

7-5004

Book Policy Manual  
 Section Board Approve 09-19-22 - Vol. 14, No. 1 - February 2022  
 Title Copy of PAYROLL DEDUCTIONS  
 Code po6520  
 Status  
 Adopted August 1, 2007  
 Last Revised August 26, 2008

6520 - PAYROLL DEDUCTIONS

To the extent permitted by law, the Board of Education authorizes deductions to be made from an employee's paycheck upon proper authorization on the appropriate form for the following purposes:

- A. Federal and State income tax
- B. Social Security
- C. municipal income tax
- D. West Virginia Retirement System
- E. Section 125 deductions (cafeteria plans)
- F. U.S. Savings Bonds
- G. savings in a chartered credit union
- H. contributions to charitable and not-for-profit corporations and community fund organizations
- I. ~~payment of dues to labor or other organizations~~
- J. payment of group insurance premiums for a plan in which at least five (5) persons of the County employees participate
- K. ~~garnishment and child support payments as required by law~~
- L. 457 Deferred Compensation Plans ~~repayment of loans to the Teacher Retirement Fund~~
- M. PEIA Insurance

**No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of teachers and other employees.**

The Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company approved by the Board, authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the County's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office in writing if they wish to participate in such a program.

In cases when an employee is absent from duty and there is no sick leave applicable, or when the absence is unauthorized, the salary deduction for each day of absence will be based on the employee's current salary divided by the number of work days required in the official school calendar for each job classification.

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WV Code 18A-4-9(6) WV Code 21-5-1(g)

WV Code 18-5-1, et seq.

Section 403(b), Internal Revenue Code

7-5005

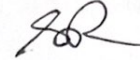
Book Policy Manual

Section Board Approve 09-19-22 - Vol. 14, No. 1 - February 2022

Title NEW - Revised Vol. 14, No. 1 - February 2022 - SYSTEM OF ACCOUNTING

Code po6800

Status



#### 6800 - SYSTEM OF ACCOUNTING

As specified by the West Virginia State Board of Education Office of School Finance the Board of Education uses the Uniform School Accounting System by which it keeps an accounting of all District funds. The District's financial records shall show sources of revenue, amounts received, amounts expended, and the disposition of public property. The **Finance Department** shall complete an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the **Treasurer** shall establish procedures and regulations necessary to properly account for capital assets and comply with Generally Accepted Accounting Principles (GAAP) and ensure that the District's capital assets are properly insured.

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board (GASB), Statements as prescribed by the West Virginia Board of Education's Office of School Finance. In accordance with GASB, the District will report its fund balances in the following categories:

- A. **Nonspendable fund balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash - e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).
- B. **Restricted fund balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- C. **Committed fund balance** - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.
- D. **Assigned fund balance** - amounts the Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.
- E. **Unassigned fund balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes its auditors and directs its administrative staff to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

The **Finance Department** shall maintain a proper accounting of all District funds. S/He shall ensure that expenditures are budgeted under and charged against those accounts that most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts that most accurately describe the purposes for which such monies are to be or have been spent.

The **Finance Department** shall receive all vouchers for payments and disbursements made to and by the Board, and preserve them for the statutorily required period.

The **Treasurer** shall implement procedures and practices that will determine: 1) Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); 2) Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology; and 3) Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

The **Treasurer** shall report to the Board and Superintendent on a monthly basis a report that indicates by fund, the beginning cash balance, the current month's receipts, the current month's disbursements and the current month's ending cash balance. The report shall also show the current budget and unencumbered balance for each fund.

The Treasurer is responsible for filing in a timely manner, on behalf of the Board, an annual report with the West Virginia Department of Education on prescribed forms that state the following:

- A. amount of collections and receipts, and accounts due from each source
- B. amount of expenditures for each purpose
- C. amount of the District's debt, the purpose for which each item of such debt was created, and the provision made for the payment thereof, and
- D. other information as the West Virginia Department of Education prescribes on the form

The Board shall, within 120 days after the beginning of each fiscal year, prepare on a form prescribed by the State Auditor and the state superintendent a statement providing the following information:

- A. The receipts and expenditures of the Board during the previous fiscal year arranged under descriptive headings;
- B. The name of each firm, corporation, and person who received more than two-hundred-fifty (\$250) dollars in the aggregate from all funds during the previous fiscal year, together with the aggregate amount received from all funds and the purpose for which paid; and
- C. All debts of the Board, the purpose for which each debt was contracted, its due date, and to what date the interest thereon has been paid.

