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Book Policy Manual

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Title Copy of NEW - Vol. 14, No. 1 - February 2022 - ACCOUNTING SYSTEM FOR CAPITAL ASSETS

Code po7455

Status

7455 - ACCOUNTING SYSTEM FOR CAPITAL ASSETS

The Board shall maintain a capital asset accounting system. The capital asset system shall maintain sufficient information to permit the following:

- A. ~~(-)~~ the preparation of year-end financial statements in accordance with generally-accepted, accounting principles
- B. ~~(-)~~adequate insurance coverage
- C. ~~(-)~~control and accountability

The Finance Department shall be responsible for the development and maintenance of the capital asset accounting system. The Treasurer shall develop procedures to ensure compliance with all capital asset policies. Each Department shall be assigned capital asset responsibilities.

Capital assets are defined as those tangible assets of the District system with a useful life in excess of one (1) year and an initial cost equal to or exceeding ~~(-) \$5,000.00~~ [not more than \$5000.00] ~~(-) the limit established pursuant to the Federal Grant Guidelines [END OF OPTION]~~. Some items may be identified as controlled assets that, although they do not meet all capital asset criteria, are to be recorded on the ~~fixed-asset~~ capital asset system to maintain control.

Capital assets shall be classified as follows:

- A. land
- B. building
- C. improvements other than building
- D. machinery and equipment
- E. furniture and fixtures
- F. vehicles
- G. plant (aerator)
- H. underground lines
- I. construction-in-progress

Leased fixed assets and assets which are jointly-owned shall be identified and recorded on the capital asset system.

Capital assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Fair Market Value.

The purchase of capital assets, the transfer of capital assets between buildings, and the disposal of capital assets shall be initiated by the Department Head and require the prior written approval of the Treasurer. An asset to be disposed of by sale shall be done in accordance with Policy 7300 - Disposition of Real Property or Policy 7310 - Disposition of Personal Property.

In accordance with Generally Accepted Accounting Principles (GAAP), assets must be depreciated over their estimated useful lives and approved by the auditor.

Accumulated depreciation shall be calculated on a straight-line basis and be recorded for general capital assets.

The following information shall be maintained for all capital assets:

- A. description
- B. asset classification (land, building, equipment, etc.)
- C. location
- D. purchase price
- E. vendor
- F. date purchased
- G. voucher number
- H. estimated useful life
- I. estimated salvage value
- J. replacement cost
- K. accumulated depreciation
- L. method of acquisition (purchase, trade-in, lease, donated, etc.)
- M. appropriation
- N. manner of asset disposal

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### 6320 - PURCHASES

This policy establishes the minimum system of purchasing rules and regulations that are to be followed by the County Board of Education.

This policy is to be used and followed by all personnel involved in the acquisition and disposal of commodities and services in the performance of their duties.

#### Introduction

- A. The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which the Board is responsible.
- B. The Board is responsible for the purchasing, receiving, safeguarding, and disposing of all goods and services obtained for use by the County. This authority is hereby delegated to the Superintendent and his/her designated purchasing director.
- C. All procurement transactions shall be conducted in a manner that provides full and open competition, consistent with the ethical standards specified in State and Federal statutes, WV State Board of Education policy 8200, and all local practices and procedures.
- D. Procedures for the review of all proposed procurements shall be established to ensure that only necessary items are purchased.
- E. If written specifications are required, they shall be written in such a manner as to maximize and encourage competition.
- F. No Board member, officer or employee shall participate in the selection, award, or administration of a contract or purchase order with a related party, or where a conflict of interest, real or apparent, exists.
- G. No Board member, officer, or employee shall solicit or accept gratuities, favors, or anything of monetary value from contractors, vendors, or parties to any awards, agreements, or contracts. This prohibition does not apply to unsolicited gifts of nominal value, which is recognized by the West Virginia Ethics Commission to be a gift whose value is less than \$25.00 per year.
- H. Awards will be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- I. The County will explore whether the goods and services being purchased are available from a statewide contract or a purchasing alliance, such as the Government Purchasing Alliance or the Southern Region Education Board, before going to the open market.

#### Purchase Responsibilities

- A. Pursuant to WV Code 11-8-26 no funds shall be expended or obligations incurred:
  1. in an unauthorized manner;
  2. for an unauthorized purpose;
  3. in excess of the amount allocated to the fund in the levy order;

4. in excess of the funds available for current expenses.

B. Pursuant to WV Code 18-9B-10, the Board shall:

1. authorize the expenditure of funds and incur obligations only in accordance with the budget and the expenditure schedule;
2. authorize transfers between items of appropriation only with the prior written approval of the State Board of Education.

#### **Requisitions and Purchase Orders**

- A. Pursuant to the requirements of WV Code 18-9B-9, the County shall maintain a requisition and purchase order system on the West Virginia Education Information System (WVEIS) whereas as an approved, pre-numbered purchase order is issued to the successful vendor prior to an order for a commodity or service being placed.
- B. Purchase orders, are not required for refunds, reimbursement of travel expenses, the distribution of faculty senate funds to the individual schools in the County, and utilities.
- C. Purchases orders are also not required for purchases of commodities and services made through the use of the County's purchase card system. Pursuant to the requirements of WV 18-9B-9, and to maintain budgetary controls, the funds shall be encumbered in the West Virginia Education Information System (WVEIS). In addition, all requirements specified in Policy 6423, Vendor Issued Credit Cards, related to the purchase card program must be followed, including individual transaction limits, monthly transaction limits, and maximum number of transactions.
- D. A copy of each approved purchase order shall be retained for the file. The file copy may be retained either on paper or electronically and the original approval signatures must be available for subsequent review.
- E. No purchase order shall be issued in excess of the funds available in the current year or which obligate the funds of a subsequent year. Purchase order shall not be issued prior to the end of a fiscal year for delivery and payment after July 1, in excess of the amount available in the current year's budget.

#### **Open Ended Contracts, Price Agreements, and Blanket Purchase Orders**

- A. The County shall use open-ended contracts, price agreements, or blanket purchase orders to obtain commodities or services of a repetitive nature rather than issue a purchase order for each individual purchase.
- B. The Superintendent or designated purchasing director may solicit requirements for similar commodities and services to determine the best methods for acquisition.
- C. Open-ended contracts or price agreements shall be used only in situations where the commodity and price are known through a competitive bid process, but the quantity needed is not, such as food products used by child nutrition program.
- D. Blanket purchase orders shall be used in situations where there is normally a large volume of small dollar purchases of a repetitive nature and it is difficult to determine in advance exactly which products are needed, such as in facility or vehicle maintenance activities. Whenever practical, blanket purchase orders should be issued, with consideration of the bidding requirements, on a periodic basis throughout the year, such as on a monthly or quarterly basis, to maintain budgetary controls.

#### **Purchases of Commodities and Services**

- A. Commodities and services shall be purchased in accordance with the procedures specified in this section.
- B. The competitive method used is determined by the threshold limits below. These limits are based on the best estimate of the Superintendent or designated purchasing director at the time the bid prices are solicited.
- C. The threshold level to be used is determined by the total estimated cost of the item being purchased, which is the unit cost multiplied by the quantity.
- D. The bid method selected will be considered to be the appropriate method unless the lowest bid received exceeds the maximum dollar threshold of the bidding method selected by ten percent (10%). If the lowest bid exceeds the threshold by more than ten percent (10%), the bid must be re-bid using bid requirements with a higher dollar threshold level.
- E. Purchases shall not be separated into a series of separate requisitions or purchase orders, for the purpose of circumventing the applicable threshold limits of these competitive bidding procedures.
- F. Commodities may only be purchased from a retail outlet that charges a membership fee, when it is determined to be in the best interest of the County. The membership fee is another cost associated with the purchase and shall be taken into consideration in determining the total estimated cost. Membership fees shall not be paid for individual employees to

become members under any circumstances, nor shall a County's membership card be used by employees for personal purchases, even if the retail outlet does not charge an additional fee for employees to be members.

- G. Services may be procured without basing the selection of the vendor solely on price. The cost can be negotiated without the use of competitive bids; however, Requests for Proposals shall be utilized whenever possible and the County Board shall establish the procedures and criteria for evaluating the proposals received.
- H. If price is not the sole determining factor in making the selection, the Board must establish the procedures and criteria for evaluating the proposals received.
- I. Documentation of the criteria and selection process shall be retained for review. (See the Records Retention Schedule in AG 8310A for the period of time that the records must be retained.)

**Competitive Bid Threshold Limits:**

A. Purchases of commodities costing less than \$5,000:

1. Competitive bids are encouraged but not required.
2. An approved purchase order is required before the merchandise or service is ordered.

B. Purchases of commodities costing \$5,000 or more but less than \$10,000:

1. Competitive bids are required.
2. A minimum of three (3) verbal quotes must be obtained, whenever practical.
3. Bids may be solicited by telephone, internet, mail, or by visiting the vendor.
4. Documentation must be maintained of all quotes obtained, recording the name of the vendor, name of the vendor's representative, name of the County's representative seeking the quote, date, commodity, and price.
5. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the documentation is to be retained.
6. A form for recording these quotes is provided in Form 6320 F1.
7. An approved purchase order is required before the merchandise or service is ordered.

C. Purchases of commodities costing \$10,000 or more but less than \$25,000:

1. Competitive bids are required.
2. A minimum of three (3) written bids must be obtained, whenever practical.
3. Bids may be solicited by telephone, internet, or mail, but a written bid must be submitted by the vendor.
4. A "no bid" is not to be considered a received bid, so sufficient requests should be solicited to assure that at least three (3) actual bids are received, whenever practical.
5. All bids received must be retained for public review and inspection during normal business hours. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
6. An approved purchase order is required before the merchandise or service is ordered.

D. Purchases of commodities costing \$25,000 or more but less than \$50,000:

1. Competitive bids are required and bids shall be solicited from at least three (3) known suppliers whenever practical, using advertising media such as newspapers, the internet, trade journals, purchasing bulletins, other media considered advisable, or mass mailings.
2. A good faith effort must be made to solicit as many competitive bids as practical, providing them adequate time to submit proposals.
3. The invitation for bids, must include all specifications and pertinent attachments, and shall define the items or services in order for the bidder to properly respond.
4. The Board may waive the requirement to advertise when a vendor is considered to be the sole source for the item being purchased, when it is determined to be in the best interest of the County, or when professional, technical, or

specialized services are being acquired under an agreement. All waivers shall be well documented and those based on a best interest determination shall be approved by the Superintendent.

5. Any and all bids may be rejected if there is a sound documented reason.
6. The request for bids shall be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. (Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.)
7. An approved purchase order is required before the merchandise or service is ordered.

**E. Purchases of commodities costing \$50,000 or more:**

1. The solicitation for bids must specify that the bids are to be received in the form of sealed bids.
2. The request for bids must be publicly advertised using as legal advertisements in local newspapers, the internet, trade journals, purchasing bulletins, mass mailings or other media considered advisable; adequate time must be provided to allow interested bidders sufficient time to submit their responses prior to the date set for the opening of bids.
3. The invitation for bids must include all specifications and pertinent attachments and shall define the items or services in order for the bidder to properly respond.
4. All bids will be publicly opened at the time and place specified in the invitation for bids.
5. The County may waive the requirement to advertise when a vendor is considered to be the sole source for the item, when it is determined to be in the best interest of the County, or when professional, technical, or specialized services are being acquired under an agreement. All waivers must be well documented, and those based on a best interest determination must be approved by the County Board.
6. Any and all bids may be rejected if there is a sound documented reason.
7. The request for bids must be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
8. An approved purchase order is required before the merchandise or service is ordered.

**Alternative Procurement**

A. The County may purchase equipment and other commodities or services may be purchased directly from a vendor without competitive bidding, if any of the following conditions exist:

1. The item cannot be obtained through ordinary purchasing procedures, such as in situations where no bidders respond to a request for bids.
2. The item is unique, or is not available from any other source (sole source). This can include copyrighted materials, conference facilities, lecturers, and workshop presenters.
3. The item is available from the State, an ESC, or another county, provided the price, availability, and quality are comparable to those in the open market.
4. The item is available from a Statewide contract and "piggybacking" by local governmental entities is permitted in the contract.
5. The item is available from a GSA Schedule and the supplier is willing to sell to a County in the State at the same or lower price.
6. The item is available from a sheltered workshop.
7. The item is available from a local purchasing cooperative, such as an ESC or a group of county boards that are working together to use their combined purchasing volume to obtain more advantageous pricing through economies of scale.
8. The item is available from a legitimate government purchasing cooperative that has already obtained competitive bids that meet the requirements of this policy, such as the Association of Educational Purchasing Agencies (AEPA), the U.S. Communities Purchasing Alliance, or The Cooperative Purchasing Network (TCPN).

9. The item is a used vehicle or piece of equipment and its purchase is determined by the Superintendent, acting as the purchasing director or designated purchasing director to be in the best interest of Marion County Schools.

B. Documentation of the justification for using these alternative competitive procurement procedures must be maintained.

### **Exemptions from Competitive Bid Requirements**

A. The following items or services may be purchased by the county without advertisement or obtaining competitive bids.

1. Accounting services and audits exclusive of the annual audit of the County's financial statements.
2. Any advertisement placed directly with newspapers, trade magazines, or similar publications. However, radio, broadcast television, or cable television advertising; any indirect placement, promotional items; or advertising consultant services are not exempt.
3. The purchase of and service to artwork and historical items.
4. Attorneys and law firms.
5. Auditing contracts between governmental agencies.
6. Entertainers.
7. Facilities Rentals.
8. Medical fees, including but not limited to fees for medical services (behavioral and physical) from individual doctors, psychologists, dentists, clinics, hospitals, audiologists, county medical examiners, physical and occupational therapists, behavioral counseling, and evaluations, etc. for individual students.
9. Postage, including stamps, metering, overnight services.
10. Software maintenance.
11. Expenses related to student activities, including but not limited to (lectures, entertainers, athletic events, referees, and teachers for staff development).
12. Investigate services, subject matter experts, and witnesses for administrative hearings and legal procedures.
13. Subscriptions and publications, including but not limited to newspapers, textbooks, and publications (electronic and hard copy) purchased directly from the publisher.
14. Training activities, including but not limited to lecturers, honorariums, copyrighted test and training materials, test monitors, examination proctors, etc., where competition is not available.
15. Tuition, stipends, accreditation, and registration fees.
16. Utilities regulated by the Public Service Commission.
17. Livestock and fish stock for vocational programs.
18. Fees imposed by Other Government entities (licenses, permits, etc.).
19. Court ordered payments included but not limited to a copy of the court order must be maintained, unless sealed and restricted by the respective judge. If the order is sealed and restricted, an explanation must be maintained that references the court order.
20. Court ordered placements, which includes placing children at various education and/or behavioral centers when ordered by West Virginia courts or the West Virginia Department of Health and Human Resources.

