

21-2273

Marion County Youth Basketball
DBA

MARION COUNTY BOARD OF EDUCATION
FACILITY USE/RENTAL AGREEMENT

This agreement dated the 28th day of November, 2022, by and between the Marion County Board of Education (hereafter known as MCBOE) and the Fairview Youth Basketball (hereafter known as Organization).

WHEREAS, the Marion County Board of Education is the owner and manager of a certain facility known as Fairview Middle School Gym,

NOW, THEREFORE, in consideration of the mutual promises and covenant herein provide that the MCBOE and the Organization agree that:

- I. Organization Name Fairview Youth Basketball
- II. Contact Name Chris Layman
- III. Address 218 Rusk Run Rd
- IV. Phone Number 681-758-1231
- V. The MCBOE covenants and agrees that it shall, from 12-6-2022 through 2-28-2023, make available to the Fairview Middle Gym for the purpose of 4th Grade Basketball Games. The activities herein described pertain to the Organization's group exclusively. The MCBOE reserves the right to eliminate any of the above days that there is no school and/or special programs occurring in said facility. The MCBOE will provide a schedule to the Organization with those dates the facility will not be available.
- VI. Is the planned activity a non-profit making venture? Yes

Criteria: 490P Attorney Gen 114 (1961) Board not authorized to rent or lease school property to profit-making organizations.

July 22, 1985 St. Superintendent interpretation states in part that question: is it permissible for private organizations or individuals to utilize public school facilities for non-profit making ventures. The answer to your question appears to be yes. it is permissible. unless such ventures would not have a community purpose.

VII. Organization agrees to assure that said Organization is a Not-For-Profit entity.

FEIN Number 47-3640283 (Include a copy of your W-9 Request for Taxpayer Identification Number & Certificate)

VIII. Organization covenants and agrees that the scheduling of its events utilizing the Fairmount Middle Gym as provided for herein shall be coordinated with and through the Organization, and said schedule will be provided to THE Administrative Assistant of Maintenance, Facilities, and Athletics.

IX. Organization agrees to a facility use fee of \$ RFA per _____ in addition to a \$ _____ custodial fee per None (Additional fees may apply depending on facility) \$ None for _____

X. Organization covenants and agrees they shall provide a minimum of \$1,000,000 liability and accident insurance for all events during the term of this agreement.

.....
*****This section must be completed***** Liability Insurance Information: (minimum of \$1,000,000 liability required by MCBOE)

Insurance Company: NATIONWIDE MUTUAL INSURANCE COMPANY
Policy Number 6BRPG0000007788000

*****Attach a copy of the policy to the application*****

XI. Organization covenants and agrees that it shall save MCBOE harmless from and indemnify it against all liabilities, losses, claims, demands, costs, expenses, and judgments of any nature arising or alleged to rise from or in connection with the following:

- A. Any injury, or the death of, any person or persons or loss or damage to property on or about the premises or any adjoining property arising from or connected with the premises during the term of this agreement.
- B. Performance of any labor or services or the furnishing of any materials or other property in respect of the premises or any part thereof by or at the request of the Organization. Organization shall resist and defend any action, suit or proceeding brought against the MCBOE by reason of the occurrence of any of the aforementioned by the MCBOE.

XII. Organization covenants and agrees that it shall be responsible for the condition of the facility after usage and agrees to be responsible for any damages or expenses resulting from Organization's use of the facility.

XIII. Organization covenants and agrees that it shall comply with all laws, orders, and regulations of Federal, State, and municipal authorities including but not limited to all safety regulations and health department rules and regulations.

- XIV. MCBOE shall inspect Fairview Middle School Gym after Organization's usage to ensure that no damages occurred as a direct result of Organization's usage.
- XV. Organization will receive one key to be used by signer and assigns only, with no duplicates to be made or used by others. If the key is used by others or during non-scheduled times by others, this contract will be immediately terminated.
- XVI. The terms of this Agreement and all privileges, rights, obligations, duties and liabilities hereunder shall remain in force and effect from Dec. 6th 2022, until the 28th day of Feb. 2023; however, either party upon thirty (30) days written notice to the other may, with impunity, terminate this agreement immediately for any reason whatsoever. This agreement constitutes the entire agreement existing between the parties. There are no other agreements, oral or otherwise, which modifies or affects this agreement. The AGREEMENT and all terms and provisions herein shall extend to and be binding on their successors and assigns.

Chris Layman
 Representative of Organization

11-28-2022
 Date

Steve F. [Signature]
 Principal or Designee

11-28-22
 Date

[Signature]
 Administrative Assistant of Maintenance, Facilities and Athletics

11-30-22
 Date

 Superintendent

 Date

 Board President

 Date

- 8/26/08
- 2/23/15
- 8/12/21
- 11/30/21
- 3/3/22
- 07/28/22

Request for Taxpayer Identification Number and Certification

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
FAIRVIEW Youth BASKETBALL

2 Business name/disregarded entity name, if different from above
" "

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
101 Amos St

6 City, state, and ZIP code
Fairview, WV 26570

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Social security number

			-						
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or

Employer identification number

4	7	-	3	6	4	0	2	8	3
---	---	---	---	---	---	---	---	---	---

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ **Chris Ragan**

Date ▶ **11-28-2022**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.


- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

21-2273

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 04-07-2015

Employer Identification Number:
47-3640283

Form: SS-4

Number of this notice: CP 575 E

For assistance you may call us at:
1-800-829-4933

FAIRVIEW YOUTH BASKETBALL
& FRANK DENNISON
101 AMOS ST
FAIRVIEW, WV 26570

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 47-3640283. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it's very important that you use your EIN along with your complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information shown above isn't correct, please send us the correction using the attached tear-off stub.

Annual filing requirements

Most organizations with an EIN have an annual filing requirement, even if they engage in minimal or no activity.

A. If you are tax exempt, you may be required to file one of the following returns or notices:

Form 990, Return of Organization Exempt From Income Tax
Form 990-EZ, Short Form Return of Organization Exempt From Income Tax
Form 990-PF, Return of Private Foundation
Form 990-N, e-Postcard (available online only)

Additionally, you may be required to file your annual return electronically.

If an organization required to file a Form 990, Form 990-PF, Form 990-EZ, or Form 990-N does not do so for three consecutive years, its tax-exempt status is automatically revoked as of the due date of the third return or notice.

Please refer to www.irs.gov/990filing for the most current information on your filing requirements.

B. If you are not tax-exempt, you may be required to file one of the following returns:

Form 1120, U.S. Corporation Income Tax Return
Form 1041, U.S. Income Tax Return for Estates and Trusts
Form 1065, U.S. Return of Partnership Income

Please refer to Publication 1635, Understanding Your EIN, for more information about which forms you may be required to file.

1. 2. 3. 4.



CERTIFICATE OF LIABILITY INSURANCE

21-2273

DATE (MM/DD/YYYY)
11/02/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804	CONTACT NAME: Mass Merchandising Underwriting	
	PHONE (A/C No. Ext): 1-800-426-2889	FAX (A/C No.): 1-260-459-5105
	E-MAIL ADDRESS: info@sportsinsurance-kk.com	
	PRODUCER CUSTOMER ID:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED Marion County Youth Basketball DBA: Marion County 4th/5th/6th Grades 109 Glenwood St Fairmont, WV 26554 A Member of the Sports, Leisure & Entertainment RPG	INSURER A: Nationwide Mutual Insurance Company 23787	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** W02333951 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	X		6BRPG000007788000	11/06/2022 12:01 AM EDT	11/06/2023 12:01 AM	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$1,000,000 PROFESSIONAL LIABILITY \$1,000,000 LEGAL LIAB TO PARTICIPANTS \$1,000,000
A	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NOT PROVIDED WHILE IN HAWAII <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION			6BRPG000007788000	11/06/2022 12:01 AM EDT	11/06/2023 12:01 AM	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	MEDICAL PAYMENTS FOR PARTICIPANTS			6BRPG000007788000	11/06/2022 12:01 AM EDT	11/06/2023 12:01 AM	PRIMARY MEDICAL EXCESS MEDICAL \$100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Legal Liability to Participants (LLP) limit is a per occurrence limit.
 Sport(s): Basketball Age(s): 12 and under; Cheerleading - Youth Age(s): 12 and under
 The certificate holder is added as an additional insured, but only for liability caused, in whole or in part, by the acts or omissions of the named insured.
 See Attached Additional Remarks Schedule

CERTIFICATE HOLDER Marion County BOE 1516 Mary Lou Retton Dr Fairmont, WV 26554 (Owner/Lessor of Premises)	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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3048

21-2273

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **AUG 16 2018**

MARION COUNTY YOUTH BASKETBALL 12U
109 GLENWOOD ST
FAIRMONT, WV 26554-0000

Employer Identification Number:
94-3483915
DLN:
26053618007338
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
August 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
January 15, 2018
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

Based on the information you submitted in your application, we approved your request for reinstatement under Revenue Procedure 2014-11. Your effective date of exemption, as listed at the top of this letter, is retroactive to your date of revocation.

Our records show you were previously tax exempt as a subordinate under group exemption number 1155. Because you applied for and were granted your own individual tax-exempt status, you no longer rely on your affiliation with a parent organization for recognition of your tax exemption and you'll be listed individually in the Exempt Organizations Select Check (Pub. 78 data).

If, in the future, you choose to become a subordinate under a group ruling, you'll lose your individual recognition of tax-exempt status and you'll no longer appear in the Exempt Organizations Select Check (Pub. 78 data). Moreover, if you become a subordinate under a group ruling and your parent organization loses its tax-exempt status, you also will lose your exempt

Letter 947

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Marion County Youth Basketball	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) 1 Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>	
5 Address (number, street, and apt. or suite no.) See instructions. 109 Glenwood ST	Requester's name and address (optional) Marion County WV BOE
6 City, state, and ZIP code Fairmont WV 26554	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
or										
Employer identification number										
9	4	-	3	4	8	3	9	1	5	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ Joseph B Bird	Date ▶ 10-26-2022
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

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- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

21-2274
7510 F1/page 1 of 3

MARION COUNTY BOARD OF EDUCATION
FACILITY USE/RENTAL AGREEMENT

This agreement dated the 30th day of November, 2022, by and between the Marion County Board of Education (hereafter known as MCBOE) and the MCPARC Community Band (hereafter known as Organization).

WHEREAS, the Marion County Board of Education is the owner and manager of a certain facility known as East Fairmont H.S. Auditorium.

NOW, THEREFORE, in consideration of the mutual promises and covenant herein provide that the MCBOE and the Organization agree that:

- I. Organization Name MCPARC Community Band
- II. Contact Name T J Bean
- III. Address 1993 Airport Rd
- IV. Phone Number 304 203 2699
- V. The MCBOE covepantns and agrees that it shall, from November, 2022 through June 30, 2023, make available to the MCPARC Community Band the Band room & Auditorium for the purpose of practice & performance. The activities herein described pertain to the Organization's group exclusively. The MCBOE reserves the right to eliminate any of the above days that there is no school and/or special programs occurring in said facility. The MCBOE will provide a schedule to the Organization with those dates the facility will not be available.
- VI. Is the planned activity a non-profit making venture? Yes

Criteria: 490P Attorney Gen 114 (1961) Board not authorized to rent or lease school property to profit-making organizations.

