virginia



Department of Education and encompasses all the components that support the whole child including mental health,

academics, and behavior. Mental health is a new component to the tiered system of support that has been utilized in the past and includes emotional, psychological, and social well-being that effect how students think, feel, and act. Academics relate to curricular subjects, and behavior is defined as the way an individual acts or behaves in response to other people, stimuli and situation.

The components described above are supported by the pieces outlined in the graphic's out ring which include family & community, culture & climate, leadership & teams, and finally, assessment. All of these pieces are essential to have a successful framework.

WVTSS includes three tiers of support: universal, targeted, and intensive. Below is a brief description of each level of support.

Tier 1, the universal tier, includes instruction and support that is delivered to ALL students. Every student will receive Tier I instruction regardless of whether they need additional supports with Tier 2 or Tier 3. Approximately 75-80% of students should only need this universal tier.

Tier 2, the targeted tier, supports about 10-20% of students who have not demonstrated success at the universal level. This targeted support can provide more in-depth scaffolding which typically is done in small group sessions (15-30 minutes) two to three times per week. Progress with the targeted tier should be monitored every 2-3 weeks to see if the intervention is appropriate for the students' needs.

The intensive tier, Tier 3, should be needed by approximately 5-10% of students who have not shown growth at the end of the targeted level of intervention or are already experiencing mental health distress. Intensive supports allow for more personalized attention, longer/more frequent sessions, and progress monitoring every one to two weeks. Some intensive behavioral or mental health supports may be provided by outside service providers if parents permit.

Students that show a need for targeted or intensive intervention are notified by the school prior to placement. Typically, a letter is provided to parents with information about the supports that the school feels the child can benefit from. If you would like more information about WVTSS, please contact your student's school principal.

TECHNOLOGY

BERKELEY COUNTY SCHOOLS ACCEPTABLE USE of TECHNOLOGY and NETWORKS

General

Berkeley County Schools Policy, *Acceptable Use of Technology and Networks*, is a policy name change and the replacement of the repealed policy, *Educational Purpose and Acceptable Use of Electronic Resources Technologies and the Internet* to: 1) simplify the language of the policy; 2) account for new and emerging technologies; and 3) update the Acceptable Use Agreements & Parental Consent and Waiver Forms. This rule repeals and replaces BERKELEY COUNTY FILE: JT STUDENTS “*Educational Purpose and Acceptable Use of Electronic Resources and the Internet*”.

In the event of any conflict with information contained in this document, or if any policy must be clarified, this document will rely on the content of the State of West Virginia Policy 2460 for clarification.

EDUCATIONAL PURPOSE

Berkeley County Schools (BCS) is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of operations. However, use of the BCS network and technology resources is a privilege, not a right.

The Berkeley County Schools Technology Team shall develop written technology procedures which provide guidance to staff and students concerning the safe, appropriate, and ethical use of the BCS network(s) based on WVBOE policy 2460 regarding the use of electronic resources, technologies, and the Internet.

The technology procedures shall also inform both staff and students about disciplinary actions that will be taken if Board technology and/or network(s) are abused in any way or used in an inappropriate, illegal, or unethical manner. Unacceptable use of technology includes, but is not limited to:

- A. Transmission or use of any material in violation of any federal or state law or regulation;
- B. Use for commercial activities, product advertising, or political lobbying;
- C. Transmission or use of any obscene, pornographic, or sexually explicit material;
- D. Intentional transmission or use of any type of virus or malicious file or computer code to disable or disrupt service;
- E. Illegally accessing or attempting to access any school, district, or state e-mail, electronic ID/password, data, system files, online resources, or equipment of the school that does not belong to the user;
- F. Hacking, cracking, vandalizing, and other unlawful online activities;
- G. Disclosing, using, or disseminating personal information regarding students;
- H. Cyberbullying, hate mail, defamation, harassment, discriminatory jokes and remarks, and other unauthorized behaviors as defined in other Board policies;
- I. "Sexting," the electronic transmission of sexual messages or pictures;
- J. Using proxy sites or personal devices to avoid state or county filtering; and/or
- K. All other prohibited activities as listed in WVDE Policy 2460 Section 6.3.

Further, safeguards, methods, and instructional models established by WVBOE policy to address Internet safety will be implemented and documented by BCS. All network access to BCS provided Internet shall be filtered through WVDE and/or county system filters to decrease the risk of students accessing inappropriate or harmful material. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, 1) interacting with other individuals through electronic mail, on social networking websites, and in chat rooms and

2) recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they are victims of cyberbullying.

The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of the educator's responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent/guardian while a student is in school. Therefore, it is the educator's responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives when using Internet-related technologies. It is the educator's responsibility to avoid using technology in such a manner that places him/her in a position to abuse that trust.

Collaboration, resource sharing, and dialogue between the educational stakeholders (teachers, students, and/or parents) may be facilitated by the use of social media and other electronic communication. Such interactivity outside of the school walls can enhance classroom instruction. However, a clear line must be drawn between personal and professional/educational social networking to protect the safety of the students and the integrity of educational professionals and service staff. Use of social media and electronic communication must support the educational process and follow county technology procedures. Educators are discouraged from using personal accounts to contact students.

Educators who register students for any online accounts must have explicit parental permission for the students to use those accounts. It is imperative that the educator carefully read the Terms & Conditions of the website and comply with said Terms & Conditions. Most sites transfer the liability to the teacher to get parental permission.

Professional development regarding the responsible use of the Internet and other technologies will be provided to employees and students. Employees and students who complete the training and sign Acceptable Use Agreement forms may be provided with appropriate usernames and passwords to access Berkeley County School's network(s) and technologies.

Employees and students are provided with a state e-mail account and password. A state e-mail address maybe required to participate in state online courses, to receive information distributed through state and county distribution lists and listservs, and to access county servers and websites. Use of personal e-mail accounts to contact staff, students, and parents is discouraged. Employees and students must use a state or county educational e-mail account for school work and communication. Use of the state e-mail account for personal communications is discouraged.

All information stored within the state's and BCS computers, servers, and other technology devices is the property of the state, Board, or school. Users of Berkeley County School's equipment and networks have no expectations of privacy with respect to its content.

Student use of Internet-related or web-based applications must be authorized by an educator and the parent/guardian through a signed Acceptable Use Agreement form. Appropriate adult supervision of Internet use must be provided. While WVDE does filter Internet traffic, filtering software is not 100% effective. Deliberate and consistent monitoring of student use of the Internet and technologies is vital to prevent access to inappropriate and harmful materials. While classroom educators have primary contact with students, acceptable and appropriate use of online resources, technologies, and the Internet is the responsibility of all county staff and employees.

The West Virginia Education Information System (WVEIS) is to be used exclusively for the business of BCS and its schools. All staff must maintain the confidentiality of student data in accordance with The Family Educational Rights and Privacy Act (FERPA).

BCS shall follow the guidelines of federal and state law, the Children's Internet Protection Act (CIPA), and the Children's Online Privacy Protection Act federal statues (COPPA). Unauthorized or unacceptable use of the Internet or educational technologies as part of an educational program by students, educators, or staff may result in suspension or revocation of such use and/or disciplinary actions involving local, county, state, or federal agencies.

All equipment owned by the district or school that is used off-site shall be subject to the

same rules as when used on-site.

Students and staff are prohibited from using county or personally owned devices to capture, record or transmit the sounds (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording, or transmission of such words or images. Taking or transmitting audio and/or pictures/video of an individual, without his/her consent, may be an invasion of privacy and is not permitted.

Technology may not be used in any way that might reasonably be interpreted by others as an attempt to threaten, humiliate, bully, harass, embarrass, or intimidate another person. The use of any camera device (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in bathrooms, locker rooms, or any room serving the functionality of the previously mentioned rooms.

Downloading, copying, duplicating, and distributing software, music, sound files, movies, images, or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes are permitted if and when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, United States Code <http://copyright.gov/title17>) and content is cited appropriately.

ACCESSING A COUNTY/SCHOOL NETWORK

Students, teachers and Berkeley County Board of Education employees may access networks in schools and county facilities. Under some circumstances, vendors, contractors or employees of the State of West Virginia may need to temporarily connect to the school network. In every case, effort should be made to inform all users of the Acceptable Use Policy of the site. The FCC allows for community access to school networks during non-operating hours without the need for a signed Acceptable Use Agreement. The building administrator may allow this community use during non-operating hours.