B. Documentation of the justification for not following competitive procurement procedures must be maintained.

### **Construction Projects**

A. Competitive bids shall be solicited for every construction project exceeding \$25,000 in total cost except for emergency repairs to building components and systems. Pursuant to WV 5-22-1 et seq., the term emergency repairs shall mean repairs that, if not made immediately, will seriously impair the use of building components and systems or cause danger to those persons using the building components and systems.

B. Following the solicitation of such bids, the contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond.

- C. The Board may reject any or all bids and solicit new bids on the project. (WV 5-22-1 et seq.)
- D. Any solicitation of bids shall include no more than five (5) alternates. "Alternates" means any additive options or alternative designs included in a solicitation for competitive bids that are different from and priced separately from what is included in a base bid. Alternates, if accepted, shall be accepted in the order in which they are listed on the bid form. Any unaccepted alternate contained within a bid shall expire ninety (90) days after the date of the opening of bids for review.

Determination of the lowest qualified responsible bidder shall be based on the sum of the base bid and any alternates accepted.

- E. "Construction project" means a specifically identified scope of work involving the act, trade, or process of building, erecting, constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting, improving, expanding, or demolishing of a building, structure, facility, road, or highway. Repair and maintenance of existing public improvements that are recurring or ongoing in nature and that are not fully identified or known at any one time shall be considered a construction project and procured according to this article on an open-ended basis, so long as the work to be performed under the contract falls into a generally accepted single class or type, and bidders are notified of the open-ended nature of the work in the solicitation: *Provided*, that no open-ended repair or maintenance contract may exceed \$500,000. For a construction project in the amount of \$500,000 or greater, the employer must hire at least seventy-five percent (75%) of employees from the local labor market. The definition of "local labor market" means every county in West Virginia and any county outside of West Virginia if any portion of that county is within fifty (50) miles of the border of West Virginia.

- F. According to the West Virginia Division of Labor, all construction contracts in excess of \$10,000 must be in writing.

- G. All changes to a construction project shall be documented by a written change order. To minimize the number of change orders issued:

1. Construction change orders shall be issued only when it is determined they are absolutely necessary; the number of change orders issued shall be restricted to the least number possible. Change orders shall not be used to alter the original scope of the project; and the cumulative effect on the total cost of the project shall be minimal.
2. Construction change orders shall not be used to: include additional work of a significant nature that was not in the original scope of the project, expand the cost of the project significantly beyond the original contract amount, or expand the work beyond the original work site.
3. All construction change orders must be implemented in writing.
4. The Superintendent or designated purchasing director shall review and approve all change orders that have an impact on the total cost of the project. Change orders that have an impact on the cost or scope of the project shall be submitted to the Board for approval. Procedures shall be established to ensure that approval of time sensitive construction work is completed as soon as possible to minimize disruption of the construction process.
5. Project records shall be maintained to clearly reflect the accumulative costs resulting from change orders.

- H. The Board of Education shall require all persons contracting for the building or repairing of school property, where the contract exceeds \$25,000 to execute a bond, with approved security, in the amount of the contract price.

- I. Where a Board or other party whose principal place of business is located in West Virginia enters into a construction contract on or after July 1, 2021, to design, manage construction of, construct, alter, repair, maintain, move, demolish, or excavate, or supply goods, equipment, or materials for the construction, alteration, repair, maintenance, movement, demolition, or excavation of a building, structure, appurtenance, road, bridge, or tunnel which is physically located in the State of West Virginia, such construction contract must provide that any civil action or arbitration called for or permitted by the contract must be commenced and heard in the State of West Virginia, in the jurisdiction where the construction project is located, or such other jurisdiction where the venue is proper under the provisions of WV Code 56-1-1 et seq. Any provision in a construction contract entered into on or after July 1, 2021, mandating that such action be brought in a location outside the state of West Virginia is unenforceable. The term "construction contract" includes an agreement to which an architect, engineer, or contractor and an owner's lender are parties regarding an assignment of the construction contract or other modifications.

### Architectural and Engineering Services

The County shall procure architectural or engineering services on the basis of demonstrated competence and qualifications for the type of professional services required. (WV 5G-1-1 et seq.)

- A. For projects estimated to cost less than \$250,000, the Superintendent or designated purchasing director shall conduct discussions with three (3) or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract. If it is determined that seeking competition is not practical, the Board



may, with the advice of Superintendent or designated purchasing director, select a firm on the basis of previous satisfactory performance, and knowledge of the agency's facilities and needs.

- B. For projects estimated to cost \$250,000 or more, the Board shall seek expressions of interest from architectural and engineering firms which shall include a statement of qualifications and performance data, and may include anticipated concepts and proposed methods or approach to the project. All jobs shall be announced by public notice published as a Class II legal advertisement in compliance with WV 59-1-1, et seq.
- C. A committee of three (3) to five (5) members selected by the Superintendent or designated purchasing director shall evaluate these statements and select three (3) firms, which, in the committee's opinion, are best qualified to perform the desired service, provided that, on projects funded wholly or in part by the West Virginia School Building Authority, two (2) of the three (3) firms selected must have had offices within the State for at least one (1) year prior to submitting the expression of interest.
- D. The committee shall then rank, in order of preference, no less than three (3) of the firms selected, and the Superintendent or designated purchasing director shall commence negotiations with the firms in the order of preference to determine the scope of services and price for the work to be performed.

### **Agreements**

- A. An agreement is a procurement device used for obtaining professional, technical, or other specialized services (including, but not limited to, legal counsel; accounting services; presenters for continuing professional development activities; technology installation, repair and maintenance; and conference meeting facilities) where the scope of the services is known but the price is not the sole factor in determining the award, must be procured by agreement.
- B. The agreement must be in writing and the total cost must be stated either as a "sum certain", or at a fixed rate, if the number of hours of service being acquired is not known, such as for legal services..
- C. The agreement amount must also include the total being paid for any anticipated travel expenses incurred by the service provider. The payment of travel expenses for an independent contractor has Federal and State tax implications. Room or travel accommodations are not to be paid directly by the Board for contract service providers.
- D. No agreement shall contain contractual requirements that are in violation of State statutes, including, but not limited to, any clause that requires a prepayment, the imposition of a penalty or termination charge should the County cancel the agreement, or the requirement that the County indemnify or hold harmless the vendor.

### **Leases and Lease Purchase Agreements**

- A. Lease and lease purchase of equipment are methods by which a Board may obtain equipment and make a payment for the use of the equipment over a period of time.
- B. In a lease purchase agreement, the Board reserves the right to exercise an option, normally at the time of the last installment payment, to have the lease payments apply, in whole or in part, as installment payments towards ownership of the equipment.
- C. Leases and lease purchase agreements may be negotiated with the vendor providing the original product being acquired, or with another vendor that provides only the financing arrangement. In the later case, the lease arrangement becomes a service agreement rather than a commodity purchase.
- D. Competitive bids are encouraged but not required for leases and lease purchase agreements.
- E. No lease purchase agreement shall be secured by property that is already owned by the County.
- F. Title shall transfer from the lessor to the lessee when the option to purchase the commodity is exercised, normally at the time the last installment payment is made.
- G. No funds shall be expended or obligations incurred from future levies. (State Constitution and WV Code 11-8-26)
  - 1. A lease purchase agreement extending beyond the fiscal year shall contain a non-binding cancellation clause where the contract can be terminated at the end of each fiscal year, at the County's discretion, without creating a present indebtedness for the aggregate of the installment payments.
  - 2. Any language in a lease purchase agreement that might require the County to give notice to the lessor or be liable for future payments before terminating the agreement at the end of a fiscal year shall be void.

### **Purchases of Textbooks, Instructional Materials, and Learning Technologies**

- A. All textbooks shall be purchased in accordance with procedures prescribed in WV Code 18-2A-10. Magazines, newspapers, and other periodicals may be purchased for classroom use to supplement those items.

- B. No later than May 1st of each year, the Superintendent shall recommend to the Board the purchase of fresh produce, meat, and poultry products.

### **Purchase of Fresh Produce, Meat, and Poultry Products**

**A minimum of five percent (5%) of the District's fresh produce, meat, poultry products, milk and other dairy products and other foods grown, produced, or processed by in-state producers must be obtained from in-state producers provided that such products can be grown or are available from in-state producers.**

**The Commissioner of Agriculture shall establish by legislative rules the criteria for a food or food product to satisfy these requirements, and may further identify food and food products that are eligible to be considered for in-state food credit. The Commissioner shall further establish the criteria for determining when exceptions or exemptions should be granted to state institutions, including, but not limited to, situations in which the desired food, such as produce, meat and poultry products, milk and other dairy products, cannot be grown or is not available from in-state producers. The State-funded institution shall ensure that all contracts for the purchase of food, or that include the purchase of food as a component of the contract, contain provisions to ensure that the institution complies with these provisions.**

### **Compliance With Federal Procurement Requirements**

- A. Whenever procuring commodities and services with Federal grant proceeds, the County shall use the procurement procedures specified in this policy.
- B. Any requisition utilizing Federal funding which includes special requirements in addition to or different than normal purchasing requirements must be identified when the requisition is submitted to the Superintendent or designated purchasing director.
- C. Employees of the Board shall comply with all procedures for the procurement of commodities and services with funds from the U.S. Department of Education which are included in that agency's regulations entitled, United States Education Department General Administrative Regulations (EDGAR), Sections 74.41 through 74.48.
- D. Employees of the Board shall comply with all procedures for the procurement of commodities and services with funds from other Federal agencies which are found in that agency's administrative regulations.
- E. The County shall not purchase commodities or services, or enter into construction contracts from a vendor that has been debarred by the Federal government.

### **Submission of Sealed Bids**

- A. All sealed bids are to be submitted at the vendors' expense.
- B. Bidders must submit their bids and/or proposals prior to the date and time of the bid opening in the format prescribed by the Board. Substitutions for the prescribed format are acceptable only if the substituted terms, conditions, and/or provisions have been approved in advance by the Superintendent or designated purchasing director.
- C. Bidders shall submit their bids and/or proposals to the Superintendent or designated purchasing director. The Superintendent or designated purchasing director shall reject all bids not received by the specified date and time.
- D. An authorized representative of the bidder shall sign all bids before submission. A corporate signature without an individual name is not an acceptable signature.
- E. The Board may accept the submission of bids by facsimile transmission. The completed facsimile transmission must be received by the Superintendent or designated purchasing director prior to the specified date and time for submission of the bid. A vendor choosing to submit a bid or a written change to a bid by facsimile transmission accepts full responsibility for the transmission and receipt of the bid or change. The Board accepts no responsibility for the unsuccessful and/or incomplete transmission of bids by facsimile machine. An original document and a copy of a bid that is initially sent by facsimile transmission shall be sent to the Superintendent or designated purchasing director within two (2) working days after the bid opening date and must be identical to the bid submitted by facsimile transmission.
- F. Copies of bids may be open for public inspection in the office of the Superintendent or designated purchasing director immediately after bid opening. All files related to the evaluation and awarding of the bids are open for public inspection after the award has been made.
- G. A bidder may make a written change of a sealed bid before the bid opening. A bidder shall submit written changes to the Superintendent or designated purchasing director prior to the date and time of the bid opening. A bidder may submit changes by facsimile transmission.
- H. The Board may reject an erroneous bid after the bid opening if all of the following conditions exist: (1) an error was made; (2) the error materially affected the bid; (3) rejection of the bid would not cause a hardship on the County, other than losing an opportunity to receive commodities at a reduced cost; and (4) enforcement of the part of the bid in error

would be unconscionable. In order for the Board to reject a bid, documented evidence shall be maintained that all of the conditions set forth in this subdivision exist.

- I. If there is a conflict between the extension price and the unit price, or other minor errors exist that are not sufficient to cause the bid to be rejected, the unit price prevails.
- J. A bidder may make a price adjustment on any purchase order if specific provisions for price adjustments have been incorporated in the RFQ and purchase order. A bidder shall make a request for price adjustment in accordance with the specific terms and conditions of the individual purchase order. In the event no provisions for price adjustment have been made, discretion to grant a price adjustment rests with the Board.

### **Resident Vendor Preference**

- A. Preference for resident vendors of the State of West Virginia or preference for vendors employing State residents will be granted in the purchase of commodities or printing. (WV 5A-3-37)
- B. The Superintendent or designated purchasing director will establish procedures for granting preference to resident vendors of the State in the awarding of a bid for the purchase of commodities and printing made upon competitive bids. No preference shall be granted in the award of purchases made with Federal funds. Vendor preference shall not exceed five percent (5%) of the lowest bid submitted by a qualified bidder.
- C. A qualifying resident vendor may include but not be limited to one who maintains the following business activities or has paid the indicated taxes within the State:
  - 1. is authorized to transact business within the State by appropriate authorities;
  - 2. maintains an office in the State;
  - 3. has actually paid real or personal property taxes on real estate or equipment used in the regular course of business related to the commodities or services offered;
  - 4. has paid business taxes to the State and to municipalities;
  - 5. when selling tangible personal property, has available for delivery a stock of materials of the type being offered and of a reasonable quantity.

### **Approval**

- A. In order to ensure that only necessary purchases are made, all purchases must have the prior approval of an employee who has supervisory authority over the individual initiating the purchase request. Purchases by employees who have the authority to approve purchase requisitions must have the approval of the county superintendent or designated purchasing director, except purchases of expendable supplies by schools.
- B. The purchase of commodities or services costing less than \$5,000 must have the prior approval of an employee who has supervisory authority over the individual initiating the purchase request.
- C. All contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$5,000 or more but less than \$10,000 must have the prior approval of the Superintendent.
- D. All contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$10,000 or more must have the prior approval of the County Board. The approval can be granted either as a consent agenda item or by a separate motion of the Board.

### **Awarding**

- A. Commodities
  - 1. The award for the purchase of commodities shall be made by the Board, upon the recommendation of the Superintendent or designated purchasing director, to the lowest responsible bidder with the exception of the purchase of school buses. Pursuant to WV 5A-3-11, the Board shall purchase school buses from any of the bidders who have been awarded contracts by the State.
  - 2. In recommending such award to the Board, the Superintendent or designated purchasing director shall consider such factors as quality (meeting specifications), price, time of delivery, cost of delivery, and other terms and conditions considered prudent.
  - 3. In situations of discrepancies in bid documents, unit prices shall prevail in all cases.
  - 4. In some cases the Superintendent or designated purchasing director may recommend and the Board may approve multiple and/or split awards when it is in the best interests of the County to do so.

5. The Board may reject any or all bids and solicit new bids.

#### B. Agreements

1. The award of agreements that are used for obtaining professional, technical, or other specialized services may be negotiated and need not be competitively bid, since the variety of the services can vary significantly among providers.
2. The Board shall establish criteria for evaluating and negotiating such agreements. Competitive bids may be solicited, but the award need not be awarded to the lowest bidder.
3. The Board may reject any or all bids that may have been requested and solicit new bids.