The Board's annual financial statements shall also include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation, and 3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g., straight line or other method.

Simultaneous with filing the annual report with the West Virginia Department of Education, the \_\_\_\_\_ shall publish the annual report in a newspaper published in the District, or, if there is none, in a newspaper of general circulation in the District financial statement shall be published either as a class 1-0 legal advertisement in compliance with the provisions of law, and publication area in a newspaper of general circulation in the District or on the District's website provided that prior to publication of the financial statement on the Board's website for the first time, a public hearing is held at which any interested person may express their views on whether the board should publish the statement as a Class 1-0 legal advertisement or on the website. Further, upon publishing a financial statement on the Board's website for the first time, public notice of the availability of such website posting shall be published once a week in a qualified newspaper of general circulation for two (2) successive weeks.

~~The Board's annual financial statements shall also include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation, and 3) total depreciation expense for the fiscal year.~~

~~Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g., straight line or other method). If the financial statement is published as a Class 1-0 legal advertisement, the statement shall not include the name of any person who has entered into a contract with the Board pursuant to State code.~~

If the financial statement is published on the Board's website, the financial statement shall remain posted on the Board's website at least until publication of the next annual statement and include the following required statutory provisions:

- A. The name of every person who has entered into a contract with the Board pursuant to the provisions of law, and amounts paid to each;
- B. Budget estimates; and
- C. A list of the names of each firm, corporation, and person who received less than two-hundred-fifty (\$250) dollars from any fund during such fiscal year showing the amount paid to each and the purpose for which paid.

The Board shall transmit to any resident of the county requesting the same a copy of the published statement for the fiscal year designated, supplemented by a list of the statutorily required standards.

Before implementing procedures or changing procedures, the Treasurer will review the proposed procedure with the auditor appointed by the Board to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

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Governmental Accounting Standards Board Statement #34

Governmental Accounting Standards Board Statement #54

Book Policy Manual  
 Section Board Approve 09-19-22 - Vol. 14, No. 1 - February 2022  
 Title Copy of PROPERTY INVENTORY  
 Code po7450  
 Status  
 Adopted August 1, 2007

7450 - PROPERTY INVENTORY

As steward of the County Board of Education's property, the Board of Education ("Board") recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall maintain a perpetual inventory of all Board-owned equipment and supplies annually and G.A.A.P. reporting requirements. ~~The Board shall maintain a perpetual inventory of all Board-owned equipment and supplies annually at such intervals as will coincide with property insurance renewal and G.A.A.P. reporting requirements.~~

For purposes of this policy "equipment" means tangible personal property (including information technology systems) having a useful life of more than one (1) year and a per-unit acquisition cost which equals or exceeds the current State threshold amount for equipment. ~~For purposes of this policy "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, costs at least \$5,000 as a single unit and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$1,000.~~

"Capital assets" means tangible or intangible assets used in operations having a useful life of more than one (1) year which are capitalized in accordance with GAAP.

Capital assets include equipment as well as the following:

- A. land, buildings (facilities), and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

Capital expenditures, which are expenditures for capital assets, require prior written approval in order to be allowable in certain situations. General purpose equipment, buildings, and land, as well as improvements to land, buildings, or equipment which materially increase their value or useful life, are unallowable as direct charges unless the Federal awarding agency or pass-through entity provides prior written approval. Whereas capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

When defining supplies for inventory purposes, no items will be counted whose total value is less than \$500.00.

For the purposes of this policy "consumable supplies" shall mean a commodity which, when used in the ordinary course of business, will become consumed or of no market value. Also referred to as an expendable commodity.

"Computing devices" are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories for printing, transmitting and receiving, or storing electronic information. Examples of computing devices include laptops, smartphones, tablets, etc. Computing devices are classified as equipment if their acquisition cost meets the above-mentioned equipment threshold. Computing devices that do not meet the acquisition cost threshold are considered supplies. Regardless of whether a computing device is classified as an equipment or supply, it must be counted during the inventory.