July 22, 1985 St. Superintendent interpretation states in part that question is it permissible for private organizations or individuals to utilize public school facilities for non-profit making ventures. The answer to your question appears to be yes, it is permissible... unless such ventures would not have a community purpose.

CSS - 13

VII. Organization agrees to assure that said Organization is a Not-For-Profit entity.

FEIN Number 55-6060152 (Include a copy of your W-9 Request for Taxpayer Identification Number & Certificate)

VIII. Organization covenants and agrees that the scheduling of its events utilizing the School calendar as provided for herein shall be coordinated with and through the Organization, and said schedule will be provided to THE Administrative Assistant of Maintenance, Facilities, and Athletics.

IX. Organization agrees to a facility use fee of \$ _____ per _____ in addition to a \$ _____ custodial fee per _____
(Additional fees may apply depending on facility) \$ _____ for _____

X. Organization covenants and agrees they shall provide a minimum of \$1,000,000 liability and accident insurance for all events during the term of this agreement.

.....
*****This section must be completed***** Liability Insurance Information: (minimum of \$1,000,000 liability required by MCBOE)

Insurance Company: Eric

Policy Number Q33 440037

*****Attach a copy of the policy to the application*****

XI. Organization covenants and agrees that it shall save MCBOE harmless from and indemnify it against all liabilities, losses, claims, demands, costs, expenses, and judgments of any nature arising or alleged to rise from or in connection with the following:

A. Any injury, or the death of, any person or persons or loss or damage to property on or about the premises or any adjoining property arising from or connected with the premises during the term of this agreement.

B. Performance of any labor or services or the furnishing of any materials or other property in respect of the premises or any part thereof by or at the request of the Organization. Organization shall resist and defend any action, suit or proceeding brought against the MCBOE by reason of the occurrence of any of the aforementioned by the MCBOE.

XII. Organization covenants and agrees that it shall be responsible for the condition of the facility after usage and agrees to be responsible for any damages or expenses resulting from Organization's use of the facility.

XIII. Organization covenants and agrees that it shall comply with all laws, orders, and regulations of Federal, State, and municipal authorities including but not limited to all safety regulations and health department rules and regulations.

100

21-2274

7510 F1/page 3 of 3

- XIV. MCBOE shall inspect the bandroom & Auditorium after Organization's usage to ensure that no damages occurred as a direct result of Organization's usage.

- XV. Organization will receive one key to be used by signer and assigns only, with no duplicates to be made or used by others. If the key is used by others or during non-scheduled times by others, this contract will be immediately terminated.

- XVI. The terms of this Agreement and all privileges, rights, obligations, duties and liabilities hereunder shall remain in force and effect from November 2022, until the last day of November 2023; however, either party upon thirty (30) days written notice to the other may, with impunity, terminate this agreement immediately for any reason whatsoever. This agreement constitutes the entire agreement existing between the parties. There are no other agreements, oral or otherwise, which modifies or affects this agreement. The AGREEMENT and all terms and provisions herein shall extend to and be binding on their successors and assigns.

Ty Ba
 Representative of Organization

11/30/2022
 Date

[Signature]
 Principal or Designee

11/30/2022
 Date

Administrative Assistant of Maintenance, Facilities and Athletics

 Date

Superintendent

 Date

Board President

 Date

- 8/26/08
- 2/23/15
- 8/12/21
- 11/30/21
- 3/3/22
- 07/28/22

1000

21-227

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Marion County Parks And Recreation Commission

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Other (see instructions) ▶ **Political Subdivision**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
P O Box 1258

6 City, state, and ZIP code
Fairmont, WV 26555

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-				
--	--	--	---	--	--	--	--

OR

Employer identification number

5	5	-	6	0	6	0	1	5	2
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶ *Cathy Hall*

Date ▶ *6/11/21*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

100



21-2274

**Marion County Board of Education
1516 Mary Lou Retton Drive
Fairmont, WV 26554**

CERTIFICATE OF COVERAGE

Issue Date: 12/12/2022

THIS CERTIFICATE OF COVERAGE IS ISSUED AS A MATTER OF INFORMATION ONLY. IT CONFERS NO RIGHTS UPON THE THIRD PARTY REQUESTING THE CERTIFICATE BEYOND WHAT THE REFERENCED COVERAGE CONTRACT EXPRESSLY PROVIDES. THIS CERTIFICATE OF COVERAGE DOES NOT EXTEND, AMEND, OR ALTER THE COVERAGE, TERMS, EXCLUSIONS, OR CONDITIONS AFFORDED BY THE COVERAGE CONTRACT REFERENCED IN THIS CERTIFICATE OF COVERAGE


PRODUCER:	Risk Management Programs, Inc. 1819 Electric Road, Suite C Roanoke, VA 24018	CONTACT NAME:	Raevyn Allen
		PHONE:	(844) 986-2705
		EMAIL:	rallen@riskprograms.com
MEMBER:	Marion County Parks and Recreation PO Box 1258 Fairmont, WV 26555	COMPANIES AFFORDING COVERAGE	
		COMPANY A:	West Virginia Communities Risk Pool

COVERAGES

This is to certify that the coverages listed below have been issued to the member named above for the contract period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded by the coverages described herein is subject to all the terms, exclusions and conditions of such coverage contracts. Limits shown may have been reduced by paid claims.

CO LTR	TYPE OF COVERAGE	CONTRACT NUMBER	CONTRACT EFFECTIVE DATE	CONTRACT EXPIRATION DATE	LIMITS / DEDUCTIBLES
A	GENERAL LIABILITY <input checked="" type="checkbox"/> Occurrence	WV-MA-024P-23	07/01/2022	07/01/2023	Each Occurrence Lim. \$1,000,000
					Fire Damage (Any one fire) Lim. \$100,000
					General Aggregate Lim. NONE
					Personal & ADV Injury Lim. \$1,000,000
					Products - Comp/OP Lim. \$1,000,000
					General Liability Ded. \$0
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> All Owned Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Non-Owned Autos	WV-MA-024P-23	07/01/2022	07/01/2023	Combined Single Limit Lim. \$1,000,000
					Auto Liability Ded. \$0
A	AUTOMOBILE PHYSICAL DAMAGE	WV-MA-024P-23	07/01/2022	07/01/2023	Collision (ACV) Ded. \$1,000
					Comprehensive (ACV) Ded. \$1,000
A	CRIME	WV-MA-024P-23	07/01/2022	07/01/2023	Blanket Lim. \$250,000
					Per Occurrence Ded. \$250
A	EXCESS LIABILITY <input checked="" type="checkbox"/> Excess General Liability <input checked="" type="checkbox"/> Excess Automobile Liability <input type="checkbox"/> Excess Law Enforcement Liability <input checked="" type="checkbox"/> Excess Public Officials Liability <input type="checkbox"/> Excess Educators Legal Liability <input checked="" type="checkbox"/> Other than Umbrella Form	WV-MA-024P-23	07/01/2022	07/01/2023	Excess Automobile Liability - Aggregate Lim. NONE
					Excess Automobile Liability - Each Occurrence Lim. \$1,000,000
					Excess General Liability - Aggregate Lim. NONE
					Excess General Liability - Each Occurrence Lim. \$1,000,000
					Excess Public Officials Liability - Aggregate Lim. \$1,000,000
					Excess Public Officials Liability - Each Occurrence Lim. \$1,000,000
A	INLAND MARINE	WV-MA-024P-23	07/01/2022	07/01/2023	Blanket per Schedule on File.
A	PROPERTY	WV-MA-024P-23	07/01/2022	07/01/2023	Blanket per Schedule on File.
					Building & Contents Ded. \$1,000

21-2274

A	PUBLIC OFFICIALS LIABILITY <input checked="" type="checkbox"/> Occurrence	WV-MA-024P-23	07/01/2022	07/01/2023	Aggregate	Lim. \$1,000,000
					Each Wrongful Act	Lim. \$1,000,000
					Per Occurrence	Ded. \$2,500
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY	WV-MA-024P-23	07/01/2022	07/01/2023	EL Disease - Each Emp.	Lim. \$1,000,000
					EL Disease - Policy Limit	Lim. \$1,000,000
					EL Each Accident	Lim. \$1,000,000
					<input checked="" type="checkbox"/> WC Statutory Limits	
					WC Deductible	Ded. \$0
Description of Operations / Locations / Vehicles / Special Items / Notes						
RE: MCPARC Community Band / MCPARC K-3 Basketball						
Certificate Holder is added as an additional insured to the extent permitted by the laws of the State of WV and only in respect to claims or actions arising from or in connection with negligent acts of the Member, its employees, agents or officials.						
CERTIFICATE HOLDER				Authorized Representative		
Marion County Board of Education 1516 Mary Lou Retton Drive Fairmont, WV 26554						



*pls. Haupt,
Please place on the
agenda overnight.
Thank you*

**Marion County Board of Education
Field Trip Request Form**

21-2275



All field trips requiring Board approval must be submitted at least two weeks prior to the regular Board Meeting. All other requests must be in at least one week prior to the trip. All completed copies are to be submitted to the principal who will sign and forward to county office for approval. Please submit one field trip form per bus needed.

EAST MIDDLE 11-15-22 Kim Mor

School 11-15-22 Date Submitted Kim Mor Sponsor(s) Sub Needed

Cheer 2-17-23 Coach

Group 2-18-23 Date of Trip Chaperone(s) Sub Needed

18 Musselman High School Inwood, WV

Number to be transported Destination

Cheer Comp Leave Friday 2-17 and return 2-18

Purpose of activity

0 \$2,000.00 parents

Number of School Days Lost Approximate Cost Source of Funding

Transportation Information

Friday 2 am / (pm)

Time bus to be loaded

Saturday 9 am / (pm)

Approximate time to return

Type of Transportation Private Auto

Commercial Carrier List Carrier _____

Marion County School Bus Number _____ Driver _____

Is School to pay driver? Yes No

Approval (granted) / denied) Principal Heather Suders Date 12/9/22

Approval (granted) / denied) County Office Chada-Mor Date 12/6/2022

Approval (granted / denied) Transportation _____ Date _____

Driver's Trip Report

Bus Number _____ Bus Capacity _____ Total Number Transported _____

Destination _____ Date of Trip _____ Day of Week _____

Times: Day One Day Two

Pre-Trip _____ am / pm _____ am / pm

Bus available to load _____ am / pm _____ am / pm

Departure Time _____ am / pm _____ am / pm

Return Time _____ am / pm _____ am / pm

Completion of bus cleanup _____ am / pm _____ am / pm

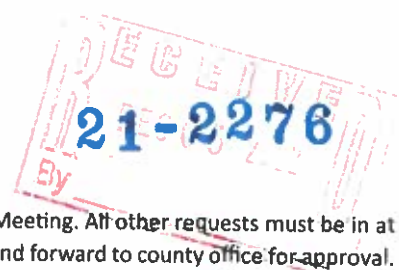
Kim Mor

Sponsor/Chaperone (Verify all times) Driver Signature Mileage Fuel

18-18

*Ms. Haupt,
To be placed on the
agenda for approval.
Overnight. Thank you c.s.p.*

**Marion County Board of Education
Field Trip Request Form**



All field trips requiring Board approval must be submitted at least two weeks prior to the regular Board Meeting. All other requests must be in at least one week prior to the trip. All completed copies are to be submitted to the principal who will sign and forward to county office for approval. Please submit one field trip form per bus needed.