#### C. Contracts

1. Pursuant to WV 5A-3-10a, no contract or renewal of any contract shall be awarded to any vendor when the vendor or a related party to the vendor is a debtor and the debt owed is an amount greater than \$1,000, as defined in the following paragraphs.
2. Debt is defined in the statute as any assessment, premium, penalty, fine, tax or other amount of money owed to the State or any of its political subdivisions because of judgment, fine, permit violation, license assessment, workers' compensation premiums, penalty, or other assessment or surcharge presently delinquent or due and required to be paid to the state or any of its political subdivision, including any interest or additional penalties accrued thereon.
3. The prohibition does not apply where a vendor has contested any tax, workers' compensation premium amount, permit fee, or environmental fee or assessment and the matter has not become final, or the vendor has entered into a payment plan and the vendor is not in default of any provisions of the payment plan.
4. Any bids, contract proposals or contracts shall include an affidavit that the vendor or related party to the vendor does not owe any debt in an amount in excess of \$1,000.

#### D. Accounting and Auditing Services Contracts

1. Contracts for the annual audit of the County are to be awarded in accordance with the instructions issued by the State Auditor's Office.
2. Contracts for accounting services and audits of the individual schools may be issued by the Board using the procedures specified in the preceding sub-section on agreements.
3. The Board may reject any or all bids that may have been requested and solicit new bids.

#### E. Construction Contracts

1. The award of every construction contract that exceeds \$25,000 in total cost shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond. (W.Va. 5-22-1 et seq.)
2. The Superintendent or Purchasing Director may establish procedures for determining whether a bidder is considered a qualified responsible bidder. The determination shall be made during the evaluation process and not at the time the bids are opened.
3. The Board may reject any or all bids and solicit new bids on the project.

#### F. Architectural or Engineering Services

1. The Board shall procure architectural or engineering services on the basis of demonstrated competence and qualifications for the type of professional services required.
2. The Board may accept or reject, in whole or in part, any bid when it is determined to be in the best interest of the County. If any bid is rejected, the Superintendent or designated purchasing director shall place a written explanation in the purchase order file.

G. When tie bids are received, the award shall be made by allowing the tied vendors to make a "last and final offer", by flip of a coin, draw of the cards, or any other impartial method considered prudent by the Superintendent or designated purchasing director.

#### Requirement for Bonds and Deposits

- A. The Superintendent or designated purchasing director shall determine the applicability and amount of bonds and/or deposit required of a vendor at any time, if; it is judged that security is necessary to safeguard the County from undue risk.
- B. The types of bonds that may be required include bid bonds, performance, surety bonds, litigation bonds, or maintenance bonds.
- C. The Superintendent or designated purchasing director may require the vendor to submit a certified check, certificate of deposit, bond, or any other security acceptable to the Superintendent or designated purchasing director, payable to the County. Personal checks and/or company checks are not acceptable.
- D. The provisions for these requirements should be incorporated into the request for quotation and purchase order. When any contract is satisfactorily completed on which a surety bond or other deposit has been previously submitted, the individual originating the purchase shall certify the satisfactory completion or acceptance of the commodities or services being purchased in writing to the Superintendent or designated purchasing director.
- E. Upon receipt of the notification, the Superintendent or designated purchasing director shall return the check or deposit to the vendor.

### **Vendors' Rights and Duties**

- A. Each vendor is solely responsible for the delivery of the bid proposal in writing to the place and location specified by the County in the bid requisition. The bid must be received by an authorized employee of the Board prior to the specified date and time specified in the bid opening.
- B. The official time clock for the purpose of receipt of bids, shall be displayed in the office of the Superintendent or designated purchasing director.
- C. Vendors are responsible for the accuracy of the information in the bid.
- D. A vendor who fails to return all required forms and materials with their bid may be suspended from the bidding list.
- E. If there is a conflict between the extension price and the unit price, the unit price prevails.
- F. Each vendor must honor any contractual term or condition included in the bid document.
- G. Each vendor must indicate a definite shipping date on all bids after receipt of the purchase order. If not indicated on the vendor's response, the Board may require delivery within ten (10) days after receipt of the order.
- H. Any changes made by the vendor in the specifications listed in the bid request shall be clearly stated by the vendor. If changes are not stated, the Board shall assume that items offered meet the specifications.
- I. If a vendor is suspended and requests a hearing, one will be scheduled with the Superintendent or his/her designee. The vendor shall be notified, in writing, of the date, time, and place of the hearing.

### **Remedies and Suspensions**

- A. In the event that a vendor fails to honor any contractual term or condition, the Marion County Board may:
  - 1. cancel the contract and re-award the purchase order to the next lowest bidder;  
The vendor failing to honor contractual obligations is responsible for all differences in cost.
  - 2. declare a vendor non-responsible or non-responsive and refuse to award a purchase order;  
All such instances shall be substantiated in writing. The documentation shall be considered a public document and shall be available for inspection at all reasonable times.
  - 3. suspend, for a period not to exceed one (1) year, the right of a vendor to bid on purchases when there is reason to believe the vendor has violated any of the provisions, terms, or conditions of a contract, this rule, and/or State law. A suspended vendor may appeal the decision of the Superintendent or designated purchasing director to the Board.
- B. Grounds for suspension include, but are not limited to the following:
  - 1. A vendor has exhibited a pattern of poor performance in fulfilling his/her contractual obligations to the Board. Poor performance includes, but is not limited to, a vendor providing or furnishing commodities, materials, or services late, or at a quantity or quality level below that which is specified in the contract.
  - 2. A vendor has breached any contract entered into pursuant to the provisions of W.Va. 5A-3-1 et seq. or this rule.

3. A vendor has been convicted of a Federal, State, or local crime punishable as a felony, directly related to the performance of a contract entered into pursuant to this rule.

## **Protests**

### **A. Submission of a Protest**

1. Protests based on bid specifications must be submitted no later than five (5) working days prior to bid opening. Protest of purchase order/contract awards must be submitted no later than five (5) working days after the award. The vendor is responsible for knowing the bid opening and award dates. Protests received after these dates may be rejected at the option of the Superintendent or designated purchasing director.
2. All protests shall be submitted in writing to the Superintendent or designated purchasing director and contain the following information:
  1. the name and address of the protestor;
  2. the requisition, purchase order/contract numbers;
  3. a statement of the grounds of protest;
  4. supporting documentation (if necessary);
  5. the resolution or relief sought.
3. Failure to submit this information shall be grounds for rejection of the protest by the Superintendent or designated purchasing director.

### **B. Review of Protest**

1. The Superintendent or designated purchasing director or his/her designee shall review the matter of protest and issue a written decision. A hearing may be conducted at the option of the Superintendent or designated purchasing director or assigned designee. Continuation or delay of purchase order/contract award is at the discretion of the Superintendent or designated purchasing director.
2. The Superintendent or designated purchasing director may refuse to review any protests when the matter involved is the subject of litigation before a court of competent jurisdiction; if the merits have previously been decided by a court of competent jurisdiction; or if it has been decided in a previous protest by the Superintendent or designated purchasing director. The provisions of this subsection do not apply where the court requests, expects, or otherwise expresses interest in the decision of the County.

## **Receipt of Deliveries**

### **A. Deliveries to a warehouse**

1. When deliveries are made to a central warehouse, or directly to a school or other cost center, personnel receiving the commodities are responsible for the inspecting of goods, ensuring that purchases meet contractual requirements, signing for the commodities, and forwarding the receipting documents to the business office for payment of the invoice.
2. The Superintendent must develop local procedures for receiving merchandise shipped from vendors to a central warehouse for subsequent delivery to a school or other cost center. These procedures must include the steps to be followed in the following circumstances:
  - a. when the complete order is received and the warehouse personnel are able to verify that all items ordered are received;
  - b. when the complete order is received but the warehouse personnel are not able to verify that all items ordered are received, such as when the computer hardware is ordered with specified pre-loaded software;
  - c. when all items are not shipped and backorders will not be accepted;
  - d. when all items are not shipped and backorders will be accepted.

- B. The Superintendent must develop procedures for receiving merchandise shipped from vendors directly to a school or other cost center. These procedures must include the steps to be followed in the same circumstances discussed in the preceding paragraph.

- C. Any problems with quality, quantity, performance, and lack of conformity to specifications, should be reported to the Superintendent or designated purchasing director immediately. Poor quality items that do not meet specifications should not be accepted and approved for payment. This applies also to term contract items. Whenever possible, problems shall be resolved before final payment has been made. All shipping documents and packing containers shall be retained.

### **Online Procurement**

- A. Online procurement is the process of comparing prices, requisitioning, purchasing, and paying for commodities and services using the internet.
- B. Online procurement products include: bid process acquisition system for purchases requiring a quote or competitive bid process; direct purchase system for purchases not requiring a quote or bid; purchasing card payment process, if desired; and purchasing card reporting system.
- C. Whenever online procurement is used, all purchasing policies must be followed, including the issuance of purchase orders prior to the time the commodities or services are ordered. The purchase order must be issued to the vendor from whom the commodities or services are being purchased, and not to the online procurement provider.

### **Payment for Commodities or Services**

- A. The Board shall not approve payment for any claim for services rendered or materials furnished unless an itemized account of the claim is filed by the claimant. (WV 12-3-18)
- B. The account shall be itemized in detail, and shall show, among other things, the following:
1. If the claim is for services, the claim shall show the kind of services, the dates when the services were performed, and the name of the person performing the services.
  2. If the claim is for materials or supplies furnished, the claim shall show in detail the kind of material or supplies, the quantity, dates of delivery, and to whom delivered.
- C. Consequently, the Board shall not make payments from a summarized statement, but must make all payments for materials furnished and services rendered from an itemized invoice.
- D. In addition, payments shall not be made in advance of the materials being furnished or the services rendered.
- E. The Board shall withhold payment in the final settlement of any contract, until the receipt of a certificate from the tax commissioner to the effect that all taxes against the contractor have been paid or provided for. A copy of the "Release of Final Settlement" form is included in Form 6320 F2. (WV Code 11-10-11(d))
- F. In addition, if the contract is subject to county or municipal business and occupation taxes, the payment must also be withheld until receipt of a release from the applicable county or municipality to the effect that all county or municipal business and occupation taxes levied or accrued against the contractor have been paid.

### **Credit Cards**

A credit card program can include purchasing cards, vendor issued credit cards or corporate credit cards for the payment of authorized travel related expenses.

The Board may establish by board policy a credit card program as an alternative payment method when making purchases of commodities and services, or for the payment of authorized travel expenses. Credit cards, however, cannot be used to purchase land, buildings, vehicles, or equipment whose cost is above the Board's capital asset control level threshold.

For cards issued in the name of designated employees, each designated employee must complete and sign an acknowledgement form provided by the Board, which the employee acknowledges the responsibilities associated with becoming a cardholder.

### **Prohibitions and Restrictions**

- A. Cardholders are prohibited from delegating a card to another individual. Card delegation is the practice of allowing an individual other than the cardholder whose name appears on the front of the card to have access to the card or card number to initiate or complete a purchase transaction. One Exception is the individual school's purchasing card will be secured at the Central Office. Purchases on these cards will be handled by the Central Office's Accounts Payable Department. Once an approved purchase order is sent by the school to Central Office, Accounts Payable will place the order on the individual school's purchasing card.
- B. The actual card must be presented for all purchases. Cards and card numbers may not be photocopied and disseminated for making purchases. Card numbers must be kept secure at all times so that the numbers are not photocopied by unauthorized individuals.

- C. Cards must be surrendered immediately upon termination or separation of employment. Upon surrender, the card is to be canceled and the card destroyed.
- D. The card must be kept secure at all times. For cards issued in the name of designated employees, the cardholder is responsible for every charge that appears on his/her card. Cards should only be used in secured internet sites. A secured site has a closed lock at the bottom of the screen.
- E. A card shall not be used to obtain cash advances or cash credits. Cards may not be used to pay a vendor requiring the payment of a surcharge.

### **Receipts**

An itemized receipt must be obtained for each transaction charged on a card. The receipt must contain the following specific information and meet certain conditions:

- A. Receipts must be itemized and include a description of the items purchased, unit price, quantity, and total cost for each item. Use of generic terms such as "miscellaneous" or "Various merchandise" is not acceptable.
- B. Receipts must show no balance due or be marked "paid."
- C. Receipts must be totaled.
- D. Receipts must show that the payment was by credit card.
- E. All receipts should be kept in chronological order by date of purchase.

### **Reconciliations and Reviews**

- A. Each cardholder is responsible for reconciling his/her statement every month. The credit card program coordinator is responsible for reconciling the master statement.
- B. Individual and master statements must be examined carefully for billing errors, debits due to erroneous billings, or credits to correct a previously disputed item.
- C. Upon completion of reconciliation, the cardholder must forward his/her documentation to the coordinator for review.
- D. The coordinator is responsible for reconciling the master statement. This includes reviewing all transactions to ensure that they are legitimate and for official business, and that all required documentation is present.
- E. For post-audit purposes, all documentation relating to the card program must be retained for three (3) years from the end of the fiscal year in which the transaction was completed.

### **Unauthorized Use**

- A. Employees using a card to knowingly pay for items intended for personal use are subject to disciplinary action up to and including termination and prosecution by the Board and subject to civil action by the credit card company for personal liability.
- B. Employees failing to properly follow purchasing policies, procedure, and state law associated with the credit card program are also subject to disciplinary action up to and including a period of probation, or revocation or limitation of credit card privileges.

### **Vendor Issued Credit Cards**

Vendor issued credit cards can include cards issued by gasoline companies (such as Exxon) or general merchandise outlets (such as Wal-Mart, Sam's Club, Lowe's, etc.)

Vendor issued credit cards may be issued either in the name of the Board without an authorized employee's name printed on the card, or in the name of the Board and each individual cardholder's name also printed on the card.

A vendor issued credit card can generally be used only for purchases from that particular vendor or related vendors. Normally, there are very few restrictions as to the type of merchandise that can be purchased using the card. Therefore, stringent controls must also be maintained over who has access to the card and the types of purchases that are made.

In the cases where a vendor issued card is issued only in the name of the Board, to maintain accountability and control, the Board must maintain a log for each card whereby employees are required to sign-out the card each time the card is being used.

Employees who are authorized to use a vendor issued credit card must attend a training course specifically designed for cardholders, whereby all rules pertaining to card use are discussed in detail, including purchasing policies, ethics, and disciplinary action that could result if the card is misused.



Employees who are authorized to use a vendor issued credit card must also sign a statement acknowledging that they have attended the training session and that they understand and are willing to assume the responsibilities that are associated with the card's use.

All purchasing policies must be followed when making purchases using a vendor issued credit card.