It shall be the duty of the Treasurer, assisted by the Supervisor for Maintenance and WVEIS Coordinator, to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually be reference to purchase orders and withdrawal reports.

Major items of equipment shall be subject to annual spot check inventory to determine loss, misplacement, or depreciation; any major loss shall be reported to the Board.

Property records of consumable supplies shall be maintained on a perpetual inventory basis. Consumable supplies inventory records should include for each item or group of items the following information: name of item, quantity purchased, date of purchase, cost, reorder point, amount dispensed, and date dispensed. A physical count of all supply inventory shall take place as of June 30th each school year and this count shall be reconciled with the perpetual inventory records.

The Treasurer, through the WVEIS, shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

- A. description of the property
- B. serial number or other identification number
- C. source of funding for the property
- D. titleholder
- E. acquisition date
- F. acquisition cost
- G. percentage of Federal participation in the project costs for the Federal award under which the property was acquired
- H. location
- I. use and condition of the property
- J. ultimate disposition data including the date of disposal and sales price
- K. manufacturer
- L. evaluation in conformity with insurance requirements


Equipment and computing devices acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The property shall be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award.
  - 1. When no longer needed for the original program or project, the property may be used in other activities in the following order of priority: 1) activities under a Federal award from the Federal awarding agency which funded the original program or project; then 2) activities under Federal awards from other Federal awarding agencies.
  - 2. During the time that property is used on the project or program for which it was acquired, the District must also make the property available for use on other projects or programs currently or previously supported by the Federal program, provided that the use will not interfere with the work on the original project or program.
- B. The property shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The property may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300 and Policy 7310.
- D. Property records shall be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), title entity, acquisition date, cost of the property, percentage of Federal participation in the project costs for the award under which the property was acquired, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property, in accordance with this policy.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years, in accordance with this policy.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.
- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.





7-5007

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Section Board Approved 10-03-22  
Title Copy of SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE  
Code po3120.12  
Status  
Adopted January 4, 2010   
Last Revised September 1, 2021

**3120.12 - SUBSTITUTES IN AREAS OF CRITICAL NEED AND SHORTAGE**

**Purpose**

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired teachers as substitutes on an expanded basis in areas of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in 18A-2-3, Code of West Virginia, as follows: "Area of critical need and shortage" means an area of certification and training in which the number of available substitute teachers in the County who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers. Teacher or substitute teacher includes speech pathologists and school nurses.

The Board additionally finds and determines that:

A. there presently exists within Marion County a critical need for substitute teachers in the areas of:

1. foreign language
2. Special Education

3. math
4. science
5. nurses
6. speech-language pathologists
7. elementary
8. Pre-K
9. Family and Consumer Science
10. Technology Education
11. English Language Arts
12. Social Studies
13. Health Education
14. Physical Education
15. Art
16. Music
17. Library Science
18. Business Education
19. Counselor

B. and that, there is also a shortage of available certified substitute teachers, who are not retired, available to cover these areas of critical need.

Accordingly, the Board hereby authorizes the employment of retired teachers as substitute teachers during the 202~~21~~-202~~32~~ school year on an expanded basis in those areas of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired teacher be employed where there is available for employment another teacher holding certification and training in the area of need who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 202~~21~~-202~~32~~ school year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board ("Retirement Board"), the Superintendent shall submit to the West Virginia Board of Education in a form approved by the Retirement Board and the West Virginia Board of Education, an affidavit signed by the Superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with West Virginia Code 18A-2-3 and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the West Virginia Board of Education shall submit the affidavit to the Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of this code section and verify the eligibility of the critical needs substitute teacher (i.e., adoption of local policy, electronic posting of position opening, retirement date effective before the first day of July preceding at least the fiscal year during which he or she is employed, continuous and ongoing electronic posting seeking fully certified non-retired teacher, and absence of a non-retired teacher who holds certification and training in the required area).

When a retired teacher is employed as a substitute to fill a vacant position, the County Board shall continue to post the vacant position electronically until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

The County Superintendent shall forward a copy of this policy annually for approval by the West Virginia Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.

A retired teacher is eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a substitute.

When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees.

Every contract of employment for such retired teachers to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute teacher within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

Retired teachers employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The W. Va. Code that authorizes this policy is scheduled to expire June 30, 2025.