No unapproved wireless networks are allowed in any Berkeley County Schools' building. No one may bring a wireless router or access point and "plug-in" to the school/county network. Only the Director of Technology may approve a wireless installation. Only an approved official at each site may give a person permission to connect to a wireless network. Connection devices include items such as, but not limited to, computers, tablets, cellular phones and Wi-Fi hotspots. All precautions must be made to ensure the security of a school's network.

In order to comply with the CIPA, the use of personal equipment that does not use WVDE and county filters when accessing the Internet in schools is forbidden. Unauthorized or unacceptable use of personal technology devices by students may result in suspension or revocation of personal device privileges. These uses include, but are not limited to, the following.

- A. Using technology to capture, receive, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty;
- B. Using personal devices during class that are not approved by the school or the individual teacher (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players and laptops);
- C. Downloading and installing district-licensed software on personal devices unless specifically allowed by the licensing agreement;
- D. Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology; and
- E. Using personal devices for violations related to cyber bullying and harassment.

PARENTAL CONSENT AND WAIVER

Prior to affording individual student Internet access, a Consent and Waiver form must be signed by the student, sponsoring teacher, and parent(s) or guardian(s). This Consent and Waiver form should stipulate that the student or other person granted access will abide by the school's Acceptable Use Policy. This form may also include a question regarding permission to use a student's photograph on the school or county website(s).

FORM C

Parental Consent and Waiver Form

The following form must be read and signed by you and your child.

- I will limit my use of telecommunications systems in school to the educational objectives approved by my teachers and/or school staff.
- I will communicate only for educational purposes and only through the K-12 address issued to me.
- I will follow the rules on network etiquette.
- I will not retrieve or send unethical, illegal, immoral, inappropriate or unacceptable information of any type, or use abusive language of any type.
- I will not share my full name, home address or telephone number with another user for any purpose.
- I understand that information received on-line is private property, unless specified. I will not plagiarize information received in any form. I will adhere to all copyright laws.
- I will not use another person's account or share my password with anyone else.
- I will not attempt to by-pass the security built into the system, to gain access to any remote site through the process of "hacking", or to install unapproved software or executable files and I recognize that doing so will result in the immediate termination of my telecommunications privileges.
- I will not interfere with or disrupt network users, services or equipment.
- I will not access chat rooms without direct supervision by a teacher. I understand this may be banned by my district or by my school.
- I will not use the Internet or other telecommunications systems to buy and/or sell any items, goods or services of any kind for personal gain.
- I will use the Internet or other telecommunications systems only with active or direct supervision by a teacher and/or school staff.
- I will not use personal devices to bypass filtering, circumvent network security, or violate the acceptable use standards which normally apply to district-owned technology
- I will not use proxy sites, etc. to avoid state or county filtering

Berkeley County Schools will not be held responsible if the student participates in any of the banned activities.

We have read the aforesaid consent and waiver for the use of Internet and/or other telecommunication systems in the classroom. We understand that this access is for only educational purposes; that any infraction will terminate user privileges and may result in further disciplinary action, including suspension from school.

We further agree to abide by the rules contained within State Policy 2460, the County Policy and my school's policy on Internet/Telecommunication whenever using District or personal resources.

Student Name (Please Print) _____

Student Signature _____

Parent or Guardian (please print): _____

Parent or Guardian Signature: _____ Date: _____

School Name: _____

Training - Date Completed _____

BERKELEY COUNTY SCHOOLS TITLE I DISTRICT WIDE FAMILY AND COMMUNITY ENGAGEMENT POLICY

To strengthen both our community and student academic achievement, Berkeley County Schools is committed to the involvement of the community and specifically the families of our students with their education. In addition, each school district that receives Title I, Part A funds must develop jointly with, and distribute to, parents of participating children a written family involvement policy that contains information required by section 1118(a)(2) of the Every Student Succeeds Act.

Berkeley County Schools will:

- ◆ Provide technical assistance and support for schools in their efforts to initiate parent involvement.
- ◆ Coordinate Parent Involvement opportunities across multiple programs, both educational and community based.
- ◆ Assist all parents in obtaining resources, guidance, and educational supports for their children.
- ◆ Conduct meaningful consultation with parents through meetings, interviews, surveys...etc. to identify barriers, needs, and evaluation.
- ◆ Provide parent involvement training to district personnel through the coordination of Title II legislation and resources.

Every school receiving funds from ESSA will:

- ◆ Hold an annual meeting informing parents of the details of their designation as a Title 1 school.
- ◆ Offer multiple, flexibly scheduled opportunities for parents to be involved in the school
- ◆ Involve parents in the creation of a school-wide plan and focus based on student achievement and needs.
- ◆ Jointly develop a compact, on the commitments of each party to meet the needs of the students.
- ◆ Elicit feedback from parents on their needs and provide feedback to the LEA and SEA.

Local Plan Overview:

The Berkeley County Schools Federal Programs Department has committed to a partnership with the Family Leadership Institute to provide parents, school personnel, and community agencies with access to parenting classes and resources. This program is research based through the Search Institute and is based on the 40 Developmental Assets. The 40 Developmental Assets are a set of factors that can be nurtured and established in children to virtually guarantee them stronger outcomes in academics, health and general wellness. The school district is committed to giving parents the tools to develop these assets in our youth and also committed to involving various community agencies to direct services appropriately and to have a collective impact on the youth of our district.

For more information on our program, visit:

berkeleycountyschools.org/federalprograms

<http://www.search-institute.org/research/assets/assetpower>

or contact:

*Director of Federal Programs
Berkeley County Schools
304-267-3500*

EXPECTED BEHAVIOR IN SCHOOLS

What you need to know . . .

STUDENT CONDUCT

The ***Berkeley County Schools Manual for Expected Behavior in Safe and Supportive Schools*** (Policy BC-JGG/WV 4373) provides the procedural guidance for our school system to create the climate/culture that supports development of the dispositions that are valued in our communities, state, nation and world. Rights and responsibilities go hand-in-hand. Students in West Virginia have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law. School officials have control over student safety, welfare, and behavior from the student's bus stop or school arrival until the student returns home or to their designated bus stop.

All students will review the ***Expected Behaviors in Safe and Supportive Schools Manual*** <http://berkeleycountyschools.org/policyjgg> with his/her teacher. It is essential that the school and home work together to assure that all students meet the high expectations for behavior established in the ***Expected Behaviors in Safe and Supportive Schools Manual***. This enables students to succeed in school and the community. Your support is vital in this process. Please review the ***Expected Behaviors in Safe and Supportive Schools Manual*** online at <http://berkeleycountyschools.org/policyjgg>, or request a print copy of the Manual from your child's school. The following is a summary of vital portions of the ***Expected Behaviors in Safe and Supportive Schools Manual***:

Expected Behaviors in Safe and Supportive Schools shall apply to all students at all times on all Board of Education property, including:

- in school buildings
- on school grounds
- in all school buses or other school vehicles
- at any school-sponsored activity or event, whether or not it is held on school premises

Students' off-campus conduct that might reasonably be expected to cause disruption in the school is prohibited and may result in disciplinary action. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct toward a student or staff member.

LEVELS OF INTERVENTIONS AND CONSEQUENCES FOR INAPPROPRIATE BEHAVIORS

School staff must respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. The levels shown below guide school staff to use progressive discipline to change student behaviors. For serious violations, interventions/consequences may begin at a higher level.

WV POLICY 4373: EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS
Inappropriate Behavior Levels:

Level 1: Minimally Disruptive Behaviors disrupt the educational process and the orderly operations of the school but do not pose a direct danger to self or others.

Level 2: Disruptive and Potentially Harmful Behaviors disrupt the educational process and/or pose potential harm, danger, or educational detriment to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

Level 3: Severely Disruptive, Imminently Dangerous, Illegal, and/or Aggressive Behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property. (Specific level 3 behaviors are outlined in W. Va. Code §18A-5-1a (c) and the principal shall address these inappropriate behaviors accordingly.)