FSHS 12-1-22 Michael Fortier Yes
School Date Submitted Sponsor(s) Sub Needed

Wrestling 3-2, 3-3 & 3-4-23 Mike Fortier Nick Hedrick Steve Lobbart Jay Mitchell No
Group Date of Trip Chaperone(s) Sub Needed

14 Huntington
Number to be transported Destination

State Tournament
Purpose of activity

2 2000 Boosters
Number of School Days Lost Approximate Cost Source of Funding

Transportation Information

Time bus to be loaded 10:00 ³⁻² am / pm Approximate time to return 3:00 ^{3/8} am / pm

Type of Transportation Private Auto Coaches/Parents
 Commercial Carrier List Carrier _____
 Marion County School Bus Number _____ Driver _____

Is School to pay driver? Yes No

Approval (granted) / denied) Principal [Signature] Date 12/2/22
Approval (granted) / denied) County Office [Signature] Date _____
Approval (granted) / denied) Transportation _____ Date _____

Driver's Trip Report

Bus Number _____ Bus Capacity _____ Total Number Transported _____

Destination _____ Date of Trip _____ Day of Week _____

Times: Day One Day Two

Pre-Trip	_____ am / pm	_____ am / pm
Bus available to load	_____ am / pm	_____ am / pm
Departure Time	_____ am / pm	_____ am / pm
Return Time	_____ am / pm	_____ am / pm
Completion of bus cleanup	_____ am / pm	_____ am / pm

Sponsor/Chaperone (Verify all times) _____ Driver Signature _____ Mileage _____ Fuel _____

tb/2017 White - Accounting Yellow - Transportation Office Pink - Driver Gold - Driver

1000000

MCA as meeting graduation requirements. WVDE will provide a graduation sleeve for each diploma for presentation at the graduation ceremony. Each diploma will include:

- o Student's name;
- o School of origin;
- o County of origin;
- o County Superintendent's electronic signature;
- o State Superintendent's signature;
- o Space for director of MCA's signature

- MCA director will provide the final signature for the diploma, and the diploma will be presented at MCA graduation.

II. Signatures

If the terms of this MOA are acceptable, please provide a PDF signature and email back to the sender.

I authorize WVDE to affix this signature to the High School Diplomas issued to MCA graduates.

Signature of County Superintendent

Date



Signature of State Superintendent

10/27/20
Date



Signature of Adjutant General, WVNG

28 Oct 2020
Date

Memorandum of Agreement

This Memorandum of Agreement (MOA) sets forth the process by which West Virginia Department of Education (WVDE), Mountaineer Challenge Academy (MCA), and County Superintendent will implement a system to create transcripts through WVEIS and grant high school diplomas for students who successfully complete MCA.

I. Responsibility Steps

- MCA will provide a list of students enrolled at the Academy the first week of every new class to WVDE including the following information:
 - o Student's full name;
 - o Student's WVEIS number;
 - o School of origin; and
 - o County of origin

 - Two to three weeks prior to graduation, MCA will email a list of graduates to WVDE including the following information:
 - o Student's full name;
 - o WVEIS number;
 - o School or origin;
 - o County of origin; and
 - o Student's grades for the four (4) National Guard Youth Challenge Program (NGYCP) courses:
 - 1067 – NGYCP Citizenship Character and Traditions;
 - 1082 - NGYCP Communication and Awareness;
 - 1083 - NGYCP Life Skills and Career Investigation; and
 - 1068 - NGYCP Management and Leadership Principles

 - WVDE will email the County Superintendent a request for electronic signature and a list of potential graduates including the following information:
 - o Student's full name;
 - o School of origin; and
 - o County of origin.

 - County Superintendent will verify and approve the input of student's WVEIS information by county/school staff. The information verified by the County Superintendent will include information such as:
 - o Student's name;
 - o Student's WVEIS number;
 - o School of origin;
 - o County of origin; and
 - o Move student to graduation status.
- Please check if you are granting permission for WVDE to use your electronic signature on High School Diplomas for MCA graduates.
- WVDE will print a High School Diploma from the school of origin for each student recommended by

MCA as meeting graduation requirements. WVDE will provide a graduation sleeve for each diploma for presentation at the graduation ceremony. Each diploma will include:

- o Student's name;
- o School of origin;
- o County of origin;
- o County Superintendent's electronic signature;
- o State Superintendent's signature;
- o Space for director of MCA's signature

- MCA director will provide the final signature for the diploma, and the diploma will be presented at MCA graduation.

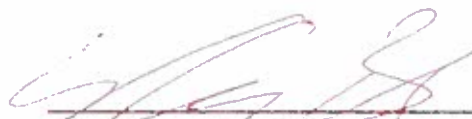
II. Signatures

If the terms of this MOA are acceptable, please provide a PDF signature and email back to the sender.

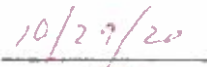
I authorize WVDE to affix this signature to the High School Diplomas issued to MCA graduates.

Signature of County Superintendent

Date



Signature of State Superintendent



Date



Signature of Adjutant General, WVNG



Date

21-2283

WFMS - Wrestling 2022-23 Winter Sports Chaperone List

Amber Eshenaur

Shauna Riggs

Zach Mcdowell

Luke Higgins

Whitney Slagle

Sheena Hershman

Tara Moran

Lindsay Spitznogle

POSITIVE BEHAVIOR SUPPORT PROGRAM
Center for Excellence in Disabilities – West Virginia University
959 Hartman Run Road Morgantown, WV 26505
(304) 293-4692

21-2284

OBSERVATION AGREEMENT

Between

Marion County Public Schools

and

Positive Behavior Support Program
Center for Excellence in Disabilities

This Observation Agreement (OA) sets forth the terms and understanding between Marion County Public Schools and Positive Behavior Support Program (PBSP).

Purpose

This OA will allow agencies to work together, using the varied expertise of each agencies' employees, to assist particular clients of the WV PBS Program and their families in their pursuit of collaborative services.

The above goal will be accomplished by undertaking the following activities:

- Marion County Public Schools will allow employees of PBSP access to their buildings and grounds for the purpose of observing children we are actively serving in their school environment.
- Marion County Public Schools will allow employees of PBSP access to their faculty and staff for the purpose of collaboration and to increase capacity to provide Positive Behavior Support best practices.
- Marion County Public Schools will NOT attempt to use employees of PBSP in any capacity outside this agreement. PBSP employees are not certified educators and cannot proctor or provide supervision for students.
- PBSP will provide Marion County Public Schools with appropriate Release of Information forms signed by the parent/guardian of any child we observe or about whom we have discussions.
- PBSP employees will NOT present themselves as educators, capable of proctoring or providing supervision for students.

POSITIVE BEHAVIOR SUPPORT PROGRAM
Center for Excellence in Disabilities – West Virginia University
959 Hartman Run Road Morgantown, WV 26505
(304) 293-4692

Duration

This OA is at-will and may be modified by mutual consent of authorized officials from Marion County Public Schools and PBSP. This OA shall become effective upon signature by authorized persons from the agencies and must be renewed annually.

Contact Information

Marion County Schools
Donna Heston
Superintendent
1516 Mary Lou Retton Dr. Fairmont, WV 26554
304.367.2100 ext. 111
donna.heston@k12.wv.us

Positive Behavior Support Program
Teresa Bhaile
Positive Behavior Support Specialist
959 Harman Run Rd. Morgantown, WV 26505
304.293.4692 x 60644
teresa.bhaile@hsc.wvu.edu

Donna Heston, Superintendent

Teresa Bhaile, PBS Behavior Specialist

OBSERVATION AGREEMENT

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POSITIVE BEHAVIOR SUPPORT PROGRAM
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21-2284

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Marion County Schools
Donna Heston
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1516 Mary Lou Retton Dr. Fairmont, WV 26554
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304.293.4692 x 60644
teresa.bhaile@hsc.wvu.edu

Donna Heston, Superintendent

Teresa Bhaile, PBS Behavior Specialist

WV You In Wrestling's DBA

**MARION COUNTY BOARD OF EDUCATION
FACILITY USE/RENTAL AGREEMENT**

This agreement dated the 10th day of November, 2022, by and between the Marion County Board of Education (hereafter known as MCBOE) and the West Fairmont Junior Wrestling Club (hereafter known as Organization)

WHEREAS, the Marion County Board of Education is the owner and manager of a certain facility known as FSHS

NOW, THEREFORE, in consideration of the mutual promises and covenant herein provide that the MCBOE and the Organization agree that

- I. Organization Name West Fairmont Junior Wrestling Club (WFSJC)
- II. Contact Name Grant Sisk
- III. Address 473 River Run Rd. Fairmont WV
- IV. Phone Number 304 816 6504
- V. The MCBOE covenants and agrees that it shall, from October, 2022 through September June, 2023, make available to the WFSJC the FSHS for the purpose of Practice. The activities herein described pertain to the Organization's group exclusively. The MCBOE reserves the right to eliminate any of the above days that there is no school and/or special programs occurring in said facility. The MCBOE will provide a schedule to the Organization with those dates the facility will not be available.
- VI. Is the planned activity a non-profit making venture? Yes

Criteria: 490P Attorney Gen 114 (1981) Board not authorized to rent or lease school property to profit-making organizations.

July 22, 1985 St. Superintendent interpretation states in part that question: is it permissible for private organizations or individuals to utilize public school facilities for non-profit making ventures. The answer to your question appears to be yes, it is permissible... unless such ventures would not have a community purpose.

VII Organization agrees to assure that said Organization is a Not-For-Profit entity.

FEIN Number 92-0501238 (Include a copy of your W-9 Request for Taxpayer Identification Number & Certificate)

VIII Organization covenants and agrees that the scheduling of its events utilizing the FSHS as provided for herein shall be coordinated with and through the Organization, and said schedule will be provided to THE Administrative Assistant of Maintenance, Facilities, and Athletics.