Revised 5/20/13

Revised 11/2/15

Revised 2/20/17

Revised 3/20/17

Revised 8/27/18

Revised 8/19/19

Revised 7/20/20

Revised 10/5/20

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WV Code 18-7A-38

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Title Copy of NON-RENEWAL OF PROBATIONARY TEACHER CONTRACT

Code po3142

Status

Adopted August 1, 2007

Last Revised July 7, 2014

*RP*

**3142 - NON-RENEWAL OF PROBATIONARY TEACHER CONTRACT**

The Superintendent at a meeting of the Board of Education on or before ~~May 1st~~ **April 15th** of each year shall provide in writing to the Board a list of all probationary teachers that s/he recommends to be rehired for the next ensuing school year. The Board shall act upon the Superintendent's recommendation at that meeting. Any probationary teacher who is not rehired by the Board at that meeting shall be notified in writing, by certified mail, return receipt requested, to such person's last known addresses within ten (10) days following said Board meeting, of their not having been rehired or not having been recommended for rehiring.

If the reason for non-renewal is based solely on lack of need, the teacher shall be eligible for placement on the preferred recall list and shall, upon reemployment, resume the employment status that would have existed in the ensuing year of employment had the contract not been non-renewed.

If the reason for non-renewal is for cause, the reasons assigned must be legitimate and material to performance expectations. However, if a probationary teacher's performance has been mediocre, as judged by the Superintendent, the reason may constitute an expectation that a better teacher may be secured if the position is reposted. It is not necessary that a probationary teacher's performance be deemed unsatisfactory as a requisite for non-renewal of contract.

Any probationary teacher who receives notice that s/he has not been recommended for rehiring who has not been reemployed may within ten (10) days after receiving the written notice request a statement of the reasons for not having been rehired and may request a hearing before the Board. Such hearing shall be held at the next regularly scheduled Board meeting or a special meeting of the Board called within thirty (30) days of the request for hearing. At the hearing, the reasons for the non-rehiring must be shown.

Any hearing conducted shall be conducted by a majority of the members of the Board. The hearing shall be held in executive session of the Board unless the teacher requests the hearing in public. The hearing shall be recorded mechanically. The Board may be represented by counsel and the teacher may be represented by counsel or a designee. The hearing shall include the opportunity for presentation of evidence, confrontation and examination of witnesses, and the review of arguments of both the teacher and the Board. A record of the hearing may be taken by either party at the expense of the party taking the record. Within ten (10) days of the conclusion of the hearing, the Board shall issue to the teacher a written decision containing an order affirming the intention of the Board not to reemploy the teacher or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing.

If the sole reason for non-renewal is lack of need the teacher shall be placed on the preferred recall list.

A teacher may appeal an order affirming the intention of the Board not to reemploy the teacher to the West Virginia Public Employees Grievance Board.

Revised 4/21/09

**Revised 07/07/14**

**Revised 10/03/22**

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WV Code 18A-2-8a

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Title Copy of NON-RENEWAL OF A SERVICE PERSONNEL PROBATIONARY CONTRACT

Code po4142

Status

Adopted August 1, 2007

Last Revised July 7, 2014

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4142 - **NON-RENEWAL OF A SERVICE PERSONNEL PROBATIONARY CONTRACT**

The Superintendent at a meeting of the Board of Education on or before ~~May 1st~~ **April 15th** of each year shall provide in writing to the Board a list of all probationary service personnel that s/he recommends to be rehired for the next ensuing school year. The Board shall act upon the Superintendent's recommendations at that meeting. Any probationary service personnel who is not rehired by The Board at that meeting shall be notified in writing, by certified mail, and return receipt requested, to such persons' last known address within ten (10) days following said Board meeting, of their not having been rehired or not having been recommended for rehiring.

If the reason for non-renewal is based solely on lack of need, the service personnel shall be eligible for placement on the preferred recall list and shall, upon reemployment, resume the employment status that would have existed in the ensuing year of employment had the contract not been non-renewed.

If the reason for non-renewal is for cause, the reasons assigned must be legitimate and material to performance expectations. However, if a service personnel's performance has been mediocre, as judged by the Superintendent, the reason may constitute an expectation that a better service personnel may be secured if the position is re-posted. It is not necessary that a service personnel's performance be deemed unsatisfactory as a requisite for non-renewal of contract.