### **Purchasing Cards**

Pursuant to the authority of W. Va. Code 12-3-10a, Boards may establish by policy a purchasing card program for the purpose of the authorizing the use of a purchasing card as an alternative payment method when making purchases of commodities and services.

### **Authorized Card Holders**

- A. Purchasing cards may be issued only to the Board regular, full-time employees, they cannot be issued to temporary or part-time employees, contract employee's, volunteers, or students.
- B. Each card must be issued in the name of an individual cardholder. Only the employee whose name appears on the front of the card is an authorized user of the card. Cards cannot be issued generically in the name of the Board or school.
- C. Employees to whom purchase cards are issued must attend a training course specifically designed for cardholders, whereby all rules pertaining to card use are discussed in detail, including purchasing policies, ethics, and disciplinary action that could result if the card is misused.
- D. Employees to whom purchase cards are issued must also sign a statement acknowledging that they have attended the training and that they understand and are willing to assume the responsibilities that are associated with the card's use.

All applicable purchasing policies must be followed for each transaction, regardless of the method of payment.

Purchase orders are not required for purchases of commodities and services made through the use of the State's purchase card system or other purchase card system which provides the same level of internal accounting controls as the State's system, but all requirements specified in this section of the policy related to the purchase card program must followed, including individual transaction limits, monthly transaction limits, and maximum number of transactions.

### **Limits**

- A. The purchasing card may be used to make payments for goods and designated services that do not exceed the single transaction limit established by the Board.
- B. The Board must establish a maximum monthly limit, a maximum transaction limit, a maximum number of daily transactions and a maximum number of monthly transaction for each individual cardholder.

### **Responsibilities**

- A. The Chief School Business Official or designee is responsible for administering the purchasing card program for the Board. The responsibilities may be delegated to a purchasing card coordinator.
- B. If the board has authorized a purchasing card program in the individual schools the school principal shall serve as the purchasing card coordinator for his/her school and is responsible for administering the purchasing card program at that school.
- C. Responsibilities of the coordinators include, but are not limited to, the following:
  - 1. Monitor and oversee the purchasing card program to ensure that key controls are in place to prevent misuse.
  - 2. Determine the locations and types of purchases that may be made with each card and work with the credit card company to limit the card to those purchases and vendors only.
  - 3. Determine the employees who are eligible to obtain a card.
  - 4. Ensure that proper completion of applications and cardholder agreements.
  - 5. Reconcile master statements.
  - 6. Ensure the prompt payment of the master statement.
  - 7. Ensure that all cardholders follow all purchasing policies.

8. Maintain copies of all cardholder agreement forms.
9. Disseminate updated purchasing card information to cardholders.
10. Activate purchasing cards.
11. Ensure that cards are canceled and destroyed upon a cardholder's termination or separation of employment.
12. Determine the following credit limit single transaction limit, monthly transaction limit, number of daily transactions, and number of monthly transaction.
13. Be responsible for all charges appearing on the master statement.

## Emergency Procurement

### A. Declared Emergencies

Should the Governor, in an emergency, suspend laws, rules and/or regulations relating to the acquisition of commodities and services, the following procedures shall apply during the period of that suspension:

1. The employees or representatives of the County shall exercise sound judgment and discretion when acquiring commodities and services related to the emergency.
2. The employees or representatives of the County shall operate with highest ideals of honor and integrity and strive to avoid the appearance of perceived impropriety.
3. No person shall corruptly combine, collude, or conspire with one (1) or more persons to lessen competition, or cause a higher price to be paid or cause one vendor to be unjustifiably preferred over one (1) or more other prospective vendors.
4. No person shall solicit or receive anything of value, directly or indirectly, now or in the future, from any vendor or person supplying commodities or services in relation to the emergency.
5. The Superintendent or designated purchasing director shall develop specifications for commodities and services that do not favor a particular brand or vendor.
6. Any contract and/or purchase order in excess of \$100,000 shall be reviewed, approved, and signed by Superintendent.
7. The acquisition of commodities and services not on contract that is estimated to cost in excess of \$1,000 but less than \$5,000 shall at all times be based on three (3) competitive bids. Bids may be verbal but shall be summarized and documented and include the date of contact, vendor, dollar amount, commodity or service description, quantity, number of bids obtained, and whether the award was made to the low bidder.
8. The acquisition of commodities and services not on contract that is estimated to cost in excess of \$5,000 shall be based on three (3) written bids which shall be documented and include the date of contact, vendor, dollar amount, commodity or service description, quantity, number of bids obtained and whether the award was made to the low bidder.
9. If, in the opinion of the County Board, using sound judgment and discretion, time does not permit written bids to be received, verbal bids shall be obtained and documented, with written bids received within five (5) working days of the request.
10. If, in the opinion of the County Board, using sound judgment and discretion, time does not permit verbal bids to be received, the Board must secure written approval from the State Superintendent of Schools to secure necessary services and supplies without bids for only that period of time absolutely necessary to abate the emergency.
11. All purchase order and/or contract awards shall be made to the lowest, responsible bidder meeting specifications.
12. Should the award not be made to the lowest priced bidder, a written justification shall be placed on file with the bids that documents the reason the low price was rejected. This justification must be signed by the Superintendent.
13. The Board shall document each expenditure and include specifications, bids, no-bids, award justifications, and any other relevant data.
14. The documentation for each expenditure shall be complete and shall be kept in an orderly manner that will enable any interested party to understand the specifics of the expenditure.
15. A complete written record of all expenditures relating to the emergency shall be submitted to the Governor within thirty (30) days of the expiration of the declaration of the emergency.

16. The written record shall include a summary sheet that details all acquisitions for the emergency and list date of purchase, vendor, dollar amount, commodity or service description, quantity, number of bids obtained, and whether the award was made to the low bidder.
17. The Governor reserves the right to remove the spending authority at any time during the emergency and appoint a person or organization to manage the emergency expenditures and/or transfer that authority to another organization.
18. All emergency expenditures are subject to complete review and/or thorough audit as requested by the Governor.
19. The Governor has reserved the right to amend, alter, or cancel the preceding procedures as necessary through written amendments, alterations or cancellations within justification and documentation of specific situations and reasons.

#### B. Local Emergencies

1. The Superintendent shall establish with Board approval the procedures to be followed in the case of an emergency at the local level that has not been declared an emergency by the Governor.
2. The Superintendent or designated purchasing director or appointed designee shall issue prior written approval for purchases in emergency situations. These situations can arise from acts of nature, conditions that are detrimental to the health, safety, or welfare of employees or students, or other unforeseen events that threaten the termination of essential services. These can include unforeseen delays by contractors or delays in the transportation of indispensable goods and materials. Emergency purchases shall not be used for hardships created by neglect, poor planning, or lack of organization.
3. Competitive bids must be obtained whenever possible. If, in the opinion of the County Board, using sound judgment and discretion, time does not permit verbal bids to be received, written approval from the Superintendent to secure necessary services and supplies without bids for only that period of time absolutely necessary to abate the emergency.

#### Purchases by Schools

- A. All purchases by the schools are to be made in accordance with the procedures specified in State Board policy 1224.1 and the incorporated manual entitled *Accounting Procedures Manual for the Public Schools in the State of West Virginia* and purchasing procedures set forth in this policy.
- B. Public Schools are not legal entities and school personnel do not have the statutory authority to enter into bidding contracts or obligate Board Funds. All contracts shall be approved and signed by the County Superintendent. Except for the funds discussed in the succeeding paragraph, individual schools have the authority to expend only the "quasi-public" funds received by the school from curricular or non-curricular activities.
- C. The Board shall not distribute public funds to individual schools for expenditure. Funds may be allocated to each school, but the actual procurement transactions shall be handled through the County's central business office. Exceptions to this general rule are:
  1. the distribution of funds appropriated for faculty senates through the Public School Support Program (PSSP) and supplemental allocations by the County Board to provide the basic allocation for teachers not funded through the PSSP;
  2. the occasional or infrequent reimbursement of an expense unintentionally paid by a school;
  3. the disbursement of funds to a school for the repetitive purchase of a specific item, such as postage, where it is impractical to handle the transaction in any other manner. Supplemental allocations by the County to the appropriated amount provided to each teacher through the PSSP shall not to be distributed to the schools for expenditure. The latter two (2) exceptions are for small dollar amounts and shall not to be extended to the routine distribution of funds to all schools in the County on a formula or predetermined basis for the schools to determine how the funds are expended.
- D. All State or Federal grant funds received directly by an individual school are to be remitted immediately to the Board office. The funds are to be allotted to the school for expenditure for the purposes identified in the grant award, but the procurement transactions are to be handled through the County's central business office.
- E. Schools making purchases using "quasi-public" funds or student activity funds shall explore whether the goods and services are available from a contract negotiated by the County or a cooperative contract with an ESC or other counties before going to the open market.

#### Safeguarding and Controlling of Assets

- A. An adequate inventory control system of all capital assets, equipment and disposal supplies and commodities purchased shall be maintained to safeguard the assets on hand and to ensure that those that are placed into service or consumed have been used for an authorized purpose. The maintenance of inventory records is an integral part of this system, providing an accounting of all assets purchased and consumed. A perpetual inventory system provides a continuous report of the quantity and description of the items on hand at any given time.
- B. The inventory of capital assets must be maintained on the West Virginia Education Information System, as specified in the procedures manual issued by the Office of School Finance entitled Fixed Asset Inventory System for the County Boards in the State of West Virginia.
- C. Inventory of Supplies and Other Expendable Property

A perpetual inventory system is to be maintained of all supply items that have a material dollar value, such as the supply inventory in a central warehouse or the vehicle replacement parts at the maintenance garage. The supply inventory shall 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.

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#### Legal

WV Code 56-1-1B

WV Code 19-37-2 (a-e)

WV Code 5-22-1 et seq.

WV Code 11-8-26

WV Code 18-2A-10

WV Code 18-9B-10

WV Code 21-5A-1 et seq.

West Virginia Board of Education policy 1224.1

West Virginia Board of Education policy 1820

West Virginia Board of Education policy 8200

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#### 6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

#### Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities;
5. whether the cost does not represent any significant deviation from the established practices or Board policy which may justifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: 1) is incurred specifically for the Federal award; 2) benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; 3) and is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award.

- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.

- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles;
- F. Be representative of actual cost, net of all applicable credits or offsets;

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.

- H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

#### **The following rules of allowability must apply to equipment and other capital expenditures:**

- A. **Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.**
- B. **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.**
- C. **Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.**
- D. **Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.**
- E. **When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.**
- F. **If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.**

### **Cost Compliance**

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

G. Rental of property - when the District uses the property.

H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the awarding agency or the pass-through entity (e.g., West Virginia Department of Education) to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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Legal	2 C.F.R. 200.439(b)(2)
	2 C.F.R. 344 (b)
	2 C.F.R. 200.403-.407
	2 C.F.R. 200.413(a)-(c)
	2 C.F.R. 200.430(a)
	2 C.F.R. 200.431(a)
	2 C.F.R. 200.458
	34 C.F.R. 75.703
	34 C.F.R. 76.707
	34 C.F.R. 76.708(a)
	West Virginia Board of Education policy 1224.1
	West Virginia Board of Education policy 8200

**Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). **Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.**

- B. Indirect costs are those that have been incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the West Virginia Department of Education (WVDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

**Equipment and other capital expenditures are unallowable as indirect costs.****Timely Obligation of Funds**

Financial obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment.

This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations: If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - On the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.



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 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

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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



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 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 by 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.



- H. Proper sales procedures shall be established to ensure the highest possible return, in the event the Board is authorized or required to sell the equipment/property.
- I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the Board shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F. R. 200.313.

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~~description and identification;~~

- A. ~~manufacturer;~~  
 B. ~~year of purchase;~~  
 C. ~~initial cost;~~  
 D. ~~location;~~  
 E. ~~condition and depreciation;~~  
 F. ~~evaluation in conformity with insurance requirements.~~

Legal	2 C.F.R. 200.313, WV Code 18-9B-12 (2005)
	WV State Board of Education Policy 8200
	WV Code St. R. 126-202-1 (2005)
	WV Code 18-9B-12 (2005)
	WV State Board of Education Policy 8100
	WV Code St. R. 126-200-2 (2005) (Public School Finance – Incorporation by Reference)



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

**Revised 09-01-21**

**Revised 10-03-22**

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Legal WV Code 18A-2-3

WV Code 18-7A-38

Book Policy Manual

Section Board Approved 10-03-22

Title Copy of NON-RENEWAL OF PROBATIONARY TEACHER CONTRACT

Code po3142

Status

Adopted August 1, 2007

Last Revised July 7, 2014

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



Book Policy Manual

Section Board Approved 10-03-22

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

Code po4142

Status

Adopted August 1, 2007

Last Revised July 7, 2014

#### 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**

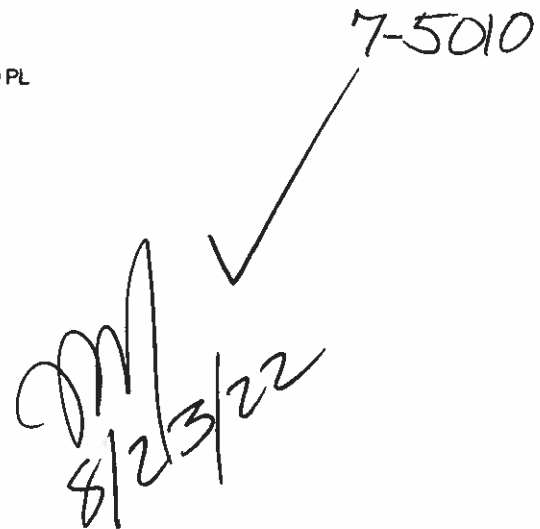
**Revised 10/03/22**

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WV Code 18A-2-8a

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 Section Volume 14, No. 2 - Early Release DRAFT  
 Title Copy of WITHDRAWAL FROM SCHOOL  
 Code po5130  
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 Adopted August 1, 2007  
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7-5010  


### 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 **D**-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 **D**-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.