Level 4 Behaviors	
<p>LEVEL 4: Safe Schools Act Behaviors are defined in W. Va. Code §18A-5-1 and §18A-5-1a. These laws require that the principal, county superintendent, and county board of education address Level 4 behaviors in a specific manner as outlined in W. Va. Code §18A-5-1a and paraphrased in this chapter.</p> <p>W. Va. Code §§18A-5-1 and 18A-5-1a require mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for possession of a deadly weapon, battery on a school employee, or sale of a narcotic drug.</p>	
Battery on a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or causing physical harm to a school employee as outlined in W. Va. Code §61-2-15(b). A student who violates this code section will <u>may</u> be suspended and expelled.
Felony	A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in W. Va. Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson as outlined in W. Va. Code §61-3-1; malicious wounding and unlawful wounding, as outlined in W. Va. Code §61-2-9; bomb threat, as outlined in W. Va. Code §61-6-17; sexual assault, as outlined in West Virginia Code §61-8B-3; terrorist act or false information about a terrorist act, hoax terrorist act, as outlined in W. Va. Code §61-6-24; and grand larceny, as outlined in W. Va. Code §61-3-13. The principal shall suspend a student from school or from transportation if the principal determines the student committed an act or engaged in conduct that would constitute a felony. If a student is suspended, the principal may request that the superintendent recommend to the board the student be expelled.
Illegal	A student will not sell or distribute a narcotic drug as defined in W. Va.

Level 4 Behaviors	
Substance Related Behaviors	<p>Code §60A-1-101 on the premises of an educational facility, at a school-sponsored function, or on a school bus. A student guilty of this behavior shall be suspended and expelled.</p> <p>A student will not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the Uniform Controlled Substances Act as described in W. Va. Code §60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of W. Va. 126CSR25A, WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, and instances of prescription drug abuse. The principal shall suspend a student from school or from transportation for possession of a controlled substance governed by the Uniform Controlled Substance Act. The principal determines consequences for other violations listed herein.</p>
Possession and/or Use of Dangerous Weapon	<p>According to W. Va. Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in W. Va. Code §61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in W. Va. Code §61-7-11a.</p> <p>As defined in W. Va. Code §61-7-2, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, revolver, or other firearm. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. The student shall be suspended and expelled for violating W. Va. Code §61-7-11a.</p>

Appendix A: Behaviors and Definitions

Behaviors	Definitions
Battery Against a Student	Injuring another student unlawfully and intentionally.
Cheating	Plagiarizing or copying the work of others or breaking rules to gain advantage in a competitive situation. Interventions could result in academic sanctions.
Defacing School Property/ Vandalism	Defacing or damaging property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.
Deceit	Deliberately concealing or misrepresenting the truth, deceiving another, or causing another to be deceived by false or misleading information.
Disruptive/ Disrespectful Conduct	Exhibiting behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered, and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson or has to stop instruction to address the disruption.
Failure to Serve Detention	Failing to serve an assigned detention of which student and/or parent or guardian have been notified.
False Fire Alarm	Setting-off a fire alarm knowingly and willingly without cause.
Falsifying Identity	Providing false identification to any school official with intent to deceive school personnel or falsely obtain money or property.
Fraud/Forgery	Deceiving another or causing another to be deceived by false or misleading information or signing the name of another person in order to obtain anything of value or defraud authorities.
Gambling	Engaging in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.
Gang-Related Activity	<p>Using violence, force, coercion, threat of violence or gang activity that causes disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's educational mission.</p> <p>Gang activity includes:</p> <ul style="list-style-type: none"> • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a

	<p>member or otherwise symbolizes support of a gang.</p> <ul style="list-style-type: none"> • Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member, or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs.
Habitual Violation of School Rules or Policies	Persistently refusing to obey the reasonable and proper orders or directions of school employees, school rules, or policies. Student must have had one or more previous discipline referrals.
Harassment/Bullying/Intimidation	<p>W. Va. Code §18-2C-2 defines harassment, intimidation, or bullying as any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission, or threat that:</p> <ul style="list-style-type: none"> • a reasonable person should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of harm to his/her person, and/or placing a student in reasonable fear of damage to his/her property; • is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or • disrupts or interferes with the orderly operation of the school. <p>An electronic act, communication, transmission or threat includes, but is not limited to, one which is administered via telephone, computer, pager, or any electronic or wireless device, and includes, but is not limited to, transmission of any image or voice, email, or text message using any such device.</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.</p> <p>When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p>

<ul style="list-style-type: none"> • Sexual Harassment 	<p>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 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 education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment.</p> <p>Amorous relationships between county board of education employees and students are prohibited.</p>
<ul style="list-style-type: none"> • Racial Harassment 	<p>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; or otherwise adversely affects an individual's academic opportunities.</p>
<ul style="list-style-type: none"> • Religious/Ethnic Harassment 	<p>Physical, verbal, or written conduct 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.</p>
<ul style="list-style-type: none"> • Sexual Violence 	<p>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.</p>
<ul style="list-style-type: none"> • Racial Violence 	<p>Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p>

<ul style="list-style-type: none"> Hazing 	Hazing or conspiring to engage in the hazing of another person. Hazing means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons, to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.
Imitation Drugs: Possession, Use, Distribution, or Sale	Possessing, using, distributing, or selling any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance.
Improper or Negligent Operation of a Motor Vehicle	Operating a motor vehicle intentionally and recklessly on the grounds of any educational facility, parking lot, or at any school-sponsored activity, which endanger the safety, health, or welfare of others.
Inappropriate Appearance	Dressing or is grooming in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. Distractive or indecent dress that interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.
Inappropriate Display of Affection	Engaging in inappropriate displays of intimate affection, such as kissing or embracing.
Inappropriate Language	Using profanity in general context whether verbally or in writing, with or without photographs or drawings. (not directed toward any individual or group).
Inhalant Abuse	Deliberately inhaling or sniffing common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging.
Insubordination	Ignoring or refusing to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.
Larceny	Taking another person's property or having another person's property in his/her possession without permission. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with W. Va. Code §61-3-13.
Leaving School without Permission	Leaving the school building, campus, or school activity without permission from authorized school personnel.
Physical Fight without Injury	Engaging in a physical altercation using blows with intent to harm or overpower another person or persons.
Possession of Imitation Weapon	Possesses any object fashioned to imitate or look like a weapon.

Possession of Inappropriate Personal Property	Possessing personal property that is prohibited by school rules or that is disruptive to teaching and learning.
Possession of Knife not meeting Dangerous Weapon Definition (W. Va. Code §61-7-2)	Possessing a knife or knife-like implement under 3½ inches in length. W. Va. Code §61-7-2 clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term knife as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
Possession/Use of Substance Containing Tobacco and/or Nicotine	Possessing, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.
Profane Language/ Obscene Gesture/ Indecent Act Toward an Employee or a Student	Directing profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This includes but is not limited to verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.
Sexual Misconduct	Exposing himself/herself publicly and indecently, displaying or transmitting any drawing or photograph of a sexual nature, or committing an indecent act of a sexual nature on school property, on a school bus, or at a school-sponsored event.
Skippping Class*	Failing to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent or guardian. W. Va. 126CSR81, WVBE Policy 4110
Tardiness*	Failing to be in his/her place of instruction at the assigned time without a valid excuse.
Technology Misuse	Violating W. Va. 126CSR41, WVBE Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet.
Threat of Injury/Assault against an employee/student	Threatening (verbal or written) or attempting to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in W. Va. Code §61-2-15.)
Trespassing	Entering the premises of county school system property, other than the assigned time and the location without authorization from proper school authorities.
Vehicle Parking Violation	Engaging in improper parking of a motor vehicle on school property.

Appendix B: Sample Interventions and Consequences

Interventions
Administrator/student conference or reprimand
Administrator and teacher-parent or guardian conference

Counseling referrals to support staff or agencies
Notification of appropriate Health and Human Resources
Daily/weekly academic and/or behavioral progress reports
Referral to Student Assistance Team (SAT)
Behavioral contracts
Change in the student's class schedule, locker assignment, or seat assignment
School service assignment
*W. Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent or guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
Consequences
Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced, if cheating did not occur on the earned grades and credits.
Confiscation of inappropriate item
Revocation of privileges
Detention (lunch, before and/or after school)
Denial of participation in class and/or school activities
Restitution/restoration
Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (W. Va. Code §18A-5-1)
Voluntary weekend detention (State Superintendent of Schools' Interpretation of May 12, 2006)
In-school suspension
While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.
Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 4, Section 2) W. Va. Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
Out-of-school suspension for up to ten (10) days. (See guidelines in W. Va. Code §18A-5-1(d).)
The principal and/or county superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
Expulsion (See guidelines in W. Va. Code §18A-5-1(d).) innocent
Law enforcement notification, if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school-sponsored functions, notification of law enforcement and/or human services.