Should a hearing be requested, the burden shall be on the Superintendent to show the reasons for non-rehiring. The hearing shall be held in executive session unless the employee requests the hearing to be conducted in public. The hearing shall be recorded by mechanical means. The Board and/or the Superintendent may be represented by counsel and the employee may be represented by counsel or a representative. The hearing shall include, for each party, the opportunity for presentation of evidence, confrontation and examination of witnesses. At the conclusion of the hearing the Board may deliberate and, following its deliberation, shall either affirm the decision of non-renewal or set aside the decision on non-renewal. The Superintendent shall provide the employee of written notice of the Board's decision within two (2) days of the hearing.

Revised 1/4/10

**Revised 07/07/14**

**Revised 10/03/22**

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WV Code 18A-2-8a



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| Book         | Policy Manual                          |
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| Title        | Copy of WITHDRAWAL FROM SCHOOL         |
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8/23/22

### 5130 - WITHDRAWAL FROM SCHOOL

The Board of Education affirms that, while statute requires attendance of each student from six (6) years of age by September 1st or five (5) years of age by September 1st if enrolled in kindergarten, and not formally withdrawn, it is in the best interest of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

A student is officially enrolled when one (1) of the following conditions occur:

- A. student was enrolled the previous year;
- B. student appears at school to enroll with or without a parent/guardian; or
- C. student and/or parent/guardian appears at school to enroll with or without records.

A dropout is an individual who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1st of the current school year; or
- B. was not enrolled on October 1st of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
- C. has not graduated from high school, obtained a GED diploma, or completed a State-or District-approved education program; and
- D. does not meet any of the following exclusionary conditions:

1. transfer to another public school district, private school, registered home school, or State - or District-approved education program;
2. **participates in a learning pod or micro school;**
3. temporary school-recognized absence due to suspension or illness; or
4. death.

For students of ages seventeen (17) or older, the dropout date is defined as the school day after the student's last day of attendance.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the School System should be used to assist the student in reaching his/her career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent.

**Whenever a student, at least fifteen (15) but less than seventeen (17) years of age, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five (5) days from the date of the withdrawal with the following exceptions. No notice shall be sent to the Division of Motor Vehicles to restrict the student's motor vehicle operator's license whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian to the Division of Motor Vehicles. If the student is applying for a license under the same exceptions above, the attendance director or chief administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from the permit restrictions. The School District**

Superintendent (or the appropriate school official) with the assistance of the District attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for restriction of a license as provided by this policy are due to a circumstance or circumstances beyond the control of the student.  
~~The West Virginia Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this State or any other state, or documentation that the person:~~

- ~~A. is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED, TASC or other State approved exam) from a State approved institution or organization, or has obtained such certificate;~~
- ~~B. is enrolled in a secondary school of this State;~~
- ~~C. is a West Virginia resident enrolled in an out-of-state school;~~
- ~~D. is excused from such requirement due to circumstances beyond his/her control; or~~
- ~~E. is enrolled in an institution of higher education as a full-time student in this State or any other state.~~

~~No later than five (5) days from the date of withdrawal, the attendance director or chief administrator of the school system shall notify the West Virginia Division of Motor Vehicles of the withdrawal from school of any student fifteen (15) years of age, but less than eighteen (18) years of age. If a student's withdrawal from school is beyond the control of the student and such student is applying for a license, the attendance director or chief administrator of the school system shall provide the student with documentation to present to the West Virginia Division of Motor Vehicles to secure his/her license or instructional permit. The school district superintendent (or the appropriate school official of any private secondary school), with the assistance of the county attendance director or any other staff or school personnel, shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.~~

~~For the purposes of obtaining or retaining a license or permit, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) total days, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. A student must maintain satisfactory attendance during one complete semester following the revocation of his/her driver's license in order to be eligible for the privilege of operating a motor vehicle.~~

Within five (5) days of receipt of the withdrawal notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be restricted to driving for work or medical purposes or educational or religious pursuit under the provisions of WV Code 17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that s/he is entitled to a hearing before the District Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If restricted, the division may not reinstate an instruction permit or license until the student returns to school or the student attains seventeen (17) years of age.