IX Organization agrees to a facility use fee of \$ _____ per _____ in addition to a \$ _____ custodial fee per _____
(Additional fees may apply depending on facility) \$ _____ for _____

X Organization covenants and agrees they shall provide a minimum of \$1,000,000 liability and accident insurance for all events during the term of this agreement.

.....This section must be completed..... Liability Insurance Information. (minimum of \$1,000,000 liability required by MCBOE)

Insurance Company Erie Insurance Appalachian Ins Agency

Policy Number 007104809

.....Attach a copy of the policy to the application.....

XI Organization covenants and agrees that it shall save MCBOE harmless from and indemnify it against all liabilities, losses, claims, demands, costs, expenses, and judgments of any nature arising or alleged to rise from or in connection with the following:

A. Any injury, or the death of, any person or persons or loss or damage to property on or about the premises or any adjoining property arising from or connected with the premises during the term of this agreement.

B. Performance of any labor or services or the furnishing of any materials or other property in respect of the premises or any part thereof by or at the request of the Organization. Organization shall resist and defend any action, suit or proceeding brought against the MCBOE by reason of the occurrence of any of the aforementioned by the MCBOE.

XII Organization covenants and agrees that it shall be responsible for the condition of the facility after usage and agrees to be responsible for any damages or expenses resulting from Organization's use of the facility.

XIII Organization covenants and agrees that it shall comply with all laws, orders, and regulations of Federal, State, and municipal authorities including but not limited to all safety regulations and health department rules and regulations.

XIV. MCBOE shall inspect FSHS after Organization's usage to ensure that no damages occurred as a direct result of Organization's usage

XV. Organization will receive one key to be used by signer and assigns only, with no duplicates to be made or used by others. If the key is used by others or during non-scheduled times by others, this contract will be immediately terminated

XVI. The terms of this Agreement and all privileges, rights, obligations, duties and liabilities hereunder shall remain in force and effect from _____, until the _____ day of _____, however, either party upon thirty (30) days written notice to the other may, with impunity, terminate this agreement immediately for any reason whatsoever. This agreement constitutes the entire agreement existing between the parties. There are no other agreements, oral or otherwise, which modifies or affects this agreement. The AGREEMENT and all terms and provisions herein shall extend to and be binding on their successors and assigns

Grant Sisk
Representative of Organization

11/10/2022
Date

[Signature]
Principal or Designee

11/28/22
Date

Administrative Assistant of Maintenance, Facilities and Athletics

_____ Date

Superintendent

_____ Date

Board President

_____ Date

- 8/28/08
- 2/23/15
- 8/12/21
- 11/30/21
- 3/3/22
- 07/28/22

2011-12-15

Date of this notice: 09-27-2022

Employer Identification Number:
92-0501238

Form: SS-4

Number of this notice: CP 575 E

For assistance you may call us at:
1-800-829-4933

FAIRMONT JUNIOR WRESTLING CLUB
% ASHLEY MCCALL
1400 JOHNSON AVE STE 1G
BRIDGEPORT, WV 26330

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 92-0501238. This EIN will identify your entity, accounts, tax returns, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for business and tax purposes. Some taxpayers receive CP575 notices when another person has stolen their identity and are operating using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

When you submitted your application for an EIN, you checked the box indicating you are a non-profit organization. Assigning an EIN does not grant tax-exempt status to non-profit organizations. Publication 557, Tax-Exempt Status for Your organization, has details on the application process, as well as information on returns you may need to file. To apply for recognition of tax-exempt status, organizations must complete an application on one of the following forms: Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code; Form 1023-EZ, Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code; Form 1024, Application for Recognition Under Section 501(a); or Form 1024-A, Application for Recognition of Exemption Under Section 501(c)(4) of the Internal Revenue Code.

Nearly all organizations claiming tax-exempt status must file a Form 990-series annual information return (Form 990, 990-EZ, or 990-PF) or notice (Form 990-N) beginning with the year they legally form, even if they have not yet applied for or received recognition of tax-exempt status.

If you become tax-exempt, you will lose tax-exempt status if you fail to file a required return or notice for three consecutive years, unless a filing exception applies to you (search www.irs.gov for Annual Exempt Organization Return: Who Must File). We start calculating this three-year period from the tax year we assigned the EIN to you. If that first tax year isn't a full twelve months, you're still responsible for submitting a return for that year. If you didn't legally form in the same tax year in which you obtained your EIN, contact us at the phone number or address listed at the top of this letter. For the most current information on your filing requirements and other important information, visit www.irs.gov/charities.

21-2285

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is FAIR. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, Safeguarding Taxpayer Data: A Guide for Your Business.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

Thank you for your cooperation.

Keep this part for your records.

CP 575 E (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 E

9999999999

Your Telephone Number Best Time to Call
() -

DATE OF THIS NOTICE: 09-27-2022
EMPLOYER IDENTIFICATION NUMBER: 92-0501238
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023
[Barcode]

FAIRMONT JUNIOR WRESTLING CLUB
% ASHLEY MCCALL
1400 JOHNSON AVE STE 1G
BRIDGEPORT, WV 26330

DECLARATIONS



ERIE INS PROP/CAS CO
GENERAL LIABILITY POLIC

RENEWAL CERTIFICATE

21-2285

Agent	ITEM 2. Policy Period	Policy Number
EE2000 APPALACHIAN INS AGY	11/01/22 TO 11/01/23	Q35 5100111 W

ITEM 1. Named Insured and Address
WEST VIRGINIA YOUTH WRESTLING
& ENDT #1
PO BOX 427
KINGWOOD WV 26537-0427

ITEM 3. Other Interest

POLICY PERIOD BEGINS AND ENDS AT 12.01 A.M. STANDARD TIME AT THE STATED ADDRESS OF THE NAMED INSURED.

TYPE OF POLICY - OCCURRENCE BUSINESS TYPE - CORPORATION
COUNTY - PRESTON

THE ERIE'S LIMIT OF PROTECTION FOR EACH COVERAGE IS STATED BELOW. THIS IS SUBJECT TO ALL APPLICABLE TERMS OF THE POLICY AND ATTACHED FORMS.

LIMITS OF INSURANCE

EACH OCCURRENCE LIMIT	\$1,000,000	
DAMAGE TO PREMISES		
RENTED TO YOU LIMIT	\$1,000,000	ANY ONE PREMISES
MEDICAL EXPENSE LIMIT	\$	NIL ANY ONE PERSON
PERSONAL & ADVERTISING INJURY LIMIT	\$1,000,000	ANY ONE PERSON OR ORGANIZATION
GENERAL AGGREGATE LIMIT		\$2,000,000
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT		INCL IN GENERAL AGGREGATE LIMIT

COVERAGES & PREMIUMS

PREMISES/OPERATIONS	\$	3,051
PRODUCTS/COMPLETED OPERATIONS		INCLUDED
OPTIONAL COVERAGES -		
ADDITIONAL INSUREDS	\$	64

SURCHARGE IMPOSED BY THE ST OF WV - - - - \$ 17.13
TOTAL DEPOSIT PREMIUM - - - - \$ 3,132.14

APPLICABLE FORMS - SEE SCHEDULE OF FORMS

See Reverse Side

229 24 24

DECLARATIONS



ERIE INS PROP/CAS CO
 GENERAL LIABILITY POLICY

RENEWAL CERTIFICATE

Agent	ITEM 2. Policy Period	Policy Number
EE2000 APPALACHIAN INS AGY	11/01/22 TO 11/01/23	Q35 5100111 A

ITEM 1. Named Insured and Address
 WEST VIRGINIA YOUTH WRESTLING
 & ENDT #1
 PO BOX 427
 KINGWOOD WV 26537-0427

ITEM 3. Other Interest

SCHEDULE OF FORMS

FORM NUMBER	EDITION DATE	DESCRIPTION
CGL	03/01	COMMERCIAL GENERAL LIABILITY POLICY
CG0001	04/13	COMMERCIAL GENERAL LIABILITY COVERAGE FORM
GU42	06/09	WEST VIRGINIA - IMPORTANT NOTICE
ULOW	06/14	COVERAGE FOR PUNITIVE DAMAGES (MD,NC,TN,VA,WI,WV)
GU32	03/01	EXCLUSION - LEAD LIABILITY
IL0021	09/08	NUCLEAR ENERGY LIABILITY EXCLUSION ENDORSEMENT
CG2147	12/07	EMPLOYMENT-RELATED PRACTICES EXCLUSION
ULQN	06/14	EXCLUSION - PROFESSIONAL LIABILITY
ULQJ	06/17	EXTRA LIABILITY COVERAGES
CG0099	11/85	CHANGES IN GENERAL LIABILITY FORMS FOR COMMERCIAL PACKAGE POLICIES
ULED	09/05	EXCLUSION - ASBESTOS
CG2662	12/04	WEST VIRGINIA CHANGES - BINDING ARBITRATION
GU30	03/01	AMENDMENT OF POLICY - TWO OR MORE COVERAGE PARTS
CG2167	12/04	FUNGI OR BACTERIA EXCLUSION
CG2170	01/15	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM
IL985E*	01/21	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT
IL0017	11/98	COMMON POLICY CONDITIONS
UF4812*	03/08	IMPORTANT NOTICE - POLICY SERVICE FEES
UF8385	03/95	IMPORTANT NOTICE
UF6330*	08/09	IMPORTANT NOTICE: DO YOU USE SUBCONTRACTORS?
CG2196	03/05	SILICA OR SILICA-RELATED DUST EXCLUSION
GU136	03/09	AMENDMENT OF MOBILE EQUIPMENT DEFINITION
CG2106	05/14	EXCLUSION-ACCESS OR DISCLOSURE OF CONFIDENTIAL OR PERSONAL INFORMATION AND DATA-RELATED LIABILITY WITH LIMITED BODILY INJURY EXCEPTION
CG2109	06/15	EXCLUSION - UNMANNED AIRCRAFT
CG2135	10/01	EXCLUSION - COVERAGE C - MEDICAL PAYMENTS
END110P		LONG NAMED ADDITIONAL INSURED ENDORSEMENT
ENDT1		LONG NAMED INSURED ENDORSEMENT
CG2101	11/85	EXCLUSION - ATHLETIC OR SPORTS PARTICIPANTS
CG2002	11/85	ADDITIONAL INSURED - CLUB MEMBERS
CG2026	04/13	ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

See Reverse Side

IMPORTANT - PLEASE READ

YOUR RATE FOR YOUR COMMERCIAL GENERAL LIABILITY POLICY IS DETERMINED BY USING ONE OF THE FOLLOWING BASES OF PREMIUM -

- A) AREA - RATES ARE PER 1000 SQUARE FEET OF AREA
- B) PAYROLL - RATES ARE PER \$1000 OF PAYROLL
- C) SALES - RATES ARE PER \$1000 OF SALES
- D) ADMISSIONS - RATES ARE PER 1000 ADMISSIONS
- E) COMMISSIONS - RATES ARE PER \$1000 COMMISSIONS
- F) COST - RATES ARE PER \$1000 COST
- G) EXPENDITURES - RATES ARE PER \$1000 EXPENDITURES
- H) OTHER - SEE PREMIUM BASES