DISCIPLINE PROCEDURES FOR VAPES

	OFFENSE 1	OFFENSE 2	OFFENSE 3	OFFENSE 4
POSSESSION				
NICOTINE	1-3 days OSS and 1-3 days ISS with nicotine cessation assignment	3-5 days OSS and Teen Court Referral and 5-10 calendar days social probation or lunch detention	10 days OSS and Behavior Contract and 30 calendar days social probation or lunch detention	10 days OSS and Recommendation for Expulsion
THC	5 days OSS with cessation assignment and Behavior Contract and 30 calendar days social probation or lunch detention	10 days OSS and Recommendation for Expulsion		
DISTRIBUTION				
NICOTINE	5-10 days OSS and Behavior Contract and 30 calendar days social probation or lunch detention	10 days OSS and Recommendation for Expulsion		
THC	10 days OSS and Recommendation for Expulsion			

BERKELEY COUNTY BOARD OF EDUCATION
TITLE IX SEXUAL HARASSMENT POLICY

Effective: August 14, 2020

PURPOSE:

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. In May of 2020, the United States Department of Education released new Title IX regulations that change the way school districts are required to respond to allegations of sexual harassment. This policy and the administrative procedures that implement it have been revised accordingly so as to comply with the new Title IX regulations which are currently in effect as of August 14, 2020.

The Berkeley County Board of Education (“District”) does not discriminate and does not permit the discrimination on the basis of sex in its educational programs or activities that it operates. The purpose of this policy and the administrative procedures that implement it is to secure prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment, in violation of Title IX of the Education Amendments of 1972, and violation of District policies that prohibit this type of discrimination. This policy and administrative procedures only applies to complaints alleging discrimination on the basis of sex as prohibited by Title IX including sexual harassment, quid pro quo, sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

This policy and the administrative procedures shall be available in every school site administrative office, posted on the District website, and included in student handbooks. Annually, the District will provide to applicants for admission and employment; students; parents or legal guardians of students; employees; and all unions or professional organizations notice of its grievance procedures and grievance process, including how to report or file a complaint of sexual discrimination or sexual harassment, how to report or file a formal complaint of sexual harassment, and how the District will respond.

Sexual Harassment – “Sexual Harassment” is defined by this policy to mean conduct on the basis of sex that satisfies one or more of the following:

- (1) “Quid Pro Quo”- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; or
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person

equal access to the District's educational program(s) or activity(ies);or

- (3) "Sexual assault" as defined in 20 U. S. C. 1092(f)(6)(A)(v),
"dating violence" as defined in 34 U. S. C. 12291 (a)(8), or
"stalking" as defined in 34 U. S. C. 12291 (a)(30).

Any District employee with actual knowledge of sex discrimination, including sexual harassment in an education program or activity as defined in the Policy, must report the sex discrimination to the Title IX Coordinator. Failure to report may result in disciplinary action, up to and including termination, being taken against the employee.

Any person may report sex discrimination, including sexual harassment as defined by this Policy, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), to the Title IX Coordinator in person, by mail, by telephone, by electronic mail, or through the District's on-line portal. Reports may be made at any time, including during non-business hours.

The District shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

The District's **TITLE IX COORDINATOR** shall be tasked with coordinating the District's response to all allegations involving possible sexual harassment. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with District and Federal Title IX regulations.

The Title IX Coordinator can be reached at:

Elice Gregory
Berkeley County Board of Education
1453 Winchester Avenue
Martinsburg, West Virginia
25405 (304) 267-3500

E-mail address: emgregor@k12.wv.us

<https://www.berkeleycountyschools.org/Page/14417>

A "Complainant" is an individual, either student or employee, who is alleged to be the victim of conduct that could constitute sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy, unless the Title IX Coordinator is alleged to be the victim of conduct that could constitute sexual harassment.

The "Respondent" is any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Upon receipt of a report of alleged sexual harassment, the Title IX Coordinator will promptly contact the Complainant and discuss the following:

- a) The availability of supportive measures that are available to the Complainant to immediately restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.
- b) The availability of supportive measures with or without the filing of a formal complaint; and
- c) The process for filing the formal complaint.

"Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or class locations, leaves of absence, increased security and monitoring of certain areas of the District's facilities, and other similar measures. The District shall maintain as confidential any supportive measures provided to the Complainant and/or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures. The Title IX Coordinator will coordinate the effective implementation of supportive measures.

A "Formal Complaint" is a document filed by a Complainant or by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or through the District's on-line portal on its webpage.

The "Grievance Process" shall be those provisions, rules, or practices included within this Policy and the administrative procedures for processing formal complaints of sexual harassment. The Grievance Process shall be applied equally to both the Complainant and the Respondent.

The "Preponderance of the Evidence Standard" is the evidentiary standard to be used during the investigation and final determination of a formal complaint. Preponderance of the Evidence means that the evidence shows that the action alleged is more likely to have occurred than not to have occurred.

The filing of a formal complaint does not preclude the District from responding to the complaint by also applying other District policy violations, such as Code of Conduct violations, violations of the Berkeley County Student or Employee Handbook, Safe

Schools Act, to allegations that are not related to sexual harassment to allegations that are not related to sexual harassment. Non-sexual harassment allegations and/or findings shall be promptly reported to the principal of the student and/or the supervisor of the Respondent to process pursuant to the District's applicable policies, including its disciplinary policies.

If the Complainant refuses to initiate a formal complaint, the Title IX Coordinator may submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the Complainant/Complainant's parent's or guardian's consent, if based upon the allegations and information received there is the possible likelihood of sexual harassment.

The Title IX Coordinator shall submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the Complainant/Complainant's parent's or guardian's consent, if the allegations and information received involve sexual harassment of a student by an employee.

Throughout the course of the investigation of the formal complaint and throughout the grievance process (collectively, "Formal Complaint Process"), the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.

Any individual designated by the District as a Title IX Coordinator, Investigator, Decision Maker, or any person designated by a recipient to facilitate an informal resolution process, must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a conflict of interest or bias is alleged by any party, the Superintendent shall appoint another person to fulfill the role of the person alleged to have a conflict of interest.

The District will endeavor to complete investigations within sixty (60) days of the date on which the formal complaint was received, however, the District's primary objective is a thorough and equitable investigation and grievance process.

The District shall coordinate its investigation and grievance process with any other ongoing criminal investigation of the incident, if any. The District may determine whether to delay its investigation pending the conclusion of a criminal investigation or for criminal proceedings to begin. If the fact-finding portion of the investigation is suspended due to the existence of a criminal investigation, the District's investigation shall resume promptly once law enforcement officials have completed their evidence gathering state of the criminal investigation.

District employees and students are required to participate fully in an investigation, but in no event will a Complainant be subjected to any disciplinary sanctions or consequences for refusing or failing to participate.

An informal resolution process may be facilitated at any time after the Formal Complaint is filed and prior to the determination regarding responsibility, with the exception that an informal resolution is not permitted to resolve allegations than an employee of the District sexually harassed a student.

Upon a finding of responsibility, disciplinary sanctions against an employee may include any available sanction available for the discipline of employees, up to and including termination of their employment contract pursuant to W. Va. Code 18A-2-8. Disciplinary sanctions against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the District.

If an employee subject to possible discipline for violations of this Policy retires or resigns prior to the completion of the investigation, or before a final disposition is made, or during the course of a disciplinary hearing, the Superintendent shall report the allegations to the database maintained by the West Virginia State Superintendent of Schools pursuant to the requirements set forth in W. Va. Code 18A-2-8 and any revisions thereto.

No person shall, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, intimidate, threaten, coerce, or discriminate against any individual who is the victim of or who reports alleged sexual harassment or testifies, assists, or participates in an investigation, final determination of any proceeding or hearing related to a sexual harassment complaint. Should retaliation occur, the victim shall promptly report the actions to principal or the Title IX Coordinator. Persons found guilty of retaliation shall be subject to discipline.