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

For the purposes of this policy and pursuant to WV Code 18-8-11, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) days total, unexcused absences during a school year or suspension pursuant to WV Code 18A-5-1a(a) and (b). Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. If suspended, the WVDVMV may not reinstate a license before the end of the semester following that in which the withdrawal occurred.

"Circumstances outside the control of the student" shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another.

The Superintendent shall ensure, through administrative guidelines, that proper procedures are established so that such notification complies with State law.

The Superintendent shall develop administrative guidelines for withdrawal from school which:

- A. make counseling services available to any student who wishes to withdraw;
- B. help the student define his/her own educational life goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. assure the timely return of all School System-owned supplies and equipment in the possession of the student.

The Superintendent may initiate and maintain expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be noted in the student's record and shall be imposed for the same duration it would have been had the student remained enrolled.

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West Virginia Board of Education and Policy 4110

WV Code 18-5-17,18-5-18, and 18-8-1a

7-5011

Book Policy Manual  
 Section Volume 14, No. 2 - Early Release DRAFT  
 Title Copy of STUDENT DRIVER ELIGIBILITY CERTIFICATE  
 Code po5140  
 Status  
 Adopted April 21, 2009

✓ JM 8/23/22

The Board of Education, along with the West Virginia Board of Education recognizes that driving a vehicle is a privilege and that West Virginia Code requires that when young people, at least fifteen (15) but less than seventeen (17) years of age withdraw from school, the attendance director or chief administrator shall notify the West Virginia Division of Motor Vehicles (DMV) of the student's withdrawal no later than five (5) days from the date of the withdrawal.

Whenever a student, at least fifteen (15) but less than seventeen (17) years of age, is enrolled in a secondary school and fails to maintain satisfactory academic progress, the attendance director or chief administrator shall notify the West Virginia Division of Motor Vehicles (DMV) of the student's unsatisfactory academic progress no later than five days of that determination.

Within five (5) days of receipt of the notice of withdrawal or unsatisfactory academic progress, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license will be restricted to driving for work or medical purposes or educational or religious pursuits under the provisions of WV Code 17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance with this policy is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that s/he is entitled to a hearing before the District Superintendent of Schools or his/her designee concerning whether the student's withdrawal or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student.

When withdrawal from school or unsatisfactory academic progress is determined to be beyond the student's control, or withdrawal from school is for the purpose of transferring to another school, and is documented by a parent or guardian, no notice shall be sent to the DMV to restrict the student's license. If a student is applying for a license, the attendance director or chief administrator shall provide that student with documentation to present to the DMV to excuse the student from all of the above provisions.

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

Once a restriction is ordered, the division may not reinstate an instruction permit or license until the student shows satisfactory academic progress or until the student attains seventeen (17) years of age.

Withdrawal from School occurs when a student accrues more than ten (10) consecutive days or fifteen (15) total days of unexcused absences during a school year or is suspended from school pursuant to WV Code 18A-5-1a and 18A-5-1a(b).

Satisfactory Academic Progress is determined when a student attains and maintains grades that will allow graduation and course work in an amount of time sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier. This calculation includes the minimum annual earning of five credits to be on track to graduate in five (5) years based on the graduation requirements set forth in WV Policy 2510.

Circumstances beyond the control of the student shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a West Virginia Division of Corrections and Rehabilitation facility is not a circumstance beyond the control of the student and shall be considered an unexcused absence for purposes of reporting withdrawals pursuant to this policy. The District Superintendent, with the assistance of the attendance director and any other staff or school personnel, shall be the sole judge of whether any of the grounds for restriction of a license as provided by this policy are due to circumstances beyond the control of the student.

WV Board of Education policy 2422.2

WV Code 17B-2-3a

WV Code 17B-3-6

WV Code 18-2-5

WV Code 18-8-11

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**5140—STUDENT DRIVER ELIGIBILITY CERTIFICATE**

The Board of Education, along with the West Virginia Board of Education (hereinafter WVBE) recognizes that driving a vehicle is a privilege and that West Virginia Code requires young people at least fifteen (15) but less than eighteen (18) years of age to maintain specified driver eligibility requirements related to school attendance, personal behavior and academic progress in order to obtain and maintain a West Virginia license or instruction permit for the operation of a motor vehicle. While the West Virginia Department of Motor Vehicle (hereinafter WVDMV) has the authority to deny and suspend a license or instruction permit for the operation of a motor vehicle, the West Virginia Code places certain responsibilities on school administrators to identify students who do not meet any or all of the driver eligibility requirements and communicate this information to the WVDMV.