DECLARATIONS



ERIE INS PROP/CAS CO
GENERAL LIABILITY POLICY

RENEWAL CERTIFICATE

Agent	ITEM 2. Policy Period	Policy Number
EE2000 APPALACHIAN INS AGY	11/01/22 TO 11/01/23	Q35 5100111 W

ITEM 1. Named Insured and Address
 WEST VIRGINIA YOUTH WRESTLING
 & ENDT #1
 PO BOX 427
 KINGWOOD WV 26537-0427

ITEM 3. Other Interest

EXCLUSION - ATHLETIC OR SPORTS PARTICIPANTS

EXCLUSION: EXCLUDING BI FOR PARTICIPANTS IN ANY SPORTS/GAMES/ACTIVITIES SPONSORED BY THE INSURED

SEE FORM CG2101

ENDORSEMENT 1

IT IS AGREED THAT THE NAMED INSURED SHALL READ AS FOLLOWS -

WEST VIRGINIA YOUTH WRESTLING ASSOCIATION
WEST VIRGINIA YOUTH WRESTLING
ASSOCIATION INC D/B/A

ENDORSEMENT #110P

IT IS AGREED THAT THE ADDITIONAL INSURED - CONTRACTUAL LIABILITY
SHALL READ AS FOLLOWS-

GLAZER ENTERPRISES INC & PARK CENTER LLC

RECORD OF ADDITIONAL INSUREDS - CONTRACTUAL LIABILITY
OWNERS, LESSEES OR CONTRACTORS

WOODSDALE ELEM SCHOOL
RE: CG2026
1 BETHANY PIKE
WHEELING WV 26003-6193

OHIO COUNTY SCHOOLS
RE: CG2026
2203 NATIONAL RD
WHEELING WV 26003-5203

MARION COUNTY BOE
RE: CG2026
1516 MARY LOU RETTON DR
FAIRMONT WV 26554-2204

FAYETTE CO BOARD OF EDUCATION
FAYETTEVILLE PRE K-8TH/CG2026
515 W MAPLE AVE
FAYETTEVILLE WV 25840-1419

UNION LOCAL ELEM SCHOOL
RE: CG2026
66699 BELMONT-MORRISTOWN RD
BELMONT OH 43718-9568

PHILIP BARBOUR HIGH SCHOOL
RE: CG2026
99 HORSEHOE DR
PHILIPPI WV 26416-0059

PRESTON COUNTY BOARD OF
EDUCATION/RE: CG2026
731 PRESTON DR
KINGWOOD WV 26537-1545

MEADOWBROOK MALL
RE: CG2026
2700 MEADOWBROOK MALL
BRIDGEPORT WV 26330-9794

DECLARATIONS



ERIE INS PROP/CAS &
GENERAL LIABILITY POLIC

RENEWAL CERTIFICATE

Agent	ITEM 2. Policy Period	Policy Number
EE2000 APPALACHIAN INS AGY	11/01/22 TO 11/01/23	Q35 5100111 w

ITEM 1. Named Insured and Address
WEST VIRGINIA YOUTH WRESTLING
& ENDT #1
PO BOX 427
KINGWOOD WV 26537-0427

ITEM 3. Other Interest

PARKERSBURG COUGARS
RE: CG2026
148 PARK SHOPPING CTR
PARKERSBURG WV 26101-1929

GLAZER ENTERPRISES & END110P
ATTN: BRAD GLAZER
920 FLORAL AVE
CINCINNATI OH 45242

GREENBRIER EAST HIGH SCHOOL
RE: CG2026
273 SPARTAN LN
LEWISBURG WV 24901-9738

ROBERT L BLAND MIDDLE SCHOOL
RE: CG2026
358 COURT AVE
WESTON WV 26452-2008

LEWIS COUNTY HIGH SCHOOL
RE: CG2026
205 MINUTEMAN DR
WESTON WV 26452-7673

LIBERTY HIGH SCHOOL
RE: CG2026
700 COAL RIVER RD
GLEN DANIEL WV 25844-9570

INDEPENDENCE HIGH SCHOOL
RE: CG2026
850 INDEPENDENCE RD
SOPHIA WV 25921-7748

INDEPENDENCE MIDDLE SCHOOL
RE: CG2026
SOPHIA WV 25921

RECORD OF ADDITIONAL INSUREDS - DESIGNATED PERSON OR ORGANIZATION

SMG RISK MANAGEMENT DIRECTOR
300 CONSHOHOCKEN STATE RD
SUITE 770
WEST CONSHOHOCKEN P 19428-3804

BIG SANDY SUPERSTORE ARENA
ONE CIVIC CENTER PLAZA
HUNTINGTON WV 25701-1758

NICHOLAS COUNTY BOARD
OF EDUCATION
OLD MAIN DR
SUMMERSVILLE WV 26651

MIDLAND TRAIL HIGH SCHOOL
26719 MIDLAND TRL
HICO WV 25854

PARKERSBURG HIGH SCHOOL
2101 DUDLEY AVE
PARKERSBURG WV 26101-3492

PRESTON HIGH SCHOOL
400 KNIGHT DR
KINGWOOD WV 26537-1568

See Reverse Side

BUCKHANNON UPSHUR HIGH SCHOOL
270 BU DR
BUCKHANNON WV 26201-9689

JACKSON COUNTY COMMISSION
214 MAIN ST
RIPLEY WV 25271-1414

NUTALL COMMUNITY CENTER
30930 MIDLAND TRAIL
LOOKOUT WV 25868

FAYETTE COUNTY BOARD OF
EDUCATION
111 FAYETTE AVE
FAYETTEVILLE WV 25840-1219

SOUTH HARRISON HIGH SCHOOL
3073 HAWK HWY
LOST CREEK WV 26385-6846

PRESTON HIGH SCHOOL
400 KNIGHT DR
KINGWOOD WV 26537-1568

FAIRMONT SENIOR HIGH SCHOOL
1 LOOP PARK DR
FAIRMONT WV 26554-2570

MIDDLE CREEK ELEM SCHOOL
579 MIDDLE CREEK RD
TRIADELPHIA WV 26059-1112

JACKSON CO ARMED FORCES
RESERVE CENTER
8832 POINT PLEASANT RD
MILLWOOD WV 25262-8623

JACKSON COUNTY CHAMBER OF
COMMERCE
167 SENECA DR # C
RIPLEY WV 25271-9361

TAYLOR COUNTY BOE
71 UTT DR
GRAFTON WV 26354-7449

SUMMIT PARK FIRE ASSOCIATION
249 SIMPSON ST
CLARKSBURG WV 26301-5939

NORTH MARION HIGH SCHOOL
1 N MARION DR
FARMINGTON WV 26571-9717

FAIRMONT SENIOR FIELD HOUSE
1516 MARY LOU RETTON DR
FAIRMONT WV 26554-2204

OHIO COUNTY SCHOOLS
2203 NATIONAL RD
WHEELING WV 26003-5203

WARWOOD ELEM SCHOOL/MIDDLE
SCHOOL
150 VIKING DR
WHEELING WV 26003-7918

DECLARATIONS



ERIE INS PROP/CAS CO
GENERAL LIABILITY POLIC

RENEWAL CERTIFICATE

Agent	ITEM 2. Policy Period	Policy Number
EE2000 APPALACHIAN INS AGY	11/01/22 TO 11/01/23	Q35 5100111 W

ITEM 1. Named Insured and Address
WEST VIRGINIA YOUTH WRESTLING
& ENDT #1
PO BOX 427
KINGWOOD WV 26537-0427

ITEM 3. Other Interest

WHEELING JESUIT UNIVERSITY
316 WASHINGTON AVE
WHEELING WV 26003-6295

WHEELING MIDDLE SCHOOL
3500 CHAPLINE ST
WHEELING WV 26003-1999

WHEELING PARK HIGH SCHOOL
1976 PARK VIEW RD
WHEELING WV 26003-9370

See Reverse Side



*Ms. Hargis,
to be placed on the
agenda for board
approval. Thank you
C. Hargis 12-14-2022*

21-2287

Marion County Board of Education
Field Trip Request Form

All field trips requiring Board approval must be submitted at least two weeks prior to the regular Board Meeting. All other requests must be in at least one week prior to the trip. All completed copies are to be submitted to the principal who will sign and forward to county office for approval. Please submit one field trip form per bus needed.

North Marion 12-12-22 oliveo no
School Date Submitted Sponsor(s) Sub Needed

theatre March 4 harker no
Group Date of Trip Chaperone(s) Sub Needed

25 North Marion parking lot
Number to be transported Destination

return from setc convention in Lexington KY
Purpose of activity

3 \$5,000 theatre fund
Number of School Days Lost Approximate Cost Source of Funding
Student fee

Transportation Information return trip

10 am in KY 7:30 am
Time bus to be loaded Approximate time to return

Type of Transportation Private Auto Commercial Carrier Marion County School Bus
List Carrier Budget Charters
Number _____ Driver _____

Is School to pay driver? Yes No

Approval (granted) / denied) Principal [Signature] Date 12-13-2022
Approval (granted) / denied) County Office [Signature] Date 12-14-2022
Approval (granted / denied) Transportation _____ Date _____

Driver's Trip Report

Bus Number _____ Bus Capacity _____ Total Number Transported _____

Destination _____ Date of Trip _____ Day of Week _____

Times: Day One Day Two

Pre-Trip	_____ am / pm	_____ am / pm
Bus available to load	_____ am / pm	_____ am / pm
Departure Time	_____ am / pm	_____ am / pm
Return Time	_____ am / pm	_____ am / pm
Completion of bus cleanup	_____ am / pm	_____ am / pm

Sponsor/Chaperone (Verify all times) _____ Driver Signature _____ Mileage _____ Fuel _____

tb/2017 White - Accounting Yellow - Transportation Office Pink - Driver Gold - Driver

*Ms. Haught,
To be placed on
the agenda for board
approval.
C. 2/10/22 12-14-2022*

Marion County Board of Education
Field Trip Request Form

21-2287
RECEIVED
OFFICE OF THE CLERK
MARION COUNTY BOARD OF EDUCATION
JAN 11 2022

All field trips requiring Board approval must be submitted at least two weeks prior to the regular Board Meeting. All other requests must be in at least one week prior to the trip. All completed copies are to be submitted to the principal who will sign and forward to county office for approval. Please submit one field trip form per bus needed.