Title IX Compliance Policy Statement

In compliance with Title IX of the Education Amendments of 1972 ("Title IX"), the Berkeley County Board of Education ("District") does not discriminate and does not permit the discrimination on the basis of sex in its educational programs or activities that it operates. This policy and administrative procedures only apply to complaints alleging discrimination on the basis of sex as prohibited by Title IX including sexual harassment, quid pro quo, sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)). If an employee or student believes that he or she has been discriminated against in violation of Title IX, please reference the District's Title IX Sexual Harassment Policy Guidelines and Procedures which are available on the District's website, in every school site administrative office, and on request from the District's Department of Pupil Services.

For more information about Title IX or to file a complaint, please contact the following individual:

Elice Gregory, emgregor@k12.wv.us

BERKELEY COUNTY BOARD OF EDUCATION
TITLE IX SEXUAL HARASSMENT POLICY GUIDELINES AND
PROCEDURES

Effective: August 14, 2020

PURPOSE:

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. In May of 2020, the United States Department of Education released new Title IX regulations that change the way school districts are required to respond to allegations of sexual harassment. These procedures have been revised accordingly so as to comply with the new Title IX regulations which go into full force and effect on August 14, 2020.

The Berkeley County Board of Education (“District”) does not discriminate and does not permit the discrimination on the basis of sex in its educational programs or activities that it operates. The purpose of these procedures is to secure prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment, in violation of Title IX of the Education Amendments of 1972, and violation of District policies that prohibit this type of discrimination. These procedures only apply to complaints alleging discrimination on the basis of sex as prohibited by Title IX including sexual harassment, quid pro quo, sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

These procedures shall be available in every school site administrative office, posted on the District website, and included in student handbooks. The District will provide to applicants for admission and employment; students; parents or legal guardians of students; employees; and all unions or professional organizations holding collective bargaining or professional agreements with the school district notice of its grievance procedures and grievance process, including how to report or file a complaint of sexual discrimination or sexual harassment, how to report or file a formal complaint of sexual harassment, and how the District will respond.

I. DEFINITIONS

- A. **Actual Knowledge** – “Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the Title IX coordinator or any employee of the district. The District is not deemed to have actual knowledge when the only employee who has actual knowledge is the Respondent. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.
- B. **Advisor** – An “Advisor” is a parent, guardian, or any person chosen by the Complainant or the Respondent to represent them and their interests throughout the grievance procedures discussed in this Policy. An advisor does not need to be an attorney.

- C. **Days** – “Days” shall mean “working days” and does not include Saturday, Sunday, official holidays, and any days on which the school district is legally closed. However, remote and/or distance learning days where students are not present at school but are still completing coursework virtually, is considered a “work day” for purposes of this Policy.
- D. **Complainant** – A “Complainant” is an individual, either student or employee, who is alleged to be the victim of conduct that could constitute sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy, unless the Title IX Coordinator is alleged to be the victim of conduct that could constitute sexual harassment.
- E. **Consent** – “Consent” is and affirmative verbal statement(s) or non-verbal action(s) which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be withdrawn at any time. It is the responsibility of person(s) involved in sexual activity to ensure that he/she/they have the affirmative consent of the other(s) to engage in sexual activity.

Someone who is incapacitated cannot consent. A person is deemed incapable of consent when that person is either less than sixteen years old, mentally incapacitated, or physically unable to resist. Incapacitation negates consent when the alleged perpetrator knows, or a reasonable person in his or her position, under the circumstances, should know, that the alleged victim is incapacitated.

Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to one sexual act does not constitute or imply consent to a different sexual act.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Coercion, force, or threat of either invalidates consent. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

- F. **Decision Maker** – A “Decision Maker” is an individual trained pursuant to this Policy and Federal Title IX Regulations, who is tasked with issuing a written determination regarding responsibility with findings of fact; conclusions about whether the alleged conduct occurred; rationale for the result as to each allegation; a recommendation of any disciplinary sanction(s) to be imposed on the Respondent, and remedies to be provided to the parties. The Decision Maker does not need to be an employee of the District and may be outside

counsel or any other person designated by the District. The Decision-Maker shall not be the Title IX Coordinator or the Investigator.

- G. **District or School District** - The “District” or “School District” is the Board of Education of the County of Berkeley, West Virginia.
- H. **Disciplinary Sanctions** – “Disciplinary Sanctions” are consequences imposed on a Respondent when she/he is found responsible for sexual harassment under this Policy.
- I. **Formal Complaint** - A “formal complaint” is a document filed by a Complainant or by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or through the District’s on-line portal on its webpage.
- J. **Grievance Process** - The “Grievance Process” shall be those provisions, rules, or practices included within this Policy for processing formal complaints of sexual harassment.

The Grievance Process shall be applied equally to both the Complainant and the Respondent.
- K. **Educational Program or Educational Activity** – An “Educational Program” or “Educational Activity” shall mean locations, events, or circumstances over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.
- L. **Exculpatory Evidence** – “Exculpatory Evidence” is evidence gathered during an investigation that is favorable to the Respondent that exonerates or tends to exonerate the Respondent.
- M. **Inculpatory Evidence** – “Inculpatory Evidence” is evidence gathered during an investigation that is unfavorable to the Respondent and shows an individual’s involvement in an act or evidence that tends to show involvement in an act.
- N. **Informal Resolution Process** – The “Informal Resolution Process,” as more fully described in Section X, is offered to the Complainant and the Respondent after a formal complaint has been filed as a mechanism to resolve a formal complaint prior to its final adjudication. Both the Complainant and the Respondent must consent to participate in the Informal Resolution Process. Informal resolution of a formal complaint is prohibited when the formal complaint involves allegations of a District employee sexually harassing a student.

- O. **Investigator(s)** – An “Investigator” is an individual trained pursuant to this policy and Federal Title IX Regulations, who is tasked with conducting the investigation into allegations of sexual harassment addressed in a formal complaint. The Investigator does not need to be an employee of the District and may be outside counsel or any other person designated by the District. The Investigator shall not be the Title IX Coordinator or the Decision Maker.
- P. **Evidentiary Standard**- The “Preponderance of the Evidence Standard” is the evidentiary standard to be used during the investigation and final determination of a formal complaint. Preponderance of the Evidence means that the evidence shows that the action alleged is more likely to have occurred than not to have occurred.
- Q. **Remedial Actions or Remedial Remedies** - “Remedial Actions or Remedial Remedies” are those actions intended to restore or preserve a Complainant’s equal access to the educational programs and activities of the District.
- R. **Respondent** – The “Respondent” is any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- S. **Retaliation** – “Retaliation” is the action(s) of another to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or reused to participate in any manner in an investigation or proceeding under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.
- T. **Sexual Harassment** – “Sexual Harassment” is defined by this policy to mean conduct on the basis of sex that satisfies one or more of the following:
- (1) “Quid Pro Quo”- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; or
 - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s educational program(s) or activity(ies); or
 - (3) “Sexual assault” as defined in 20 U. S. C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U. S. C. 12291 (a)(8), or “stalking” as defined in 34 U. S. C. 12291 (a)(30).
- U. **Supportive Measures** – “Supportive Measures” are non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably

available, and without fee or charge to the Complainant and/or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or class locations, leaves of absence, increased security and monitoring of certain areas of the District's facilities, and other similar measures. The District shall maintain as confidential any supportive measures provided to the Complainant and/or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures. The Title IX Coordinator will coordinate the effective implementation of supportive measures.

II. TITLE IX COORDINATOR

- (1) The Title IX Coordinator is tasked with coordinating the District's response to all allegations involving possible sexual harassment. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with District and Federal Title IX regulations.

- (2) The Title IX Coordinator can be reached at:

Elice Gregory
Berkeley County Board of Education
1453 Winchester Avenue Martinsburg, West Virginia 25405
(304) 267-3500
E-mail address: emgregor@k12.wv.us

<https://www.berkeleycountyschools.org/Page/14417>

- (3) The name, title, office address, electronic mail address, and telephone number of the designated Title IX Coordinator shall be provided to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the school district.