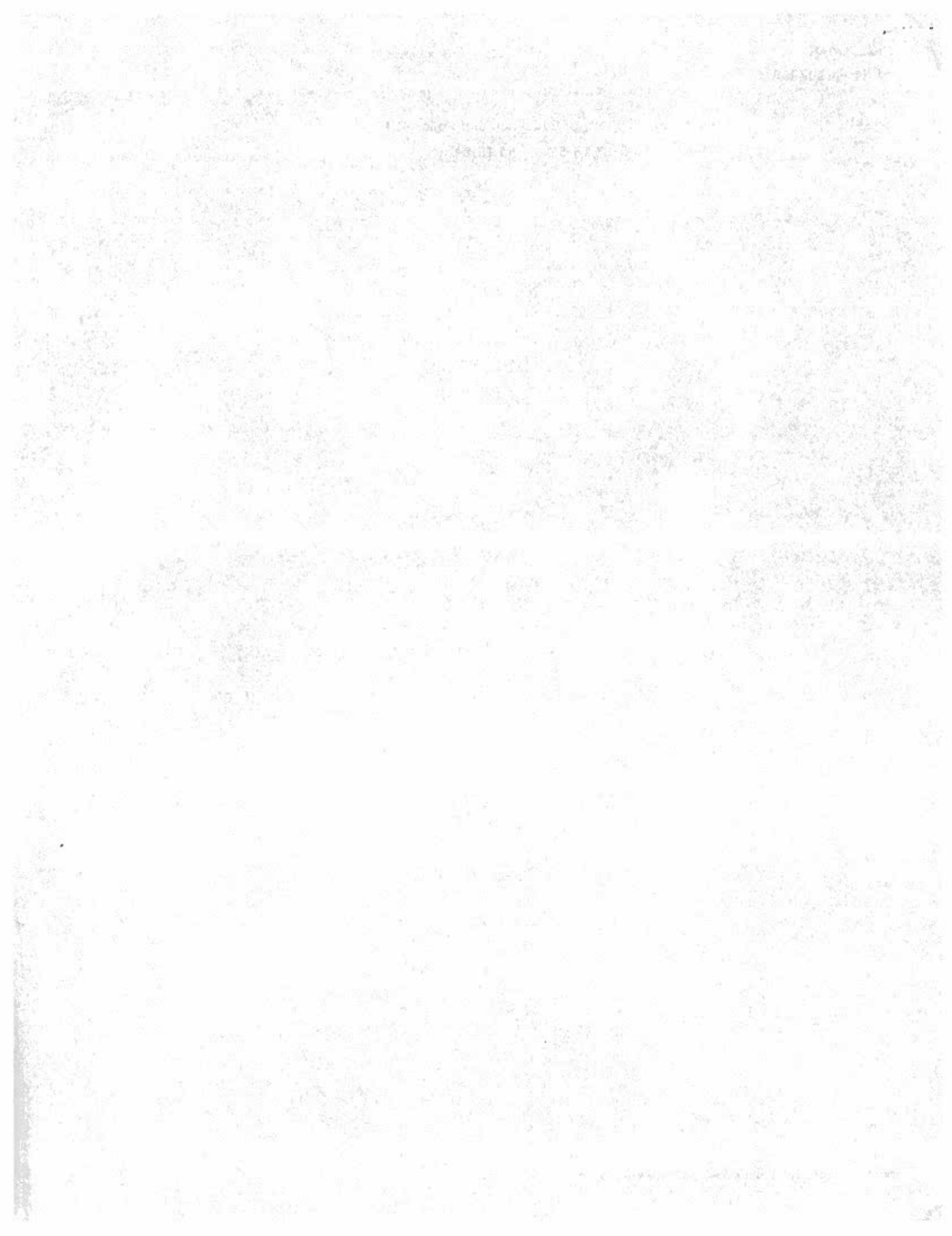
The Superintendent may initiate and maintain expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be noted in the student's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

Revised 1/4/10

Legal

West Virginia Board of Education and Policy 4110

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



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

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 WVBE) 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 GSR 81, WVBE policy 4110—Attendance, at the end of the semester following that in which the withdrawal occurred.

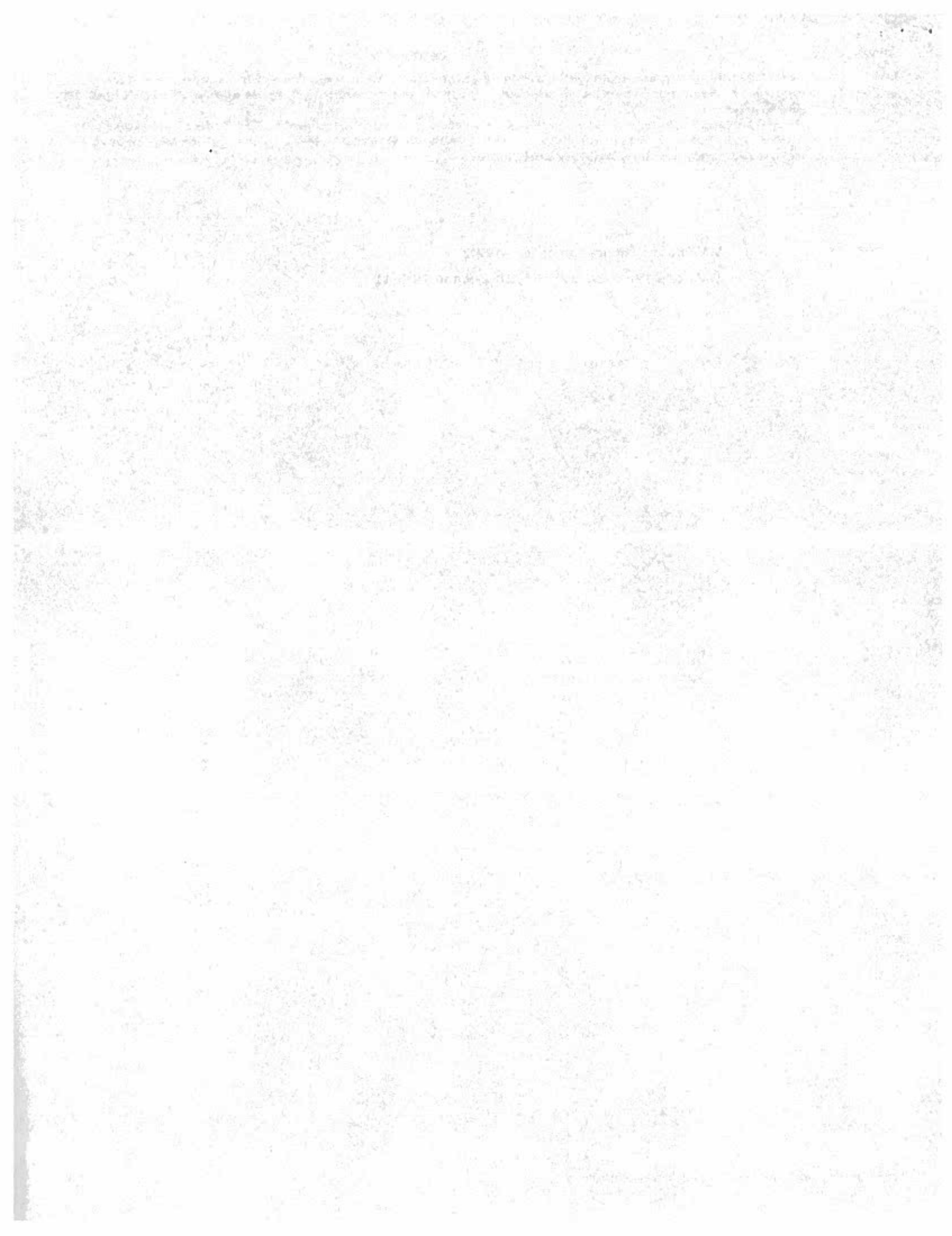


2. ~~Reinstatement requests related to withdrawal for failure to make satisfactory academic progress shall be reviewed at the end of each school year for the purpose of reinstating the Driver's Eligibility Certificate.~~
3. ~~Reinstatement requests related to withdrawal for suspension pursuant to WV 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



✓ DM 8/23/22

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 Section Volume 14, No. 2 - Early Release DRAFT  
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**5200 - ATTENDANCE**

The educational program offered by this Board of Education is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The County recognizes that a direct relationship exists between students' daily attendance and academic performance, graduation, and good work habits in the workplace. To facilitate good attendance this school system will maintain a positive, safe environment conducive to learning, and commit to helping students develop responsibility, self-discipline, and other good work habits.

**Definitions**

**Absence**

Not being physically present in the school facility for any reason.

**Allowable Deductions for Schools**

Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions; students not in attendance due to disciplinary measures and county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.

**Attendance**

For statistical purposes, attendance will be reported and aggregated to the nearest half day:

- A. full-day attendance means being present at least .74 of the school day;
- B. half-day attendance means being present at least .50 of the school day.

**Compulsory School Age**

**Begins 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 continues to the seventeenth birthday for as long as the student continues to be enrolled in a school system after the seventeenth birthday.**  
**Dropout**

A ~~student 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 Test Assessing Secondary Completion (TASC) 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.

**Dropout Date**

The school day following the student's last day of attendance.

**Enrollment**

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

**Excused Student Absences**

- A. Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan and other Board approved excused absences.
- B. Personal illness or injury of the student.
- C. Personal illness or injury of the student's parent, guardian, custodian, or family member. The excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family.
- D. Medical or dental appointment with written excuse from physician or dentist.
- E. Documented chronic medical conditions or disability that may require multiple or regular absences. These conditions must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team.
- F. Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrants home or hospital confinement. In order to satisfy the requirements of West Virginia State Board of Education policy 2510, Assuring the Quality of Education: Regulations for Education Programs, Policy 2412 - Homebound/Hospital Instruction Program is incorporated by reference into this policy.
- G. Documented disabilities consisting of any mental or physical impairments that substantially limit one or more major life activities and are documented annually with a valid physician's note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team.
- H. Calamity, such as a fire or flood.
- I. Death in the family.
- J. Judicial obligation or court appearance involving the student.
- K. Military requirements for students enlisted or enlisting in the military.
- L. Personal or academic circumstances approved by the principal.
- M. The District determines the following situations as excused absences provided that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the Federal and State regulations.
  - 1. observation or celebration of a bona fide religious holiday
  - 2. attendance at approved religious instruction
  - 3. leaves of educational value with the following stipulations:
    - a. prior approval of school administrator

- b. prior submission and approval of an educational plan detailing objectives and activities of leave
  - c. verification of implementation of the educational plan upon student's return
  - d. school administrator may approve a plan not to exceed ten (10) days
  - e. Superintendent may approve a plan for more than ten (10) days
4. contagious parasite conditions, such as lice, shall be excused absences, not to exceed two (2) days per incident
5. illness of a student verified by parents/guardians, not to exceed five (5) days per semester.

If the student's absences exceed two (2) days, the absences shall be unexcused unless written verification from a physician supports a longer time period.

### **Absence During the School Day for Professional Appointments**

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day:

- A. the student shall bring a signed statement from the doctor, dentist, lawyers, counselor, etc. to the effect that s/he reported promptly for the appointment;
- B. the student shall report back to school immediately after his/her appointment if school is still in session.

Attendance need not always be within Board-owned school facilities, but a student is considered to be in attendance if present at any place where school is in session by the Board.

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a licensed physician who specializes in that health condition setting forth those extenuating circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than three (3) consecutive weeks or more due to an injury or for any other reason as certified by a licensed physician who specialized in that health condition. Refer to Policy 2412, Homebound/Hospital Instruction Program.

### **Unexcused Absences**

A student's absence will be considered as an unexcused absence if it does not meet the criteria for excused absences listed above.

### **Tardy**

Any student who arrives at school after the start of the school day or is late reporting to his/her assigned location during the school day shall be considered to be tardy. A tardy may be excused or unexcused and shall be determined by the teacher.

### **Homeless Children and Youths**

As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- A. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
- B. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

### **Meaningful Contact**

**Process, whereby an attendance director, assistant director, or building level administrator shall make meaningful contact with the parent/guardian/custodian to ascertain the reason(s) for Unexcused Absences and what measures the school, may employ to assist the student in attending and not incurring additional Unexcused Absences.**

### **Satisfactory Academic Progress**

**Satisfactory academic progress means the attaining and maintaining of grades sufficient to allow for graduation and coursework in an amount 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 (5) credits to be on track to graduate in five (5) years based on the graduation requirements set forth in WVBE policy 2510. Three (3) of the five (5) credits earned annually must be in the graduation requirements in WVBE policy 2510.**

### **School of Origin**

As defined in the McKinney-Vento Act, it is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

### **Transfer**

Transfer is a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out of state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

### **Responsibilities**

#### **A. Student and Parent/Guardian/Custodian**

Foremost, it is the legal responsibility of the parent, guardian, or custodian to make sure their child attends school regularly and on time while enrolled in school. Attendance and reporting to class on time shall be required of all students enrolled in the schools during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned.

#### **B. Parent/Guardian/Custodian/Adult Student**

Each building principal shall require, from the parent, guardian, or custodian of each student of compulsory school age or from an adult student who has been absent from school or from class for any reasons, a written statement on the day of return of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Board policy on attendance, including repeated tardiness, may result in disciplinary actions which may include, but are not limited to, detention, extra class time, and/or alternative class settings.

Each parent, guardian, or custodian will be responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (W.Va. Code 16-3-4), copy of a certified birth certificate or affidavit (W.Va. Code 18-2-5(c)), signed suspension and expulsion document (W.Va. Code 18-5-15), and any other documents required by Federal, State, and/or local policies or code.

#### **C. Board**

The Board shall employ a certified County Director of Attendance as required by WV Code 18-8-3-4.

The Board shall support and require the County Attendance Director to implement and execute the duties as defined in WV Code 18-8-4 including the requirement to serve as the liaison for homeless children and youth.

The Board shall support and require the principal of each school to implement and execute the duties as defined in WV Code 18-8-5.

##### **1. County Attendance Director**

The County Attendance Director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday, and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so.

In the case of three (3) total unexcused absences of a student during a school year, the Attendance Director, assistant, or principal shall make meaningful contact with parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences. If the student has five (5) unexcused absences, the Attendance Director, assistant or principal shall again make meaningful contact with parent, guardian, or

custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.

In the case of ten (10) total unexcused absences during the school year, the Attendance Director or assistant may file a complaint against the parent, guardian, or custodian before a magistrate of the county. Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county, and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this policy. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to WV Code 18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

The magistrate court clerk or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-81 shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

When any doubt exists as to the age of a student absent from school, the Attendance Director and assistants have the authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating the age of the student. In the performance of their duties, the Attendance Director and assistants have the authority to take, without warrant, any student absent from school in violation of the provisions of this policy and to place the student in the school, in which s/he is or should be enrolled.

All attendance directors and assistants hired for more than 200 days may be assigned other duties determined by the Superintendent during the period in excess of 200 days. The Attendance Director is responsible, under direction of the Superintendent, for efficiently administering school attendance in the County.

In addition to those duties directly relating to the administration of attendance, the Attendance Director and assistant director also shall perform the following duties: 1) assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) cooperate with existing State and Federal agencies charged with enforcing child labor laws; 4) promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the Superintendent may direct; 5) participate in school teachers' conferences with parents and students; 6) assist in such other ways as the Superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive, unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

The Attendance Director shall serve as the liaison for homeless children and youth as defined in WV Code 18-8-4 and McKinney-Vento Act. As the liaison for homeless children and youth, the Attendance Director shall: ~~As the liaison for homeless children and youth, the Attendance Director is required to:~~

1. ensure that the public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;
2. ensure that parents or guardian are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
3. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin;
4. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his/her right to appeal the Board's decision;
5. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
6. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;

7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that ~~district~~ local educational agency;
8. ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
9. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.)