North Marion 12-~~12~~-22 Oliver yes
School Date Submitted Sponsor(s) Sub Needed

Theatre Feb 28 2023 Hatten yes
Group Date of Trip Chaperone(s) Sub Needed

25 Hilton Lexington Downtown Hardgum Hotel
Number to be transported Destination

attend the south eastern theatre conference
Purpose of activity

3 \$5,000 Theatre account student pay
Number of School Days Lost Approximate Cost Source of Funding

Transportation Information

Time bus to be loaded 2 am / pm Approximate time to return one way am / pm

Type of Transportation Private Auto Commercial Carrier List Carrier Budget Charters
 Marion County School Bus Number _____ Driver _____

Is School to pay driver? Yes No

Approval (granted) / denied) Principal Joyce M. Haught Date 12-13-2022
Approval (granted) / denied) County Office Chuck 7/10 Date 12-14-2022
Approval (granted) / denied) Transportation _____ Date _____

Driver's Trip Report

Bus Number _____ Bus Capacity _____ Total Number Transported _____
Destination _____ Date of Trip _____ Day of Week _____

Times: Day One Day Two
Pre-Trip _____ am / pm _____ am / pm
Bus available to load _____ am / pm _____ am / pm
Departure Time _____ am / pm _____ am / pm
Return Time _____ am / pm _____ am / pm
Completion of bus cleanup _____ am / pm _____ am / pm



Sponsor/Chaperone (Verify all times) Driver Signature Mileage Fuel
tb/2017 White - Accounting Yellow - Transportation Office Pink - Driver Gold - Driver

pls. place on the board agenda for approval. Courtney
Andrew C. 2/10/23

Marion County Board of Education Field Trip Request Form

RECEIVED
 DEC 13 2022
 BY _____
 21-2288

All field trips requiring Board approval must be submitted at least two weeks prior to the regular Board Meeting. All other requests must be in at least one week prior to the trip. All completed copies are to be submitted to the principal who will sign and forward to county office for approval. Please submit one field trip form per bus needed.

<u>East Middle</u>	<u>12-06-22</u>	<u>Kim Moran</u>	
School	Date Submitted	Sponsor(s)	Sub Needed
<u>Cheer</u>	<u>01-06-23</u> <u>01-07-23</u>	<u>Parents</u>	
Group	Date of Trip	Chaperone(s)	Sub Needed
<u>15</u>	<u>South Charleston High School</u>		
Number to be transported	Destination		
Purpose of activity	<u>Cheer Camp</u>		
Number of School Days Lost	<u>0</u>	Approximate Cost	Source of Funding
		<u>500⁰⁰</u>	<u>Cheer</u>

Transportation Information

<u>12-06-22</u>	<u>12-07-22</u>
Time bus to be loaded <u>2:30</u> am (pm)	Approximate time to return <u>8pm</u> am / pm
Type of Transportation	<input checked="" type="checkbox"/> Private Auto <input type="checkbox"/> Commercial Carrier List Carrier _____ <input type="checkbox"/> Marion County School Bus Number _____ Driver _____
Is School to pay driver?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Approval <u>(granted)</u> / denied) Principal <u>Heather Hudgins</u> Date <u>12/8/22</u>	
Approval <u>(granted)</u> / denied) County Office <u>Courtney</u> Date <u>12/13/2022</u>	
Approval (granted / denied) Transportation _____ Date _____	

Driver's Trip Report

Bus Number _____	Bus Capacity _____	Total Number Transported _____
Destination _____	Date of Trip _____	Day of Week _____
Times:	<input type="checkbox"/> Day One <input type="checkbox"/> Day Two	
Pre-Trip	_____ am / pm _____ am / pm	
Bus available to load	_____ am / pm _____ am / pm	
Departure Time	_____ am / pm _____ am / pm	
Return Time	_____ am / pm _____ am / pm	
Completion of bus cleanup	_____ am / pm _____ am / pm	

Kim Moran _____
 Sponsor/Chaperone (Verify all times) Driver Signature Mileage Fuel

2-1
5025

Book Policy Manual

Section Volume 14, No.1 - February 2022 Draft

Title Copy of New Policy - Vol. 14, No. 1 - February 2022 -
REQUIRED INSTRUCTION

Code po2215

Status

2215 - **REQUIRED COURSES OF INSTRUCTION**

In all public, private, parochial, and denominational schools located within West Virginia, there shall be given prior to the completion of the eighth grade at least one (1) year of instruction in the history of the State of West Virginia.

The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism.

The WV Board of Education shall cause to be taught in all public schools of WV the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the District, on:

- A. The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases;

501, 502

- B. substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general;
- C. the importance of healthy eating and physical activity in maintaining healthy weight; and
- D. education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose.

A full week of classes during the week selected by the Board shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

- A. Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;
- B. Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and
- C. includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.
- D. These requirements are applicable to all public, private, parochial, and denominational schools located within WV.

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Legal

WV Code 18-2-9

Book Policy Manual

Section Volume 14, No.1 - February 2022 Draft

Title Copy of New Policy - Vol. 14, No. 1 - February 2022 - CIVICS EDUCATION TEST

Code po2625

Status

2625 - CIVICS EDUCATION TEST

Students shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and 12th-grade years as an indicator of student achievement in the area of civics education. The test results may be reported in the aggregate to the Board for evaluation by the board’s curriculum director and reported to the Board members. This does not create a standard or requirement subject to state accountability measures.


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Legal WV Code 18-2-9

Book Policy Manual

Section Volume 14, No.1 - February 2022 Draft

Title Copy of New Policy - Vol. 14, No. 1 - February 2022 - DETERMINATION OF EMPLOYEE OR INDEPENDENT WORKER

Code po4116 

Status

4116 - DETERMINATION OF EMPLOYEE OR INDEPENDENT WORKER

It is in the best interests of this state, workers, and businesses for there to be certainty regarding the legal status of workers concerning workers' compensation as defined in WV Code, chapter 23, unemployment compensation in WV Code chapter 21A, Human Rights Act rights in WV Code 5-11-1 *et seq.*, and wage payment and collection in WV Code 21-5-1 *et seq.*, and their applicable rights and obligations. Clarity in a worker's classification allows businesses to comply with applicable laws, provides workers with certainty as to their benefits and obligations, and minimizes unnecessary mistakes, litigation, risk, and legal exposure laws concerning workers' compensation, unemployment compensation, Human Rights Act.

It is in the best interests of workers, business, and government to have clear, objective, and certain standards for determining who is an employee and who is an independent contractor concerning workers' compensation, unemployment compensation, Human Rights Act rights, and wage payment and collection.

The purpose of this policy is to bring certainty and consistency in the laws and clarity regarding the distinction between employees and independent contractors in laws concerning workers' compensation, unemployment compensation, Human Rights Act rights, and wage payment and collection. By doing so, the state will ensure that workers who are indeed "employees" are properly classified as such and will be afforded the legal protections and obligations that apply to such status, and that workers who desire to be, and meet the standards of being, independent contractors will be entitled to the freedoms that such a relationship provides, which will reduce unnecessary and costly litigation and confusion in the workforce marketplace and in the courts.

Certain Laws May be Superseded

All laws concerning WV Code, Chapter 23, Workers' Compensation; WV Code, Chapter 21A, Unemployment Compensation; WV Code, 5-11-1 *et seq.*, Human Rights Act; and WV Code 21-5-1 *et seq.*; Wage Payment and Collection, where the application thereof is contingent upon the classification of a worker as being an employee are superseded, to the extent necessary, by this policy.

Classification of Independent Contractors and Employees

Subject only to the provisions of WV Code 21-5I-4(b), a person shall be classified as an independent contractor under WV laws as defined in workers' compensation in chapter 23, unemployment compensation in chapter 21A, Human Rights Act rights in 5-11-1 *et seq.*, and wage payment and collection as defined in 21-5-1 *et seq.* if:

- A. The person signs a written contract with the principal, in substantial compliance with the terms of this subsection, that states the principal's intent to engage the services of the person as an independent contractor and contains acknowledgements that the person understands that he or she is:
1. Providing services for the principal as an independent contractor;
 2. Not going to be treated as an employee of the principal;
 3. Not going to be provided by the principal with either workers' compensation or unemployment compensation benefits;
 4. Obligated to pay all applicable federal and state income taxes, if any, on any moneys earned pursuant to the contractual relationship, and that the principal will not make any principal; and
 5. Responsible for the majority of supplies and other variable expenses that he or she incurs in connection with performing the contracted services unless: The expenses are for travel that is not local; the expenses are reimbursed under an express provision of the contract; or the supplies or expenses reimbursed are commonly reimbursed under industry practice; and;
- B. The person:
1. Has either filed, or is contractually required to file, in regard to the fees earned from the work, an income tax return with the appropriate federal, state, and local agencies for a business or for earnings from self-

employment; or

2. Provides his or her services through a business entity, including, but not limited to, a partnership, limited liability company or corporation, or through a sole proprietorship registered with a "doing business as" as required under state or local law; and;

C. With the exception of the exercise of control necessary to ensure compliance with statutory, regulatory, licensing, permitting, or other similar obligations required by a governmental or regulator entity, or to protect persons or property, or to protect a franchise brand, the person actually and directly controls the manner and means by which the work is to be accomplished, even though he or she may not have control over the final result of the work: *Provided*, That the required deployment, implementation, or use of any safety improvement by an independent contractor as required by contract or otherwise shall not be considered when evaluating status as an employee or independent contractor under any state law. For purposes of this section, "safety improvement" shall mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with state, federal, or local safety laws or regulations or general safety concerns. This provision is satisfied even though the principal may provide orientation, information, guidance, or suggestions about the principal's products, business, services, customers and operating systems, and training otherwise required by law; and;

D. The person satisfies three or more of the following criteria:

1. Except for an agreement with the principal relating to final completion or final delivery time or schedule, range of work hours, or the time entertainment is to be presented if the work contracted for is entertainment, the person has control over the amount of time personally spent providing services;
2. Except for services that can only be performed at specific locations, the person has control over where the services are performed;
3. The person is not required to work exclusively for one principal unless:
 - a. A law, regulation, or ordinance prohibits the person from providing services to more than one principal; or
 - b. A license or permit that the person is required to maintain in order to perform the work limits the person to working for only one

principal at a time or requires identification of the principal;

- c. The person is free to exercise independent initiative in soliciting others to purchase his or her services;
- d. The person is free to hire employees or to contract with assistants, helpers, or substitutes to perform all or some of the work;
- e. The person cannot be required to perform additional services without a new or modified contract;
- f. The person obtains a license or other permission from the principal to utilize any workspace of the principal in order to perform the work for which the person was engaged;
- g. The principal has been subject to an employment audit by the Internal Revenue Service (IRS) and the IRS has not reclassified the person to be an employee or has not reclassified the category of workers to be employees;

The person is responsible for maintaining and bearing the costs of any required business licenses, insurance, certifications, or permits required to perform the services; or

- E. The person satisfies the definition of a direct seller under Section 3508(b)(2) of the Internal Revenue Code of 1986.