- (4) The Title IX Coordinator's duties include:

- a. Understanding the District's policies and procedures;

- b. Training of students and staff on the Title IX grievance procedures, reporting suspected sexual harassment and any other procedures used for investigating reports of sexual violence;
 - c. Identifying and addressing any patterns or systemic problems;
 - d. Cooperating with law enforcement and crisis centers;
 - e. Coordinating responses to all allegations of sex discrimination, including:
 - i. Implementing supportive measures
 - ii. Monitoring outcomes
 - iii. Identifying and addressing any patterns
 - iv. Assessing effects on the District climate
 - f. Being mindful of school culture and climate and collecting and analyzing data on school climate as appropriate;
 - g. Being available to meet with students, parents and legal guardians, and employees as needed;
 - h. Avoiding and identifying conflicts of interest.
- (5) The Title IX Coordinator is independent and reports directly to the Superintendent,
- (6) The Title IX Coordinator shall not serve as either an Investigator or a Decision Maker.

III. TRAINING

- (1) The Title IX Coordinator is charged with coordinating, tracking and implementing all training and preventative educational programming related to this Policy and Federal Title IX compliance.
- (2) The Title IX Coordinator is charged with coordinating, tracking, and implementing the required training for all District employees, and ensuring that all training materials and contact information is available on the District's website and readily accessible as required by the Federal Title IX regulations and this Policy.
- (3) All Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and any person who facilitates an informal resolution process shall receive annual training on the definition of sexual harassment, the scope of the District's education programs or activities, how to conduct an investigation and grievance process, including appeals and informal resolution process, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- (4) Additionally, Decision-Makers shall receive training annually on any technology to be used during the decision-making process and on issues of relevance of questions and evidence, including when questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant.

- (5) Any materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

IV. REPORTING COMPLAINTS

- (1) Any District employee with actual knowledge of sex discrimination, including sexual harassment in an education program or activity as defined in the Policy, must report the sex discrimination to the Title IX Coordinator. Failure to report may result in disciplinary action, up to and including termination, being taken against the employee.
- (2) Any person may report sex discrimination, including sexual harassment as defined by this Policy, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), to the Title IX Coordinator in person, by mail, by telephone, by electronic mail, or through the District's on-line portal. Reports may be made at any time, including during non-business hours.
- (3) Upon receipt of a report of alleged sexual harassment, the Title IX Coordinator shall ensure that the District's response treats Complainants and Respondents equitably by offering supportive measures to a Complainant and/or Respondent, and by following a grievance process as further discussed below, before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
- (4) Upon receipt of a report of alleged sexual harassment, the Title IX Coordinator will promptly contact the Complainant and discuss the following:
 - a. The availability of supportive measures that are available to the Complainant to immediately restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.
 - b. The availability of supportive measures with or without the filing of a formal complaint; and
 - c. The process for filing the formal complaint.
- (5) The Title IX Coordinator shall document all conversations with the Complainant and identify which, if any, supportive measures were offered and accepted. If the Complainant refuses supportive measures, the Title IX must document why supportive measures were not offered and/or not accepted.
- (6) The Title IX Coordinator shall also contact the Respondent and inform them of the availability of supportive measures available to them.
- (7) The Title IX Coordinator shall inform the Complainant's parents or guardian of the possible complaint, if the Complainant is under the age of 18.

V. PROCEDURES FOR THE FORMAL COMPLAINT PROCESS

A. Filing a Formal Complaint

- (1) Based upon the allegation and information received from the Complainant, the Title IX Coordinator will determine if there was a possible likelihood of sexual harassment, at which point the Complainant and/or the Complainant's parent(s), or guardian(s) may decide to file a formal complaint. In the event that the Complainant and/or the Complainant's parent(s) or guardian(s) elect not to file a formal complaint, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that there is a possible likelihood of sex discrimination/harassment.
- (2) The filing of a formal complaint does not preclude the District from responding to the complaint by also applying other District policy violations, such as Code of Conduct violations, violations of the Berkeley County Student or Employee Handbook, Safe Schools Act, to allegations that are not related to sexual harassment. Nonsexual harassment allegations and/or findings shall be promptly reported to the principal of the student and/or the supervisor of the Respondent to process pursuant to the District's applicable policies, including its disciplinary policies.
- (3) At the outset of filing the formal complaint, the Title IX Coordinator shall contact the Complainant, and if the Complainant is under the age of 18, the Complainant's parent or guardian, and inform them of the Complaint. The Complainant and his/her parents, and/or guardian shall be told that the Complainant may be accompanied by an advisor during all steps of the complaint procedure. If the Complainant is over the age of 18, the parent and guardian contact will be at the option of the Complainant provided the Complainant has capacity to make such determination.
- (4) If the Complainant refuses to initiate a formal complaint, the Title IX Coordinator may submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the Complainant/Complainant's parent's or guardian's consent, if based upon the allegations and information received there is the possible likelihood of sexual harassment.
- (5) The Title IX Coordinator shall submit a signed, written formal complaint to initiate a formal investigation and complaint process, regardless of the Complainant/Complainant's parent's or guardian's consent, if the allegations and information received involve sexual harassment of a student by an employee.
- (6) Once a formal complaint has been filed, the Title IX Coordinator will promptly provide the Complainant with a copy of this Policy.
- (7) Immediately following the filing of a Formal Complaint, the Title IX Coordinator will initiate the investigation of the allegations by a trained Investigator.

B. CONSOLIDATION OF FORMAL COMPLAINTS

- (1) The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- (2) Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

C. Investigation of a formal complaint

Notice of Allegation(s):

- (1) Upon receipt of a formal complaint, the Title IX Coordinator must provide written notice to the Complainant and Respondent, if known, informing them that a formal complaint has been filed. The Notice of Allegation shall include, but is not limited to, the following information:
 - a. Notice of the District’s grievance process, including the informal resolution process.
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined by this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview(s).
 - i. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
 - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - d. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - e. A statement that the parties have a right under this Policy to inspect and review evidence gathered during the course of the investigation and grievance process.
 - f. A statement that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and a violation of the District’s code of conduct policy, for which disciplinary action may be taken.

- (2) If, in the course of an investigation, the District learns of or decides to investigate additional allegations about the Complainant or Respondent that are not included in a prior Notice of Allegation provided to the parties, the District shall provide notice of the additional allegations to the parties whose identities are known.
- (3) The Title IX Coordinator or his/her designee shall provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

Burden of Proof:

- (1) Throughout the course of the investigation of the formal complaint and throughout the grievance process (collectively, “Formal Complaint Process”), the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- (2) At the outset of an investigation, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Disclosure of Medical Records:

- (1) Throughout the Formal Complaint Process, the District cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party’s voluntary, written consent to do so for use in the Formal Complaint Process under this section. If party is not able to consent because she/he is not 18 years of age or otherwise emancipated, the District must obtain the voluntary, written consent of the party’s parent or legal guardian.

Conflicts of Interest:

- (2) Any individual designated by the District as a Title IX Coordinator, Investigator, Decision-Maker, or any person designated by a recipient to facilitate an informal resolution process, must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Investigation Timeframe:

- (1) The District will endeavor to complete investigations within sixty (60) days of the date on which the formal complaint was received, however, the District’s primary objective is a thorough and equitable investigation and grievance process.
- (2) The District shall coordinate its investigation and grievance process with any other ongoing criminal investigation of the incident, if any. The District may determine whether to delay its investigation pending the conclusion of a criminal investigation or for criminal proceedings to begin. If the fact-finding portion of the investigation is

suspended due to the existence of a criminal investigation, the District's investigation shall resume promptly once law enforcement officials have completed their evidence gathering state of the criminal investigation.

- (3) In the event of a temporary delay of the process or the limited extension of time frames for good cause, the Title IX Coordinator shall provide written notice to both the Complainant and the Respondent notifying them of the delay or extension and providing the reason for the action.
- (4) Good cause for a delay of the process or extension of the time frames may include, but is not limited to, considerations such as:
 - a. The absence of a party; a party's advisor, or a witness;
 - b. Concurrent law enforcement activity; or
 - c. The need for language assistance or accommodation of disabilities.