The Attendance Director shall file with the County Superintendent and County Board, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the County at the time due to provisions in WV Code 18-8-4.

The Attendance Director shall review the terms of this policy on an annual basis for the purpose of determining effectiveness and shall make recommendations to the Board regarding proposed amendments to this policy when deemed appropriate.

#### D. Principal

The principal shall implement and execute the duties as defined in WV Code 18-8-5.

The principal shall compare school numbers with school enrollment monthly.

Unless the Attendance Director or assistant has, when an enrolled student has accumulated three (3) and five (5) unexcused absences from attendance, the principal, shall make meaningful contact with parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.

It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the County Attendance Director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

A student whose educational services are guided by an existing SAT Plan, IEP or 504 Plan may warrant special consideration when a pattern of multiple, single or chronic absences exists. The child's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with State and Federal laws.

Nothing in this policy is intended to limit the ability of a person having knowledge of a student's habitual absence from school from filing a petition with the circuit court pursuant to WV Code 49-4-704.

#### Principals of Operation

- A. The principal or principal's designee are designated as school attendance coordinators and shall collect or cause to be collected classroom attendance data and make appropriate referrals to the County Attendance Director.
- B. Persons charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.
- C. Reasonable preventive measures and consequences for student tardiness: Tardiness is considered to be disruptive behavior by a student and is a violation of the Student Code of Conduct and shall be dealt with accordingly. The preventive measures, outlined in a separate section of this policy, shall be observed to reduce tardiness.
- D. Students may not be suspended solely for failure to attend class. Other measures of discipline may include, but are not limited to detention, extra class time or alternative class settings.
- E. All school dropouts shall be reported to the West Virginia Department of Education.
- F. All students in grades 9-12, in order to obtain the full benefit from the educational programs offered, shall be scheduled in the defined high school curriculum, college courses, career/technical programs, credit recovery, Option Pathway, experiential learning or virtual school courses for the full instructional day for four (4) years.
- G. No more than a parental excuse may be required for absences resulting from a documented chronic medical condition or a documented disability as defined in this policy.

#### Process and Procedures

Parental awareness, support, and involvement are essential to a successful attendance policy. Parents are encouraged to support the policy by sending their children to school regularly and on time. The County recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and regulations of the Board and their



child(ren)'s school. Parents should become familiar with the rights and responsibilities that are contained in this policy and the school's handbook. The attendance policy will be posted on the County's website and readily available to the public. Parents will be notified of the County attendance policy annually by the principal during the first week of school. Parents of students enrolling in school after the beginning of the school term will be provided the policy upon registration.

Students will be provided the opportunity to make-up work missed as a result of an excused or unexcused absence. The make-up work shall be completed within time equal to the number of days absent but not to exceed five (5) days.

~~Students shall be required to maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one (1) complete semester following the semester in which the revocation/suspension or denial of his/her driver's license or permit occurred. (Refer to policy section relating to school attendance as a condition of licensing for privilege of operation of motor vehicle).~~

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a citizen's appeal may be filed in accordance with the West Virginia Board of Education Policy 7211.

### Maintenance of Records

An accurate, up to date, daily record of attendance for every student must be maintained using the West Virginia Information System (WVEIS).

Written procedures for notifying parents about absences, monitoring absences and notifying the County Attendance Director must be established.

Students who are physically absent from school must be documented as absent. This document may become a legal document.

### Prevention and Corrective Measures

Each school shall develop and implement a system of incentives and rewards to promote school attendance and to reduce tardiness. Parents, school staff, and students must be involved in its development. These systems or programs may consist, but are not limited to personal and group, recognition programs, granting special privileges, free admission to school and community events, etc. These programs shall not violate State or County policies and regulations.

The following preventive and corrective measures will be utilized:

- A. assign the student to a truancy intervention program
- B. provide counseling to the student
- C. request or require the student's parent to attend a parental involvement program
- D. take appropriate legal action

Students with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs (West Virginia Board of Education policy 2510) for appropriate interventions. Student assistant teams/programs shall periodically review interventions to determine their effectiveness.

### ~~School Attendance as a Motor Vehicle Driver's License Restriction~~ ~~Attendance as Condition of Licensing for Privilege of Operation of Motor Vehicle~~

- A. ~~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 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. Any student at least fifteen (15) but less than eighteen (18) years of age, who is properly enrolled in a West Virginia public school, or who is a West Virginia resident enrolled in an out-of-state school, or who is properly enrolled in an Exemption A, B, or K non-public school may request from the Attendance Director or chief administrator of the appropriate school system documentation of enrollment/attendance status. This documentation must be provided on a form approved by the WVDE for presentation to the West Virginia Division of Motor Vehicles (herein~~

~~WVDMV) when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle. A parent or legal guardian of a child who is being home-schooled educated pursuant to §18-8-1(c) of WV code may provide a signed statement in lieu of a driver eligibility certificate issued by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets the conditions to be eligible to obtain any permit or license under this policy.~~

- B. 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. In accordance with the provisions of WV Code 17B-2-3 and 17B-2-5, the WVDMV 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 TASC 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.**
- C. ~~No later than (5) days after following appropriate due process from the date of withdrawal, the Attendance Director or chief administrator of the school system shall notify the WVDMV of the withdrawal from school of any student fifteen (15) years of age, but less than eighteen (18) years of age, except as provided in WV Code 18-8-11(d).~~**
- D. For the purposes of this section 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 WVDMV may not reinstate a license before the end of the semester following that in which the withdrawal occurred.~~**
- E. "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. ~~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 WVDMV to excuse the student from the provisions of WV Code 18-8-11(d). The 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.~~**

The Superintendent shall develop administrative guidelines that:

- A. establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance records;
- B. ( ) establish a school session that is in conformity with the requirements of the rules of the West Virginia Board of Education;
- C. governing the keeping of attendance records in accordance with the rules of the West Virginia Board;
- D. identify the habitual and chronic truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. provide students an opportunity to make-up work they missed and receive credit for the work, if completed;
- F. refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the school system's limit on excused absences to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate legislation or policy.

The Board certifies that prior to the most recent revision of this policy, input was sought from teachers, principals, the Attendance Director, parents/guardians, and community leaders.

Revised 4/21/09  
Revised 1/4/10

Revised 8/16/10  
Revised 11/11  
Revised 2/12/14

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West Virginia Board of Education policy 2422.2

WV Code 17B-3-6

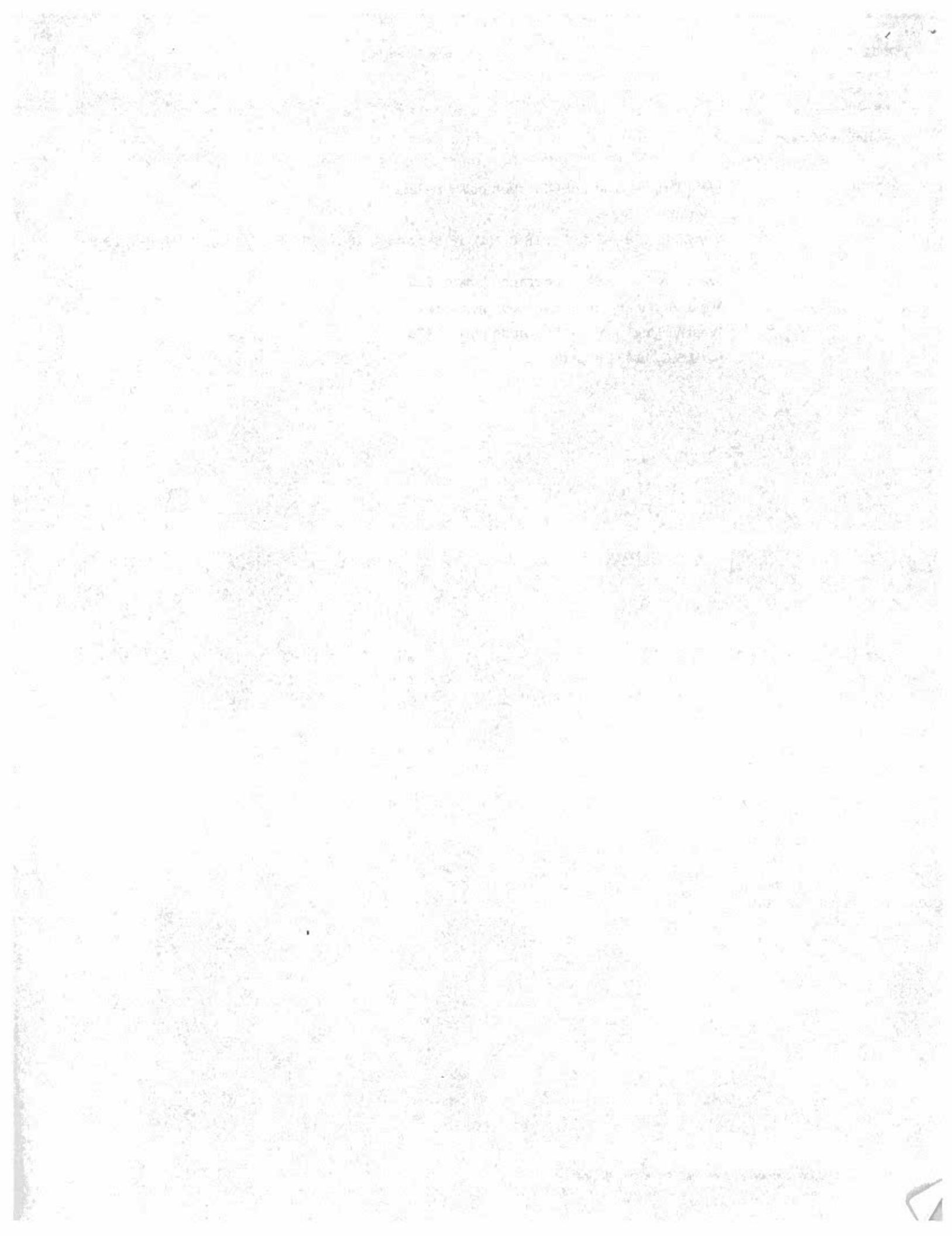
WV Code 17B-2-3 and 5, 18-8-2(d), 18-8-3 and 4, 18-2-5, 18-5-15, 18A-5-1, 18-8-6, 18-8-11

West Virginia Board of Education policy 2510

West Virginia Board of Education policy 4110

West Virginia Board of Education policy 4373

42 U.S.C. 11431 et seq.



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## 2411 - GUIDANCE AND COUNSELING

**The Comprehensive School Counseling Programs (hereinafter referred to as "CSCP") is an integral part of the complete educational program and aligned with the school's mission. The CSCP is a proactive, systemic approach to assist students in acquiring attitudes, knowledge, skills, and behaviors necessary to maximize student success and preparation for a variety of postsecondary options. The CSCP incorporates the West Virginia Tiered System of Supports (WVTSS) to provide universal prevention for all students, targeted interventions for at-risk students, and intensive interventions for the most at-risk students. The CSCP is standards-based and designed to address identified needs developmentally and sequentially within each programmatic level. The CSCP utilizes school and community data to identify student needs related to the CSCP and set annual priorities aligned with the school's strategic plan. (See Also Policy 2120 - District and School Improvement)**

### **The Board of Education shall provide that:**

- A. **every student has access to a CSCP coordinated by full-time certified school counselors as defined in WV State Board policy 5202 with appropriate and effective implementation of all components outlined in that policy; and**
- B. **a CSCP policy for schools aligned with requirements outlined in WV State Board policy 2315 is submitted for approval to the WVDE. The initial and subsequent revisions will be submitted to the West Virginia Department of Education (WVDE) by October 1 of each school year; and**
- C. **a comprehensive drop-out prevention program utilizing the expertise of school counselors and any other appropriate resources is implemented pursuant to the requirements established in State law, (See also Policy 5200 - Attendance)**

### **The District Central Office shall provide that:**

- A. **principals and school counselors are provided professional learning opportunities and appropriate resources to effectively implement the components outlined in WV State Board policy 2315; and**
- B. **each school's CSCP aligns with the West Virginia School Counseling Model and the applicable WV State Board policies: Policy 5310, Policy 4373, Policy 2520.15, Policy 2520.19, and Policy 2510. The District's Central Office shall monitor the CSCP Plan development and the CSCP's implementation at each school.**

### **Each school shall provide that:**

- A. **each student benefits from a CSCP through appropriate and effective implementation of all components outlined in this WV Board policy 2315;**
- B. **in accordance with State law, school counselors spend at least 80 percent of work time in a direct counseling relationship with students to provide both direct and indirect services that support student success. School counselors shall devote no more than 20 percent of work time to administrative activities which include planning, managing, and assessing the CSCP according to the West Virginia School Counseling Model and as defined in WV State Board policy 2315;**
- C. **school counselors, in collaboration with the principal, school leadership team, school counseling advisory council, or other stakeholders, develop an annual CSCP Plan, utilizing the West Virginia CSCP Plan Template;**
- D. **school counselors are supported in the establishment and convening of the school counseling advisory council to develop and assess the CSCP. The school counselors develop agendas and plan meetings to inform stakeholders about the CSCP. The advisory council meets at least two times per year to discuss**

school data, CSCP priorities, assessment, and annual student impact goals. The school counselors analyze and incorporate feedback from the advisory council;

- E. the CSCP utilizes student, school, and community data to identify student needs, annual CSCP goals aligned with the school's strategic plan, and evidence-based practices to address student needs;
- F. through a collaborative partnership and an integrated delivery model involving school counselors, school leadership team, and other stakeholders, all students are provided opportunities to achieve the foundational standards established in the West Virginia Pre-K Standards (Ages 3-5) and the West Virginia College and Career-Readiness Dispositions and Standards for Student Success (WVCCRDSSS);
- G. the CSCP includes the program delivery components: integrated delivery of WVCCRDSSS, instruction, appraisal, advisement, personalized student planning, counseling, consultation, collaboration, and referrals;
- H. the CSCP Plan is supported and monitored by the principal to assure that students benefit from the implementation of the CSCP;
- I. school counselors adhere to FERPA guidelines, ASCA Ethical Standards, confidentiality laws/guidelines, and informed consent;
- J. school counselors are evaluated by the school principal as defined in WV State Board Policy 5310 and per the West Virginia Professional School Counselor Standards (WVPSCS); and
- K. the school counselor is a member of the school crisis prevention and response planning team and is involved in developing and updating the school crisis prevention and response plan per WV Board policy 4373.

WV State Board policy 2315, Comprehensive School Counseling Program, shall be incorporated by reference into this policy.