The classification of all workers who do not satisfy the criteria set forth shall be determined by the test set forth in Internal Revenue Service Rev. Ruling 87-41, for purposes of classifying workers under the laws concerning workers' compensation, unemployment compensation, Human Rights Act, and wage payment and collection. In addition, nothing requires a principal to classify a worker who meets the criteria contained therein as an independent contractor, the principal always being free to hire the worker as an employee.

Limitations as to Scope


The test for determining whether a person is an independent contractor or employee set forth in this policy applies only for purposes of workers' compensation, Human Rights Act, and wage payment and collection. This test has no application to other areas of law, such as whether a person is an independent contractor or an agent of principal for determining whether the law of principal and agent applies with respect to such questions as the issue of vicarious liability to a third party in tort. Further, this

policy does not apply with respect to organizations or persons subject to the provisions of WV Code 17-29-11.

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Legal WV Code, Chapter 23, Workers' Compensation
 WV Code, Chapter 21A, Unemployment Compensation
 WV Code 5-11-1, et seq, Human Rights Act
 WV Code 21-5-1 et seq., Wage Payment and Collection

5028

Book	Policy Manual
Section	Volume 14, No.1 - February 2022 Draft
Title	Copy of EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES
Code	po4120.08
Status	
Adopted	August 1, 2007 
Last Revised	January 4, 2010

4120.08 - EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES

The Board of Education may find it necessary to employ personnel for extra-curricular assignments. Extra-curricular duties shall mean, but not be limited to, any activities that occur at times other than regularly scheduled working hours, which include the instructing, coaching, chaperoning, escorting, providing support services or caring for the needs of students, and which occur on a regularly scheduled basis.

The assignment of service personnel to extra-curricular assignments shall be made only by mutual agreement of the employee and the Superintendent, or designated representative, subject to Board approval.

The employee and the Superintendent, or a designated representative, subject to Board approval, shall mutually agree upon the maximum number of hours of extra-curricular assignment in each school year for each extra-curricular assignment.

The terms and conditions of the agreement between the employee and the Board shall be in writing and signed by both parties.

An employee's contract of employment shall be separate from the extra-curricular assignment agreement and shall not be conditioned upon the employee's acceptance or continuance of any extra-curricular assignment proposed by the Superintendent, a designated representative, or the Board.

The Board shall fill extra-curricular school service personnel assignments and vacancies in accordance with Board Policy 4120 and WV 18A-4-8b except that an alternative procedure for making extra-curricular school service personnel assignments within a particular classification category of employment may be utilized if the alternative procedure is approved by both Board and an affirmative vote of two-thirds (2/3's) of the employees within that classification category of employment.

An employee who was employed in any service personnel extra-curricular assignment during the previous school year shall have the option of retaining the assignment if it continues to exist in any succeeding school year. The Board may terminate any school service personnel extra-curricular assignment for lack of need pursuant to WV 18A-2-7. If an extra-curricular contract has been terminated and is reestablished in any succeeding school year, it shall be offered to the employee who held the assignment at the time of its termination.

If the employee declines the assignment, the extra-curricular assignments shall be posted and filled pursuant to Board Policy 4120 and WV 18A-4-8b.

Within the category of other certificates and permits, the State Superintendent may issue certificates for persons to serve in the public schools as athletic coaches or other extra-curricular activities coaches whose duties may include the supervision of students, subject to the following limitations:

- A. such person shall be employed under a contract with the County Board of Education which specifies the duties to be performed, which specifies a rate of pay equivalent to the rate of pay for professional educators in the county who accept similar duties as extra-curricular assignments and which provides for liability insurance associated with the activity

Such person shall not be considered employees of the Board for salary and benefit purposes other than as specified in the contract.

- ~~B. a currently employed certified professional educator has not applied for the position~~

C. such person completes an orientation program designed and approved in accordance with State Board rules
This policy does not preclude the Board from entering into an extra-curricular coaching assignment agreement with an individual employed by another county's board of education provided both county boards of education agree to the proposed arrangement.

Effective with the retirement of an employee on or after July 1, 2021, any extracurricular contract of the employee shall terminate when an employee retires. Nothing prohibits a retired employee from applying for and

if they are the successful applicant, becoming employed in an extracurricular assignment or other position with the Board consistent with the rules for the employment of retirees established by the consolidated public retirement board.

~~All coaching positions are to be posted as continuing positions;
A head and/or assistant coach, new to Marion County Schools, shall be issued three (3) one-year sports-specific contracts followed by a fourth and final contract provided disciplinary action or termination due to unsatisfactory evaluations by the Board has not been necessary.
Coaches may NOT be employed in more than one (1) coaching assignment during the same sport season as determined by the WVSSAG;
Positions filled by applicants possessing WVSSAG authorizations will continue to be one (1) year only, as required by West Virginia Department of Education policy. Positions awarded to WVSSAG candidates will be reposted annually.~~

The Superintendent shall establish administrative guidelines to **implement this policy, ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, and signs an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures.**

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WV Code 18A-4-16, 18A-3-2a

West Virginia Board of Education Policy 5202

Book Policy Manual
 Section Volume 14, No.1 - February 2022 Draft
 Title Copy of LETTERS OF REFERENCE
 Code po8340
 Status
 Adopted August 1, 2007

5629

8340 - LETTERS OF REFERENCE

The Board of Education recognizes that an employee or former employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer or other interested party. A current or former employee shall have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator.

If an administrator opts, however, to prepare a reference letter, the Board expects that administrator to provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the administrator's personal knowledge and, in the case of negative comments, by documentation included in the individual's personnel file.

No letters of reference shall be provided on behalf of any employee or former employee unless there is a signed and dated authorization for the release of such information included in the pertinent personnel file.

An administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, is prohibited from assisting a District employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such District employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. Assisting does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act and State law, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause, where the individual was acquitted or otherwise exonerated of the alleged misconduct, or the case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor or agent within four (4) years of the date of which the information was reported to a law enforcement agency.

In accordance with law, an administrator who, in the scope of his/her employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and in accordance with this policy.

The Superintendent shall develop the administrative guidelines necessary to implement this policy.

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Legal Section 8546 of the Every Student Succeeds Act (ESSA), 20 U.S.C. 7926, WV Code 18A-4-22

Book Policy Manual
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 Code po4125
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 Last Revised September 8, 2020

4125 - COMPETENCY TESTING FOR SERVICE PERSONNEL

The purpose of these tests are to determine the qualifications of new applicants seeking initial employment in a classification as either a regular or substitute employee or an existing employee for employment in another classification. Competency tests shall not be used to evaluate employees who hold the classification title in the category of their employment. The Board must use the State-approved competency test in its entirety with no additions to the test. The Board is not permitted to require additional testing for classifications or use District-developed tests. The Board may consider job-related factors in addition to the statutory qualification, if necessary, for the successful performance of the posted vacancy, shall be to provide the County Board of Education a uniform means of determining whether school service personnel employees who do not hold a classification title in a particular category of employment can meet the definition of the classification title in another category of employment. Competency tests shall not be used to evaluate employees who hold the classification title in the category of their employment.

Competency tests align with the classification definition in WV Code 18A-4-8. Each classification title defined and listed in WV Code 18A-4-8a shall be considered a separate classification category of employment for service personnel and shall have a separate competency test, except for those class titles having Roman numeral designations, which shall be considered a single classification of employment and shall have a single competency test. The cafeteria manager class title shall be included in the same classification category as cooks and shall have the same competency test. The executive secretary class title shall be included in the same classification category as secretaries and shall have the same competency test. The classification titles of chief mechanic, mechanic and assistant mechanic shall be included in one (1) classification title and shall have the same competency test. For multi-classified positions, the applicant must be able to pass all relevant competency tests.

Competency tests are based on classifications and include a combination of written and performance tests. The written test provides the District with the applicant's knowledge of the classification's job duties and responsibilities. The performance test demonstrates the applicant's ability to perform tasks related to the classification.

A valid license/certificate from a reputable agency or institution is also acceptable for certain classifications as found in the WVDE's Service Personnel Manual located on the WVDE's website. Applicants holding a valid license/certification in certain classifications are not required to take a competency test.

~~The competency test shall consist of an objective written and/or performance test developed by the State Board of Education. Applicants shall have the opportunity of taking the written test orally if requested. Oral tests shall be recorded mechanically and kept on file. Persons administering the oral test shall not know the applicant personally.~~

~~The performance test for all classifications and categories other than bus operator shall be administered by an employee of the board of education or an employee of a multi-county vocational school that serves the county at a location designated by the Superintendent and approved by the Board.~~

~~A standard passing score shall be established by the State Department of Education for each test and shall be used by the District Board of Education. The subject matter of each competency test shall be commensurate with the requirements of the definitions of the classification titles as provided in WV Code 18A-4-8. The subject matter of each competency test shall be designed in such a manner that achieving a passing grade will not require knowledge and skill in excess of the requirements of the definition of the classification titles.~~

~~Achieving a passing score shall conclusively demonstrate the qualification of an applicant for a classification title. Once an employee passes the competency test of a classification title, the applicant is fully qualified to fill vacancies in that classification category of employment as provided in WV Code 18A-4-8b and shall not be required to take the competency test again.~~

~~An applicant who fails to achieve a passing score shall be given other opportunities to pass the competency test when making application for another vacancy within the classification category.~~

~~Competency tests shall be administered to applicants in a uniform manner under uniform testing conditions. The District Board of Education is responsible for scheduling competency tests, notifying applicants of the date and time of the test. The Board shall not utilize a competency test other than the test developed by the West Virginia State Board of Education.~~

~~When scheduling of the competency test conflicts with the work schedule of a school employee who has applied for a vacancy, the employee shall be excused from work to take the competency test without loss of pay.~~

~~Competency tests shall be utilized to determine the qualification of new applicants seeking initial employment in a particular classification title as either a regular or substitute employee. The Board reserves the right to determine minimum qualifications that exceed the definition of classification titles when the best interests of students compel the identification of additional qualifications.~~

~~Once an employee holds or has held a classification title in a category of employment, that employee shall be considered qualified for the classification title even though that employee no longer holds that classification.~~

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Legal

WV Policy 5314

Board of Education of the County of Randolph v. Scott, No. 31691

WV State Code 18A-4-8e

5031

Book Policy Manual
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 Title Copy of UNAUTHORIZED WORK STOPPAGE
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3531 - UNAUTHORIZED WORK STOPPAGE

Board of Education employees in West Virginia have no right, statutory or otherwise, to engage in collective bargaining, mediation, or arbitration, and any work stoppage or strike by public employees is hereby declared to be unlawful. Furthermore, any work stoppage or strike by employees of a board of education poses a serious disruption to the thorough and efficient system of free schools, guaranteed to the children of West Virginia by Section One, Article XII of the Constitution of West Virginia.