Contents of Investigation:

- (1) An investigation must include interviews with the Complainant, Respondent, and any witnesses. An investigation may include, but is not limited to, the following: review of any documentary or electronic evidence; a review of medical evidence if a waiver has been obtained by the party to which the medical records belong; a review of security data; and a review of any other material which the Investigator deems relevant to an assessment of the facts surrounding the formal complaint.
- (2) District employees and students are required to participate fully in an investigation, but in no event will a Complainant be subjected to any disciplinary sanctions or consequences for refusing or failing to participate.
- (3) All parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- (4) Neither party shall be restricted from discussing the allegations under investigation, nor shall they be restricted from gathering and presenting relevant evidence.
- (5) The parties shall be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied by an advisor of their choice to any related interview, meeting or proceeding. The advisor may be, but is not required to be an attorney. The choice of or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding may not be limited; however, the advisor may only observe the proceedings and shall not actively participate in any part of the proceeding.

Review and Response to the Investigation Report:

- (1) Each party shall have equal opportunity to inspect and review any exculpatory and inculpatory evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- (2) Prior to the completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or hard copy, and all parties must have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of the investigative report.
- (3) The parties' written responses submitted to the Title IX Coordinator within the ten (10) day time frame, shall be included as an exhibit to the investigation report.

Investigation Report:

- (1) Upon receipt of each party's review of the evidence or after 10 days, whichever occurs first, the Investigator must create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to submitting the investigation report to the Decision Maker, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- (2) The investigation report and any responses thereto shall be submitted to the Title IX Coordinator, who shall, determine if all procedures and timelines for response were followed in the investigation. If not, the Title IX Coordinator shall return the report to the Investigator to comply with applicable procedures and timelines. If all procedures and timelines are complete, the Investigator shall submit the Investigation Report, all responses, and all evidence to the Decision Maker to determine whether or not there is responsibility under this Policy.

V. DISMISSAL OF FORMAL COMPLAINT

- (1) If after an investigation it is determined that the formal complaint does not fit within the Federal definition of Title IX, the complaint will be mandatorily dismissed.
- (2) Mandatory dismissal is required when, after an investigation, the allegations:
 - a. Do not constitute sexual harassment, even if proven;
 - b. Did not occur as part of the District's educational program/activity; or
 - c. Did not occur in the United States.
- (3) A dismissal does not preclude action under another provision or policy of the District, including codes of conduct.

- (4) The District may also dismiss the formal complaint or any allegations therein, if at any time during the investigation or prior to a decision being issued by the Decision Maker:
- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The Respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (5) Upon a dismissal required or permitted pursuant to paragraph VI(2) or VI(4) of this section, the District must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the Complainant and the Respondent, and inform them of their right to appeal the dismissal pursuant to this Policy.

Final Determination of Responsibility:

- (1) After the investigative report has been sent to all parties and before reaching a final determination regarding responsibility, the Decision Maker must:
- a. Afford each party the opportunity to submit written and relevant questions that a party wants to ask of any other party or witness involved in the allegations. The parties shall return the questions to the Decision Maker within 10, unless otherwise agreed upon and communicated in writing to the parties.
 - b. The questions will be provided to the relevant party or witness to answer in writing. The timeline for returning answers to the Decision Maker will be 10 days, unless otherwise agreed upon and communicated in writing to the parties.
 - c. Each party will be provided with the written answers to all written questions.
 - d. The Decision Maker will then allow for additional limited follow-up questions and answers from each party, as appropriate.
 - e. The Decision Maker may exclude a question asked by a party as irrelevant. If the Decision Maker decides to exclude a question asked by a party as not relevant, the Decision Maker must explain in writing why the exclusion occurred.
 - f. The Decision Maker shall not consider the Complainant's prior sexual predisposition or sexual behavior unless such evidence is being offered to prove someone other than the Respondent committed the alleged conduct or is offered to prove consent to the activity with the Respondent.
 - g. After all questions and answers have been received, the Decision Maker must issue a written determination, to be given to the parties simultaneously, that

provides a statement of, and rationale for, the result as to each allegation. The written determination must include the following:

- i. Identification of the allegations constituting sexual harassment;
 - ii. Description of procedural steps taken from the receipt of the formal complaint through the final determination of responsibility, including: any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and other actions taken;
 - iii. Finding of facts supporting the determination;
 - iv. Conclusions regarding the application of the District's policies to the facts; and
 - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions recommended by the Decision Maker regarding discipline to be imposed, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
 - vi. The District's procedures and permissible bases for the Complainant and Respondent to appeal the final determination.
- h. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
 - i. After a determination becomes final, the Title IX Coordinator is responsible for the effective implementation of any remedies.
 - j. Disciplinary actions and procedures shall be consistent with the Student and Employee Codes of Conduct, District policies, procedures, and other applicable state and federal laws, rules, regulations, and constitutional requirements.

VII. DISCIPLINARY SANCTIONS AND REMEDIAL ACTIONS UPON FINAL DETERMINATION OF RESPONSIBILITY

- (1) Disciplinary sanctions against an employee may include any available sanction available for the discipline of employees, up to and including termination of their employment contract pursuant to W. Va. Code 18A-2-8.
- (2) Disciplinary sanctions against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the District.
- (3) Remedial actions as to a Respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible Respondent of any

additional nondisciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures to respond appropriately to the circumstances surrounding a successful Complainant's right to access the district's program and activity.

- (4) Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

VIII. APPEALS

- (1) Both parties have the right to appeal a determination regarding responsibility, the dismissal of a formal complaint, or any allegations in the formal complaint on the basis of:
 - a. Procedural irregularity;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal as made that could affect the outcome of the matter;
 - c. Bias or conflict of interest against the Complainant or Respondent on the part of the Title IX Coordinator or the Decision-Maker that affected the outcome of the matter; and/or
 - d. Any other reasonable basis for an appeal.
- (2) The appeal must be submitted in writing to the Superintendent within ten (10) days from the receipt of the Decision-Maker's final determination.
- (3) Upon receipt of a party's notice of intent to appeal, the District must:
 - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - b. Ensure that the Decision-Maker(s) for the appeal is not the same as the Decision-Maker that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
 - c. Ensure that the Decision-Maker(s) for the appeal complies with the standards set forth for the bases for the appeal;
 - d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

- e. Issue a written decision describing the result of the appeal and the rationale for the result; and
- f. Provide the written decision simultaneously to both parties.

IX. INFORMAL RESOLUTION PROCESS AND PROCEDURES

- (1) An informal resolution process may be facilitated at any time after the Formal Complaint is filed and prior to the determination regarding responsibility, with the exception that an informal resolution is not permitted to resolve allegations that an employee of the District sexually harassed a student.
- (2) The District will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.
- (3) The informal resolution process takes the form of an informal mediation and does not involve a full investigation and adjudication.
- (4) In order to have an informal resolution, the District will:
 - a. Provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
 - b. Obtain the parties' voluntary, written consent to the informal resolution process.

X. RECORD KEEPING AND REPORTING

- (1) **Record Keeping-** The District will maintain or a period of seven years records of:
 - a. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this Policy, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's educational program or activity;
 - b. Any appeal and the result therefrom;
 - c. Any informal resolution and the result therefrom; and
 - d. All materials used to train Title IX Coordinators, Investigators, Decision- Makers, and any person who facilitates an informal resolution process. These training materials will be made publicly available on the District's website, as well as available upon request for inspection by the public.

- e. All records of any actions taken in response to an allegation, including any supportive measures taken in response to a report or formal complaint of sexual harassment. If a Complainant or Respondent is not provided with or refuses supportive measures, then the District will document the reason(s) why supportive measures were not offered and/or accepted, and why such response was not clearly unreasonable in light of the known circumstances.

(2) Reporting- The Superintendent will report any conviction of a felony, determination, hearing determination, or admission by any employee of “immorality” or “willful neglect of duty” to the West Virginia State Superintendent of Schools.

- a. If an employee subject to possible discipline for violations of this Policy retires or resigns prior to the completion of the investigation, or before a final disposition is made, or during the course of a disciplinary hearing, the Superintendent shall report the allegations to the database maintained by the West Virginia State Superintendent of Schools pursuant to the requirements set forth in W. Va. Code 18A-2-8 and any revisions thereto. The report of allegations will be placed in the employee’s personnel file and shall remain in said file until the District is specifically ordered to remove the same by an administrative body or court of competent jurisdiction, such as the West Virginia Education and Public Employees Grievance Board, the Circuit Court of Berkeley County, or West Virginia Supreme Court of Appeals.