**Definitions**

- A. **Circumstances Outside the Control of the Student**—shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the student, and for purposes of operating a motor vehicle only shall be considered an unexcused absence.
- B. **Driver's Eligibility Certificate**—documentation provided by the County to the student verifying that the student has met the attendance, behavioral and academic expectations set forth by WV Code 18-8-11 that are required for application or reinstatement of an instruction permit or license to operate a motor vehicle.
- C. **Satisfactory Academic Progress**—attaining and maintaining grades sufficient to allow for graduation and course work in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier (beginning with the completed 2008-09 school year):
  1. This would calculate in the minimum annual earning of five (5) credits to allow graduation in five (5) years based on the graduation requirements set in WVBE policy 2510;
  2. Three (3) of the five (5) credits earned annually must be from the core requirements identified in WVBE policy 2510.
- D. **Withdrawal**—for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the County shall deny or revoke a Driver's Eligibility Certificate from any student at least fifteen (15) but less than eighteen (18) years of age:
  1. More than ten (10) consecutive or fifteen (15) total days unexcused during a school year;
  2. Suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b), which include the following behaviors when committed on the premises of an educational facility, at a school sponsored function, or on a school bus:
    - a. assault and/or battery on school employees
    - b. possessing deadly weapons
    - c. sale of a narcotic drug
    - d. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult
    - e. unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1-1 et seq.

The Board shall support and require the County Attendance Director and all school administrators to implement and execute the following duties defined in WV Code 18-8-11, regarding driver's eligibility for a license or instruction permit to operate a motor vehicle and West Virginia Board of Education policy 4110, Attendance:

- A. Provide, upon request, a Driver's Eligibility Certificate on a form (hard copy or electronic) approved by West Virginia Department (hereinafter WVDE) to any student at least fifteen (15) but less than eighteen (18) years of age who is in satisfactory standing with regard to attendance, behavior, and academic progress in a school under the jurisdiction of the official for presentation to the WVDMV on application for or reinstatement of an instruction permit or license to operate a motor vehicle.
- B. Provide notification to the WVDMV whenever a student at least fifteen (15) but less than eighteen (18) years of age withdraws from school, is suspended pursuant to WV Code 18A-5-1a and 18A-5-1b and/or fails to maintain satisfactory academic progress, except when the withdrawal or failure to make satisfactory academic progress except when the withdrawal is due to circumstances outside the control of the student. Notification must be provided to the WVDMV no later than five (5) days from the date of the withdrawal and/or suspension. Notification must be provided to the WVDMV no later than five (5) days from the end of the school year for failure to maintain satisfactory academic progress.
- C. Provide the opportunity, upon request, for a student who has been denied a Driver's Eligibility Certificate or has received a revocation notice, to have a hearing before the Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. The County Superintendent, with the assistance of appropriate staff, shall be the sole judge of whether any of the grounds for denial or suspension of a license or instruction permit are due to a circumstance or circumstances beyond the control of the student.
- D. a review process that allows students to have their Driver's Eligibility Certificate reinstated upon demonstration of satisfactory progress as follows:
  1. Reinstatement requests related to withdrawal for unexcused absences shall be reviewed as outlined in WV Code 126-CSR-81, WVBE policy 4110—Attendance, at the end of the semester following that in which the withdrawal occurred.

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2. ~~Reinstatement requests related to withdrawal for failure to make satisfactory academic progress shall be reviewed at the end of each school year for the purpose of reinstating the Driver's Eligibility Certificate.~~
3. ~~Reinstatement requests related to withdrawal for suspension pursuant to WV Code 18A-5-1a(a) and 18A-5-1a(b) shall be reviewed after all disciplinary sentences have been served for the purpose of reinstating the Driver's Eligibility Certificate.~~

Legal

WV Board of Education policy 2422.2

WV Code 17B-2-3a, 17B-3-6, 18-2-5 and 18-8-11