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~~The Comprehensive School Counseling Programs (hereinafter referred to as "CSCP") is an integral part of the total school program and is aligned with the school's mission. The CSCP is a proactive, systemic approach to assist students with the acquisition of attitudes, knowledge, skills, and behaviors necessary to maximize student success and preparation for a variety of postsecondary options. The CSCP provides universal prevention for all students, targeted interventions for at-risk students, and intensive interventions for the most at-risk students. The CSCP is standards-based and designed to developmentally and sequentially address the West Virginia Student Success Standards (hereinafter referred to as "WVSSS") within each programmatic level. The CSCP utilizes school and community data to identify student needs in relation to the CSCP and to set annual priorities for the WVSSS. A certified school counselor, in collaboration with school and community stakeholders, will develop an Annual CSCP Plan in order to coordinate and implement a CSCP designed to address student needs. The CSCP contains four (4) distinct delivery systems:~~

~~The Board shall ensure that the CSCP:~~

- A. ~~is proactive and preventive, comprehensive in scope and developmental in nature, enhances opportunities for every student to achieve school success through academic, career and personal and social development experiences, preparing all students to become globally responsible citizens;~~
- B. ~~provides all Pre-K-12 students opportunities to achieve the foundational standards established in the WVSSS;~~
- C. ~~provides an organized, integrated, and planned approach that is sequential, needs-based and integral to the educational process;~~
- D. ~~utilizes student, school, and community data to identify student needs and implement evidence-based practices to address identified needs;~~
- E. ~~is aligned with the West Virginia School Counseling Model, a three-tier system of student support that provides universal prevention, targeted interventions, and intensive interventions;~~
- F. ~~is aligned with applicable West Virginia Board of Education policy 5100—Approval of Educator Preparation Programs; West Virginia Board of Education policy 5310—Performance Evaluation of School Personnel; West Virginia Board of Education policy 4373—Expected Behavior in Safe and Supportive Schools; West Virginia Board of Education policy 2520.19—West Virginia College and Career-Readiness Dispositions and Standards for Student Success for Grades K-12; and West Virginia Board of Education policy 2510—Assuring the Quality of Education: Regulations for Education Programs;~~
- G. ~~is coordinated by a certified school counselor and delivered collaboratively with school and community professionals;~~

- H. ~~Includes the four (4) program delivery components identified in this policy;~~
- 
- I. ~~adheres to the Family Educational Rights and Privacy Act (FERPA) guidelines, the American School Counselor Association Ethical Standards and confidentiality laws/guidelines and informed consent; and~~
- 
- J. ~~is supported and monitored by the principal who ensures that the school counselor and leadership team develop an Annual GSGP Plan that is aligned with requirements set forth in this policy and West Virginia Board of Education policy 2315;~~
- 

~~The GSGP shall be monitored by the Superintendent and the principal at each school. The delivery of the GSGP shall include the following components:~~

- A. ~~Personalized Student Planning includes providing opportunities for students to discover their interest in emerging careers. Ongoing opportunities at all programmatic levels are provided during the school day for career exploration and self-discovery. Personalized planning allows students to develop academic skills, identify interests, maximize strengths, minimize weaknesses, set and reach personal/educational goals, and realize their career aspirations. A Personalized Education Plan (hereinafter referred to as "PEP") is developed collaboratively, involving students, parents/guardians, and school staff.~~
  - 1. ~~During the 8th grade year, each student's PEP is developed to identify course selections for the 9th and 10th grade based on each student's identified career aspirations. Prior to development of the PEP, the school shall provide ongoing opportunities during the school day for career exploration and self-discovery involving student needs assessments, career and interest inventories, learning style inventories, self-reflections, and career inquiry. When finalizing the PEP, the counselor and/or student advisor will meet with the student and parents/guardians to secure signatures documenting involvement. The student and parents/guardians shall be provided a copy of the PEP.~~
  - 
  - 2. ~~During the 9th grade and each subsequent year each student reviews and updates his/her PEP in collaboration with the school counselor, teachers, advisors, and parents/guardians. Review of the PEP will include academic offerings, career plans, review of various interests, learning styles, career and academic assessments (interest inventories and learning styles inventories, aptitude tests, and multiple intelligence inventories) to guide changes to course selections.~~
  - 
  - 3. ~~During the 10th grade year the second phase of the PEP is developed. Students identify course selections for grades 11-12 and postsecondary plans for the first year after high school. To assist with development of the three-year PEP, the school will provide ongoing opportunities during the school day for career exploration and self-discovery involving completing student needs assessments, career and interest inventories, learning style inventories, self-reflections, and multi-faceted opportunities for career inquiry. Each student's individual assessments will be reviewed to ensure academic planning maximizes individual strengths and interests. Career exploration and planning and the development of the PEP is a shared responsibility between the student, school counselor, teachers, advisors, and parents/guardians.~~
  - 
  - 4. ~~The PEP is reviewed annually in grades 9-12 with the student and his/her parents/guardians and is signed and dated during each annual review conference. Students may amend their PEP at the end of any semester as long as it does not interfere with the completion of graduation requirements based on availability of courses.~~
  -
- B. ~~Integrated Delivery of West Virginia Standards for Student Success is coordinated by the school leadership team, the school counselor, and the teachers—The WVSSS (see West Virginia Board of Education policy 2520.19) describe the attitudes, knowledge, skills, and behaviors all students shall develop in relation to academic and learning development; career development and life planning; personal and social development; and global citizenship. The WVSSS are critical to the holistic development of all students and require integration into all aspects of each student's educational experience utilizing all school staff and key community stakeholders through a variety of delivery modalities. The WVSSS are the foundational standards for each GSGP.~~
- 
- C. ~~Responsive Services are provided when events and situations in students' lives or in the school climate and culture impedes student success. Responsive services offer preventive activities and programs to address the identified needs of students in each school, as well as evidence-based interventions to address targeted student needs. The services include working with at-risk students to provide the help and support needed to ensure grade-level success. Usually short-term in nature, responsive services include individual and small group counseling; academic and behavior intervention plans; crisis prevention and response; consultation with parents/guardians and other school staff; and referrals to school and community resources. Some students may require an immediate and expert response to assist with an academic, emotional, or behavioral crisis of a severe nature. In cases where students require ongoing support or therapy, the counselor makes appropriate referrals and works with families to secure appropriate resources within the school or community. Schools identify who will coordinate and follow-up on each referral. The school counselor collaborates with stakeholders to create a school-wide, prevention-based approach to individual and school crises and has a crisis plan in place to address the mental health~~

~~component of common school-wide crises. The school crisis team educates other stakeholders to assist with school-wide crisis preparedness, prevention, intervention and response, outlining responsibilities, and best practices in the school crisis planning and response.~~

~~D. Student Supports consists of a systemic, coordinated approach of developing and implementing programs and activities within the school and community aimed at supporting the success of all students. High-quality education programs provide well-designed student support systems, ensuring that the learning environment is safe and supportive and that the academic, social and emotional, and career development needs of students are identified and addressed. The school counselor collaborates with stakeholders to ensure school-wide coordination of the GSGP and other student support programs. Schools design and identify programs and resources that address identified student needs and enhance the success of each child. Additionally, students and families may seek support to address their unique academic, career, and personal-social needs.~~

~~School counselors shall spend their time planning, designing managing, facilitating, delivering, and evaluating a comprehensive school counseling program that benefits all students in accordance with the West Virginia School Counseling Model, West Virginia Board of Education policy 5100, and WV Code 18-5-18b. School counselors shall spend at least eighty percent (80%) of work time in a direct counseling relationship with students and shall devote no more than twenty percent (20%) of the workday to administrative activities provided that such activities are counselor-related.~~

~~The Board shall revise and submit for approval to the WVDE a GSGP policy for schools aligned with requirements set forth in this policy. The initial and subsequent revisions shall be submitted to the WVDE by October 1 of each school year.~~

~~The WVSSS, found in West Virginia State Board of Education policy 2520.19, serve as foundational standards for all West Virginia Comprehensive School Counseling Programs and shall be incorporated in this policy.~~

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- WV State Code 18-5-18b
- West Virginia Board of Education policy 2315
- West Virginia Board of Education policy 2510
- West Virginia Board of Education policy 4373
- West Virginia Board of Education policy 5100
- West Virginia Board of Education policy 5310



Book Policy Manual  
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 Adopted August 1, 2007

#### 8405.01 - INDOOR AIR QUALITY

The Board of Education believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board shall investigate all indoor air quality complaints.

The Facilities Administrator shall be the designated District official who will be responsible for addressing any indoor air quality complaint.

Each school principal or chief administrator shall form a seven (7) member Indoor Air Quality Investigation Advisory Committee (IAQ Committee), with no more than two (2) members being of the same roles identified below:

- A. principal of the school named in the complaint
- B. Superintendent or designee
- C. District facilities/maintenance director (may serve as the Superintendent's designee)
- D.
- E. faculty senate member(s) of the school named in the complaint
- F. school custodian(s) of the school named in the complaint
- G. member(s) of the local school improvement council of the school named in the complaint

- A.
- B.

Individuals wishing to file an Indoor Air Quality (IAQ) complaint shall complete an IAQ Complaint Form found on the WVDE website. The form must be filed with the principal of the affected school and the district's designated official. The complainant may check on the status of the complaint at any time throughout the investigation.

Upon receipt of an IAQ Complaint Form, the school principal and the district's designated official shall:

- A. Investigate the complaint within one working day of the initial filing and respond to the complainant within five (5) working days of the initial filing through completion of the IAQ Investigation and Response Form found on the WVDE's website; or
- B. Investigate the complaint within one working day of the initial filing and, and dependent upon the severity of the finding(s), immediately convene the school's IAQ Committee) and notify the complainant in writing that an IAQ Committee has been convened to investigate the complaint.

If the complainant is not satisfied with the principal or district designated official's response, the complainant may, within five (5) working days, ask the principal or the district designated official to have the complaint to be reviewed by the IAQ Committee as required.

Once convened, the IAQ Committee has five working days to review and respond to the complainant by way of the principal or designated official as to the status and corrective action plan through completion of the IAQ Investigation and Response Form found on the WVDE's website.

The response may be marked preliminary in situations where the IAQ Committee is waiting to base its corrective action plan on sample results from a testing company. During this waiting period of not more than five additional working days, the principal and designated official shall ensure the safety of all building occupants. Upon receipt of the requisite test results, the IAQ Committee shall prepare and issue a written follow-up communication to the complainant that either confirms or adjusts the preliminary response or provides the county's revised corrective action plan.

The Board that receives an IAQ complaint is encouraged to seek assistance from local, state, and federal agencies in both investigating the complaint and in forming the corrective action plan. Upon request, WVDE heating, ventilation, and air conditioning technicians are available to provide technical assistance in resolving IAQ complaints. It is recommended that technical assistance in resolving an IAQ complaint be requested as soon as possible upon receipt of an IAQ complaint.

The Board will:

- A. assign a District log number for each complaint filed with the principal and designated official;
- B. provide a corrective action plan and estimated cost for each valid complaint;
- C.
- D. send to the West Virginia Department of Education School Facilities Service unit, a report on the number of IAQ complaints and the total estimated cost of correction for all IAQ complaints registered during each quarter. The report on the number IAQ complaints is due within fifteen (15) calendar days of the end of each quarter; and
- E. review all corrective action plans against the District's ten-year CEEP and make any necessary amendment(s) to the CEEP.

~~The Board of Education believes that the employees and students of this County, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board shall investigate all indoor air quality complaints.~~

~~The Supervisor of Maintenance shall be the designated official who will be responsible for addressing any indoor air quality complaint.~~

~~Each school principal or chief administrator shall form a seven (7) member Indoor Air Quality Investigation Advisory Committee. The Committee shall consist of the following:~~

- A. ~~principal or vice principal~~
- B. ~~Superintendent or his/her designee~~
- C. ~~facilities/maintenance director (which should also be the county's designated official)~~
- D. ~~the complainant~~
- E. ~~a faculty senate member~~
- F. ~~a school custodian~~
- G. ~~a local school improvement council member~~

~~When an indoor air quality complaint is filed by any party it will be necessary to complete and file with the principal of the specific school where there is a concern an Indoor Air Quality Complaint Investigation Form (WVDE IAQ 1-7/77). A copy of the form shall be immediately sent to the county designated official by the principal.~~

~~A county board that addresses an indoor air quality complaint is encouraged to seek any available assistance from local, State and Federal agencies in both investigating the complaint and in forming the plan of correction.~~

~~The principal of the facility may:~~

- A. ~~investigate the complaint and respond to the complainant within ten (10) working days of the initial filing, or if the problem is not resolved;~~
- B. ~~convene the school's Indoor Air Quality Investigation Advisory Committee.~~

~~The complainant may check on the status of the complaint any time during this process.~~

~~If not satisfied with the principal's response and the Indoor Air Quality Investigation Advisory Committee has not addressed this specific complaint the complainant may, within five (5) working days, ask the principal for the complaint to be reviewed by the Indoor Air Quality Investigation Advisory Committee.~~

~~The Indoor Air Quality Investigation Advisory Committee then has ten (10) working days to review and respond via the principal as to the status and plan of correction on the Indoor Air Quality Investigation Form to the complainant. The complainant may check on the status of the complaint at any time during this process. This review will finalize the complainant's school system appeal procedure.~~

~~The Board will:~~

- A. ~~assign a log number for each complaint filed with the principal;~~
- B. ~~provide a plan of correction and estimated cost for each valid complaint;~~
- C. ~~consider any documented plans of closure of a school building when forming any plan of correction;~~
- D. ~~annually, before the thirty-first (31st) day of July, send to the West Virginia Department of Education, Office of School Transportation and Facilities a report on the number of IAQ complaints and the total estimated cost of correction for all IAQ complaints registered during the previous fiscal year;~~
- E. ~~each plan of correction that meets the required criteria shall be added to the county board's ten (10) year county-wide major improvement plan;~~

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WV Board of Education Policy 6202  
WV State Code 18-2-5 and 18-9E-3



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 Code po2261.03  
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*Approved  
8/29/22  
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**Revised Policy - Vol. 14, No. 2 - August 2022**

**2261.03 - DISTRICT AND SCHOOL REPORT CARD**

Each School District that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the District. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand. **[Drafting Note: The District must make the report card meaningfully accessible to parents and stakeholders who are limited English proficient.]**

The report shall contain the information called for in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of District report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the District as a whole and each school, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by the West Virginia English Language Assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on each measure within any School Quality or Student Success indicator used by the State;
- F. school identifying information, including student membership count and Title I participation status;
- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the District report card must include the remaining information required in the statute and applicable regulations. A District need not include information in the detail section of the report if it includes such information in the



overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);
- C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c) (1);
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in the State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section;
- J. information on educator qualifications;
- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the District as a whole and each school);

**[Note: The District and school report cards must include per-student expenditures of Federal, and State/local funds, disaggregated by source of funds; District expenditures not allocated to public schools; and the web address to the procedures for calculation.]**