XI. RETALIATION

- (1)** No person shall, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, intimidate, threaten, coerce, or discriminate against any individual who is the victim of or who reports alleged sexual harassment or testifies, assists, or participates in an investigation, final determination of any proceeding or hearing related to a sexual harassment complaint. Should retaliation occur, the victim shall promptly report the actions to principal or the Title IX Coordinator. Persons found guilty of retaliation shall be subject to discipline.

XII. CONFIDENTIALITY

- (1)** The District must keep confidential the identity of any individual who has made a report or complaint of sexual harassment; any individual who has been reported to be the perpetrator of sexual harassment; and any witnesses, except as to carry out the purposes of any investigation or proceeding.
- (2)** Notwithstanding anything to the contrary in this Policy, while a Complainant has the right to all documents in the investigation and the written determination, any disciplinary action shall not be disclosed to a Complainant to the extent such disclosure is prohibited by the Family Educational Rights and Privacy Act (FERPA) or other applicable laws, regulations, rules, constitutional requirements, or orders.

XIII. NOTICE OF POLICY

- (1)** The District will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions and professional organizations that the District does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and its regulations not to discriminate in such manner.
- (2)** Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX related to the District may be referred to the Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.
- (3)** The District and each school within it must prominently display the contact information for the Title IX Coordinator and this policy on its website, if any, and in each handbook or catalog provided to students, parents or legal guardians of students, and employees
- (4)** The District does not treat applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX or its regulations.

Berkeley County Schools

Statement of Non-Discrimination

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program, activity, or employment available in any school on the basis of race, color, creed, ancestry, sex, religion, political belief, age, national origin, linguistic and language differences, sexual orientation, gender, gender identity, gender expression, socioeconomic status, height, weight, marital or familial status, disability or veteran status.

The following persons have been designated to handle inquiries and questions regarding the application of nondiscrimination policies:

Title IX/Gender/Sexual Harassment

Title IX Coordinator

Elice Gregory, Executive Director of Student Support Services
1453 Winchester Avenue
Martinsburg, West Virginia 25405
(304) 267-3500 emgregor@k12.wv.us

Employees/Employment

Dr. Justin Schooley, Assistant Superintendent of Human Resources
1453 Winchester Avenue
Martinsburg, West Virginia 25405
(304) 267-3500 jschoole@k12.wv.us

Students/Educational Programs

Dr. Jessica Alfonso, Assistant Superintendent of Equity and Inclusion
1453 Winchester Avenue
Martinsburg, West Virginia 25405
(304) 267-3500
jalfonso@k12.wv.us

Section 504

504 Coordinator

Kelli Gainer-Duranko, Assistant Director of Special Education
401 South Queen Street
Martinsburg, West Virginia 25401
(304) 264-5055
khhouse@k12.wv.us

Philadelphia Office for Civil Rights

U.S. Department of Education
The Wanamaker Building, 100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
(215) 656-8541
OCR.Philadelphia@ed.gov

12-2020

FORMAL TITLE IX COMPLAINT FORM

Complainant's Name: _____
 (NOTE: If completing on behalf of someone else, please put ***alleged victim's*** name.)

Complainant's Phone Number: _____ **Email:** _____

Alleged Respondent's Name: _____

Alleged Respondent's Contact Information (if known): _____

Witness(es): (If needed, attach list of additional witnesses.)

Name: _____ **Contact Information:** _____

Name: _____ **Contact Information:** _____

Name: _____ **Contact Information:** _____

Date of Incident(s): _____

Location(s): _____

Please provide a description of the conduct alleged to be in violation of Title IX: (Attach additional information as needed.)

Please identify any supportive/interim measures needed/requested at this time, if any:

I state that the foregoing information is true and correct, and I understand that knowingly reporting false information could be subject to discipline.

 Signature of Complainant/Reporting Party

 Date

 Signature of Title IX Coordinator
 (If completing form on behalf of Complainant)

 Date

----- **THIS PORTION TO BE COMPLETED BY THE TITLE IX COORDINATOR** -----

Date Received: _____ Investigator Assigned (if applicable): _____

Date Supportive Measures Offered: _____

Supportive Measures Provided: _____



REPORTING FORM

Bullying, Harassment, or Intimidation

Berkeley County Schools
 Department of Student Support Services
 1453 Winchester Ave., Martinsburg, WV 25405

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

Directions: Bullying, harassment, or intimidation are serious and will not be tolerated. This is a form to report alleged bullying, harassment, or intimidation that occurred on school property; at a school-sponsored activity or event off school property; or on a school bus, in the current school year. If you are a student or staff victim, the parent/guardian of a student victim, a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying, harassment or intimidation, complete this form and return it to the Principal or Supervisor at the student or staff alleged victim's school/office.

Policy Definition

According to West Virginia Code **§18-2C-2**, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of damage to his or her property;
- Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or
- Disrupts or interferes with the orderly operation of the school.

Today's Date: ____/____/____ **School** _____

Person Reporting Incident: _____

Telephone _____ - _____ - _____ Email _____

Place an ☒ in the appropriate box:

☐ Student ☐ Student (witness/bystander) ☐ Parent/guardian ☐ Close adult relative ☐ School staff member

1. Name of alleged victim: _____ Grade _____ Age _____
 (Please print)

2a. Name(s) of <u>alleged offender(s)</u> (Please print)	School	Is he/she a student?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
2b. <u>Witnesses:</u> (Please print)	School	Is he/she a student?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

3. On what date(s) did the incident happen? ____/____/____ ____/____/____ ____/____/____

4. Where did the incident happen? _____

5. Describe what happened on the lines below and on back of this form:

(Continue to describe what happened on the lines below, if needed.)

6. What did the alleged offender(s) say or do?

7. Is there any additional information you would like to provide?

Signature of Complainant
 (or Complainant's Parent/Legal Guardian)

Date

Signature of Principal/Supervisor
 (If oral report taken and reduced to writing)

Date

Olweus Bullying Prevention Program

Berkeley County Schools has adopted the Olweus (pronounced Ol-VAY-us) Bullying Prevention Program (OBPP) as the district's tool to (1) reduce and prevent bullying behaviors among students, (2) to prevent the development of new bullying behaviors and (3) to improve peer relations at school. The program is being implemented in primary, intermediate, middle and high schools.

The "Olweus Bullying Prevention Program is the most researched and best-known bullying prevention program available today. With over thirty-five years of research and successful implementation all over the world, Olweus is a whole-school program that has been proven to prevent or reduce bullying throughout a school setting." (OWLEUS Bullying Prevention Program Schoolwide Guide, printed and distributed by Hazeldon, Center City, MN, copyright 2007)

The Olweus Bullying Prevention Program involves every aspect of the school setting. Administrators, faculty and staff members have been trained regarding the program. Students will be introduced to the program at the beginning of the school year and will have regular lessons, classroom meetings and activities to support their understanding of the program.

Pesticide Application

The West Virginia Pesticide Control Act of 1990 affects how pests, mice, ants, etc., are controlled in schools. The legislation affects schools in two predominant ways. 1) All West Virginia schools are required to adopt a pest control process called Integrated Pest Management or IPM and 2) schools are required to notify staff, students and parents, prior to certain types of pest control applications.

Integrated Pest Management emphasizes inspection and communication with the school administration. The focus of the program is to identify and eliminate conditions in the school, which could cause pests to be a problem. Applications of pest control materials are made only when necessary to eliminate a pest problem. **Regular spraying within the school buildings is not part of the program.**

If it becomes necessary to use any pest control products other than traps or baits, notice will be posted 24 hours prior to the application. The only exception to the two-day notice would be if there were immediate threats to health or property. Then notice will be posted as soon as practical. If you would like to receive written notification prior to the application of any pest control materials subject to the notification requirements, please complete the form located below and return it to the school main office, **by October 1.**

If you have any questions or concerns about the products and procedures used in our schools, please contact the Executive Director of Facilities & Maintenance, 304-267-3519.

Request for Prior Notification of Level 3 or 4 Pesticides

Name: _____

Student's Name: _____

School: _____

Email Address: _____

#BeInvested



1453 Winchester Avenue Martinsburg, WV 25405

304.267.3500

berkeleycountyschools.org