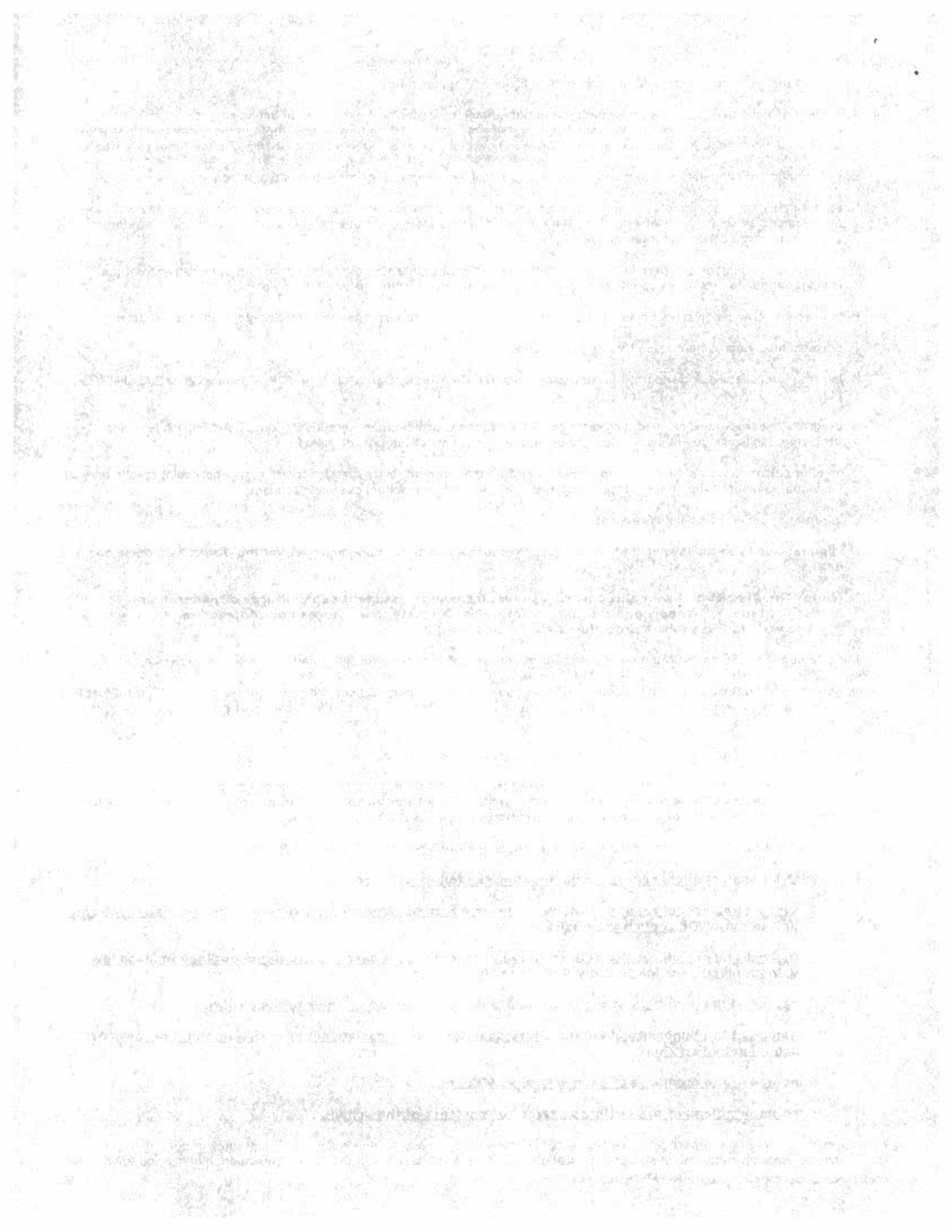
- L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;
- M. description and Results of State accountability system (the District may provide the web address or URL of, or a direct link to, a State plan or other location on the West Virginia Department of Education's ~~web site~~ website to meet this requirement);
- N. additional information best-suited to convey the progress of each school;

**[Note: District report cards must include the following NAEP data: 1) the percentage of students at each NAEP achievement level (below basic, basic, proficient, and advanced) in the aggregate; 2) participation rate for students with disabilities; and 3) participation rate for English learners.]**

- O. other information as required by the ~~West Virginia State~~ Department of Education ~~(WVDE)~~.

**P. the District shall publicly report annually online the following information:**

1. **District and school results of the West Virginia Schools Balanced Scorecard online with an electronic link to the WVDE reporting website;**
2. **District and school results of the Statewide school report card requirements outlined in State law with an electronic link to the WVDE reporting website;**
3. **names of the members of the Board and the dates upon which their terms expire;**
4. **names of the Superintendent and every assistant and associate superintendent and their area of school administration;**
5. **names of the members of each school's LSIC; and**
6. **name or names of the business partner or partners of the school.**





(FERPA) and Policy 8330 - Student Records.

The District’s annual report card information must be made publicly available through such means as posting on the District’s website and distribution to local media and public agencies. **[Note: If the District does not operate a website, the District must make the report available to the public in another manner determined by the Board.]**

The Board will provide the school level overview directly to all parents in each school served by the District annually. **[Note: The District may send the report card overview to the parents of students enrolled in each school in the District directly through the U.S. mail, via e-mail, or through other means such as sending the report card overview home to parents in the child’s backpack or distribute the report card during parent-teacher conferences.]**

The data from the local report card is to be used by each of the schools and the District as a whole in revising and upgrading school and District improvement plans.

**West Virginia Board of Education policy 2322**

20 U.S.C. 6311

34 C.F.R. part 200 et seq.

**WV Code 18-2E-4**

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West Virginia Board of Education policy 2322

20 U.S.C. 6311

34 C.F.R. part 200 et seq.

WV Code 18-2E-4



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Last Revised	March 16, 2015

#### 0142.3 - ORIENTATION

The Board of Education believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, each new Board member, no later than his/her first regular meeting as a Board member, shall receive for use during his/her term on the Board:

- A. a copy of the Board policy manual;
- B. the current budget statement, audit report, and related fiscal materials;
- C. a copy of the School Laws of West Virginia.

Each new Board member shall be invited to meet with the Board President, Superintendent, Treasurer, and/or other department heads as warranted to discuss Board functions, policies and procedures.

New Board members shall be invited to attend all meetings of the Board until they take office.

##### A. State Mandated Orientation

A person elected to a county board of education must attend and complete a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office. Provided, that a portion or portions of the orientation may be given after the member has taken office and so long as part of the orientation was provided to the member prior to his/her taking office, the requirements set forth in 18-5-1a(e) shall have been met. Members appointed to the board shall complete the next such course offered following their appointment.

##### B. State Mandated Annual Training

Board members shall annually receive seven (7) clock hours of training in boardsmanship and governance effectiveness, and school performance issues including, but not limited to, pertinent State and Federal statutes such as the "Process for Improving Education" set forth in WV Code 18-2E-5 and the "No Child Left Behind Act" and their respective administrative rules. The orientation and training shall be approved by the State Board of Education and conducted by the West Virginia School Board Association or other organization(s) approved by the State Board. A Board member serving in the final year of his/her term shall satisfy the annual training requirement by January 1.

##### C. Failure to Attend and Complete State Mandated Orientation/Training

The State Board of Education is required to petition the Circuit Court of Kanawha County to remove any county board member who has failed to or refuses to attend and complete the approved course of orientation and training in Section 0142.31 and 0142.32. If the county board member fails to show good cause for not attending, the court shall remove the member from office. WV Code 18-5-1a(g). The State Board of Education shall appoint a committee named the "County Board Member Training Standards Review Committee" whose members shall meet at least annually. Subject to State Board approval, the committee shall determine which particular trainings and training organizations shall be approved and whether County Board members have satisfied the annual training requirement. WV Code 18-5-1a(h) Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause constitutes neglect of duty under WV Code 6-6-7. "Good Cause" means any of the following that prevents the member from attending: (1) an incapacitating physical or mental condition of the member, (2) a death in the immediate family (spouse, children, parents or any other relative who resides in the member's household and is a dependent of the member), (3) an accident or illness in the immediate family which requires the member's presence, or (4) any other cause which is beyond the control of the member.

**WV Board of Education policy 2322**

**WV Code 18-5-1a(d),(e),(f),(g)**

**WV Code 18-2E-5**

**WV Code 6-6-7**

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5017

#### 2114 - MEETING STATE ACCOUNTABILITY MEASURES

The West Virginia Board of Education establishes a comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, cohort graduation rates, progress toward English language proficiency (ELP), and student success (attendance, behavior, and college/career credit earning) indicators to guide and focus improvement and technical assistance. The West Virginia Accountability System meets ~~all of~~ the requirements of the Elementary and Secondary Education Act (ESSA) of 2015.

Through the West Virginia Accountability System [WVAS], schools earn performance level designations for each individual indicator measure identified above. The WVBE shall establish cut scores for the school performance level designations for each indicator. School performance level designations will be presented in a balanced scorecard representing performance on each individual indicator. The performance levels are:

- A. Exceeds Standards. Schools with distinctive student performance on a specific WVAS indicator measure.
- B. Meets Standards. Schools with acceptable student performance on a specific WVAS indicator measure.
- C. Partially Meets Standards. Schools with student performance approaching the acceptable standard on a specific WVAS indicator measure.
- D. Does Not Meet Standards. Schools with unacceptable student performance on a specific WVAS indicator measure.

To ensure District provides a thorough and efficient education for its students, the WVBE shall annually review information submitted for the District from the West Virginia Department of Education ~~Office of District and School Advancement~~. District status shall be reviewed and determined based on multiple measures of student performance and District operational efficiency. The District's performance under any given indicator, designated as meeting requirements or needing assistance, is the result of an evaluation of records, reports, and other documents regarding the quality of education and compliance with statutes, policies, and State-approved standards under each efficiency indicator.

It is the intent of the Board of Education to annually attain the performance status of "Meets Standards" for the District and attain "Exceeds Standards: status for designation for each school.

The Superintendent shall develop a plan annually that outlines the steps the District and each eligible school building need(s) to take if at least the required percentage of students is to meet or exceed the performance levels established by the WV Board of Education for each of the performance indicators. S/He shall also estimate the additional resources that will or may be necessary to be able to implement the annual plan and the annual cost to the District to provide such resources. These estimated costs shall then be incorporated into the budget proposals submitted to the Board each year and identified as such.

Maintaining the performance level "Meets Standards" for the District and a designation of "Exceeds Standards" for each school will require both the understanding and support of parents and the community at large. Thus, it will be necessary to establish and maintain a communications program to the community to keep them informed of the current status of the County and each school and the resources that are needed to continue to become a "Meet Standards County and "Exceeds Standards" school. The County shall publicly report their County and school results in an online format.

Revised 1/4/10  
 Revised 6/21/11  
 Revised 7/6/20

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WV Code 18-2E-5

West Virginia Board of Education policy 2322

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**Revised Policy - Vol. 14, No. 2 - August 2022**

**1617 - WEAPONS**

The Board of Education hereby finds that the safety and welfare of the citizens of this District are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this District.

The Board prohibits professional personnel members from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle, including a school bus, unless such person is a law-enforcement officer acting in his/her official capacity or s/he has the express written permission of the Board or Principal to conduct programs with valid educational purposes. Any professional employee who violates this policy shall be subject to disciplinary action, up to and including termination.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school's parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and posses an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle.)

The term "deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to the following:

- A. "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a billy club, sand club, sandbag or slapjack.
- B. "Gravity knife" means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- C. "Knife" means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, 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 herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- D. "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- E. "Nunchaku" means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.
- F. "Metallic or false knuckles" means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms "metallic or false knuckles" shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.





- G. "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- I. "Pepper Spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.
- J. Other deadly weapons of like-kind or character above which may be easily concealed on or about the person.
- K. Explosive, chemical, biological and radiological materials.

The term "**deadly weapon**" does not include any item or material owned by the school or Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes. The term "deadly weapon" does not include pepper spray as defined above when used by any person over the age of sixteen (16) solely for self-defense purposes.

"**Concealed**" means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

"**Firearm**" means any weapon which will expel a projectile by action of an explosion.

The Principal or, if the violation does not occur within his/her jurisdiction, the administrator with authority, shall report any violation of this policy to the appropriate local office of the State Police, county sheriff, or municipal police agency and the State Superintendent of Schools as soon as possible after the violation occurs, and to the Superintendent immediately. Any professional employee who violates this policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy include:

- A. a law enforcement officer employed by a Federal, State, county, or municipal law enforcement agency;
- B. any probation officer in the performance of his/her duties;
- C. **any home confinement supervisor employed by a county commission pursuant to State law in the performance of his/her duties;**
- D. **a State parole officer appointed pursuant to State law while in performance of his/her official duties;**
- E. **a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that Act;**
- F. **a person other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved)**
- G. **a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;**
- H. **programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe;**
- I. **the official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;**
- J. **the official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;**
- K. **any person, twenty-one (21) years old or older, who has a valid concealed handgun permit;**

**That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when s/he is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when s/he is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a**



locked container securely fixed to the vehicle.

- L. ~~(-) starter pistols, incapable of expelling a projectile by the action of an explosion, when used in appropriate sporting events, is employed by a State, county, or municipal law enforcement agency;
 
  - 1. ~~is covered for liability purposes by his/her employer;~~
  - 2. ~~is authorized by the School Board and the school principal to serve as security for a school;~~
  - 3. ~~meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Act of 2004, as amended, pursuant to 18 U.S.C. 926C(e); and~~
  - 4. ~~meets all of the requirements for handling and using a firearm established by his/her employer, and has qualified with his/her firearm to those requirements;~~~~
- M. ~~a retired law enforcement officer who;~~
- N. ~~persons age twenty one (21) or older who have a valid concealed handgun permit and possess a concealed handgun while in a motor vehicle in a public school's parking lot, traffic circle, or other areas of vehicular ingress or egress so long as the firearm is out of view from the individuals outside of the vehicle;~~
- O. ~~cased, unloaded firearms in a locked vehicle driven or parked in any part of school grounds used as a parking facility that is on any part of school grounds used as a parking facility provided however that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle);~~
- P. ~~persons with written approval from the Board or the Building Principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved);~~
- Q. ~~programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe;~~
- R. ~~official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;~~
- S. ~~official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;~~
- T. ~~(-) starter pistols, incapable of expelling a projectile by action of an explosion, when used in appropriate sporting events.~~

Professional employees shall report any information concerning weapons and/or threats of violence by students, other employees, or visitors to the \_\_\_\_\_. Failure to report such information may subject the employee to disciplinary action, up to and including termination.

*Immediate Supervisor*

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- Legal 18 U.S.C. 922
- WV Code 61-7-2
- WV Code 61-7-11
- WV Code 61-7-11a
- WV Code 61-7-14