For the purposes of this policy, an employee of a board of education is considered to be participating in a concerted work stoppage or strike if, on any day during a concerted stoppage of work or interruption of operations by the employees of the board of education:

- A. The employee does not report to work as required by his/her contract of employment;
- B. The employee is not on leave, as specifically permitted by any provision of WV Code or Board policy.
An employee is not permitted to use personal leave in connection with a work stoppage or strike in violation of WV Code 18A-4-10; and
- C. The employee is not otherwise prevented from reporting to work based on circumstances beyond the employee's control, that are unrelated to the employee's participation in the ongoing concerted work stoppage or strike, as determined by the Superintendent.

The WV legislature did not intend with the enactment of WV Code 18-5-45 and 18A-4-10 to permit a reduction in the instructional term for students or in the employment term for personnel when the conditions causing the closure of the school are a concerted work stoppage or strike by the employees. The Board may not use accrued and equivalent instructional time and the delivery of instruction through alternative methods to cancel days lost due to concerted work stoppages and strikes.

If an employee remains employed by the Board, notwithstanding his/her participation in a concerted work stoppage or strike, which the legislature determines to be a ground for termination, the Board shall withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day that such employee participates in a concerted work stoppage or strike, and such sums shall be forfeited to the Board.

~~The Board of Education is obligated and committed to provide certain basic services to students participating in Board programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.~~

Recognizing the fact that the School System, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Professional staff members who fail to perform their normal duties when so required as part of a concerted, unauthorized work stoppage will be subject to disciplinary action, up to and including termination of employment.

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Legal WV Code 18-5-45a
 West Virginia Supreme Court of Appeals held, in Jefferson County Bd. of Educ. v. 2
 Jefferson County Educ. Ass'n, 183 W.Va. 15 (1990)
 West Virginia Code 18A-2-8

5032

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4531 - UNAUTHORIZED WORK STOPPAGE

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For the purposes of this policy, an employee of a board of education is considered to be participating in a concerted work stoppage or strike if, on any day during a concerted stoppage of work or interruption of operations by the employees of the board of education:

- A. **The employee does not report to work as required by his/her contract of employment;**
- H. **The employee is not on leave, as specifically permitted by any provision of WV Code or Board policy.**

An employee is not permitted to use personal leave in connection with a work stoppage or strike in violation of WV Code 18A-4-10; and

- C. **The employee is not otherwise prevented from reporting to work based on circumstances beyond the employee's control, that are unrelated to the employee's participation in the ongoing concerted work stoppage or strike, as determined by the Superintendent.**

The WV Legislature did not intend with the enactment of WV Code 18-5-45 and 18A-4-10 to permit a reduction in the instructional term for students or in the employment term for personnel when the conditions causing the closure of the school are a concerted work stoppage or strike by the employees. The Board may not use accrued and equivalent instructional time and the delivery of instruction through alternative methods to cancel days lost due to concerted work stoppages and strikes.

The Board of Education is obligated and committed to provide certain basic services to students participating in Board programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

If an employee remains employed by the county board of education, notwithstanding his/her participation in a concerted work stoppage or strike, which the legislature determines to be a ground for termination, the Board shall withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day that such employee participates in a concerted work stoppage or strike, and such sums shall be forfeited to the Board.

The Board of Education is obligated and committed to provide certain basic services to students participating in Board programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the School System, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Service personnel staff members who fail to perform their normal duties when so required as part of a concerted, unauthorized work stoppage will be subject to disciplinary action, up to and including termination of employment.

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West Virginia Supreme Court of Appeals held, in Jefferson County Bd. of Educ. v. 2
Jefferson County Educ. Ass'n, 183 W. Va. 15 (1990)


WV Code 18-5-45a

West Virginia Code 18A-2-8

Book Policy Manual

Section Volume 14, No.1 - February 2022 Draft

Title Copy of New Policy - Vol. 14, No. 1 - February 2022 -
DETERMINATION OF EMPLOYEE OR INDEPENDENT WORKER

Code po1406 

Status

1406 - DETERMINATION OF EMPLOYEE OR INDEPENDENT WORKER

It is in the best interests of this state, workers, and businesses for there to be certainty regarding the legal status of workers concerning workers' compensation as defined in WV Code, chapter 23, unemployment compensation in WV Code chapter 21A, Human Rights Act rights in WV Code 5-11-1 *et seq.*, and wage payment and collection in WV Code 21-5-1 *et seq.*, and their applicable rights and obligations. Clarity in a worker's classification allows businesses to comply with applicable laws, provides workers with certainty as to their benefits and obligations, and minimizes unnecessary mistakes, litigation, risk, and legal exposure laws concerning workers' compensation, unemployment compensation, Human Rights Act.

It is in the best interests of workers, business, and government to have clear, objective, and certain standards for determining who is an employee and who is an independent contractor concerning workers' compensation, unemployment compensation, Human Rights Act rights, and wage payment and collection.

The purpose of this policy is to bring certainty and consistency in the laws and clarity regarding the distinction between employees and independent contractors in laws concerning workers' compensation, unemployment compensation, Human Rights Act rights, and wage payment and collection. By doing so, the state will ensure that workers who are indeed "employees" are properly classified as such and will be afforded the legal protections and obligations that apply to such status, and that workers who desire to be, and meet the standards of being, independent contractors will be entitled to the freedoms that such a relationship provides, which will reduce unnecessary and costly litigation and confusion in the workforce marketplace and in the courts.

Certain Laws May be Superseded

<https://go.boarddocs.com/wv/mar/Board.nsf/Private?open&login#>

All laws concerning WV Code, Chapter 23, Workers' Compensation; WV Code, Chapter 21A, Unemployment Compensation; WV Code, 5-11-1 *et seq.*, Human Rights Act; and WV Code 21-5-1 *et seq.*; Wage Payment and Collection, where the application thereof is contingent upon the classification of a worker as being an employee are superseded, to the extent necessary, by this policy.

Classification of Independent Contractors and Employees

Subject only to the provisions of WV Code 21-5I-4(b), a person shall be classified as an independent contractor under WV laws as defined in workers' compensation in chapter 23, unemployment compensation in chapter 21A, Human Rights Act rights in 5-11-1 *et seq.*, and wage payment and collection as defined in 21-5-1 *et seq.* if:

A. The person signs a written contract with the principal, in substantial compliance with the terms of this subsection, that states the principal's intent to engage the services of the person as an independent contractor and contains acknowledgements that the person understands that he or she is:

1. Providing services for the principal as an independent contractor;
2. Not going to be treated as an employee of the principal;
3. Not going to be provided by the principal with either workers' compensation or unemployment compensation benefits;
4. Obligated to pay all applicable federal and state income taxes, if any, on any moneys earned pursuant to the contractual relationship, and that the principal will not make any principal; and
5. Responsible for the majority of supplies and other variable expenses that he or she incurs in connection with performing the contracted services unless: The expenses are for travel that is not local; the expenses are reimbursed under an express provision of the contract; or the supplies or expenses reimbursed are commonly reimbursed under industry practice; and;

B. The person:

1. Has either filed, or is contractually required to file, in regard to the fees earned from the work, an income tax return with the appropriate federal, state, and local agencies for a business or for earnings from self-

employment; or

2. Provides his or her services through a business entity, including, but not limited to, a partnership, limited liability company or corporation, or through a sole proprietorship registered with a "doing business as" as required under state or local law; and;

C. With the exception of the exercise of control necessary to ensure compliance with statutory, regulatory, licensing, permitting, or other similar obligations required by a governmental or regulator entity, or to protect persons or property, or to protect a franchise brand, the person actually and directly controls the manner and means by which the work is to be accomplished, even though he or she may not have control over the final result of the work: *Provided*, That the required deployment, implementation, or use of any safety improvement by an independent contractor as required by contract or otherwise shall not be considered when evaluating status as an employee or independent contractor under any state law. For purposes of this section, "safety improvement" shall mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with state, federal, or local safety laws or regulations or general safety concerns. This provision is satisfied even though the principal may provide orientation, information, guidance, or suggestions about the principal's products, business, services, customers and operating systems, and training otherwise required by law; and;

D. The person satisfies three or more of the following criteria:

1. Except for an agreement with the principal relating to final completion or final delivery time or schedule, range of work hours, or the time entertainment is to be presented if the work contracted for is entertainment, the person has control over the amount of time personally spent providing services;
2. Except for services that can only be performed at specific locations, the person has control over where the services are performed;
3. The person is not required to work exclusively for one principal unless:
 - a. A law, regulation, or ordinance prohibits the person from providing services to more than one principal; or
 - b. A license or permit that the person is required to maintain in order to perform the work limits the person to working for only one

principal at a time or requires identification of the principal;

- c. The person is free to exercise independent initiative in soliciting others to purchase his or her services;
- d. The person is free to hire employees or to contract with assistants, helpers, or substitutes to perform all or some of the work;
- e. The person cannot be required to perform additional services without a new or modified contract;
- f. The person obtains a license or other permission from the principal to utilize any workspace of the principal in order to perform the work for which the person was engaged;
- g. The principal has been subject to an employment audit by the Internal Revenue Service (IRS) and the IRS has not reclassified the person to be an employee or has not reclassified the category of workers to be employees;

The person is responsible for maintaining and bearing the costs of any required business licenses, insurance, certifications, or permits required to perform the services; or

- E. The person satisfies the definition of a direct seller under Section 3508(b)(2) of the Internal Revenue Code of 1986.

The classification of all workers who do not satisfy the criteria set forth shall be determined by the test set forth in Internal Revenue Service Rev. Ruling 87-41, for purposes of classifying workers under the laws concerning workers' compensation, unemployment compensation, Human Rights Act, and wage payment and collection. In addition, nothing requires a principal to classify a worker who meets the criteria contained therein as an independent contractor, the principal always being free to hire the worker as an employee.

Limitations as to Scope

The test for determining whether a person is an independent contractor or employee set forth in this policy applies only for purposes of workers' compensation, Human Rights Act, and wage payment and collection. This test has no application to other areas of law, such as whether a person is an independent contractor or an agent of principal for determining whether the law of principal and agent applies with respect to such questions as the issue of vicarious liability to a third party in tort. Further, this

policy does not apply with respect to organizations or persons subject to the provisions of WV Code 17-29-11.

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WV Code, Chapter 23, Workers' Compensation

WV Code, Chapter 21A, Unemployment Compensation

WV Code 5-11-1, et seq, Human Rights Act

WV Code 21-5-1 et seq., Wage Payment and Collection

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Code	po0100
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Adopted	August 1, 2007
Last Revised	June 1, 2020

5034

0100 - DEFINITIONS

Whenever the following items are used in these bylaws, policies and administrative guidelines they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Apps and Web Services

Apps/web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network, or client-server applications in which the user interface runs in a web browser. Apps/web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps/web services also are used to facilitate communication to, from and among and between, staff, students, parents, Board members, and/or other stakeholders and members of the community.

Athletic Director

A person employed by a County Board who is responsible for planning, management, operation and consult with principal on the evaluation of the athletic program for the school or schools to which he or she is assigned.

Board

The Board of Education of the school system.

Bylaw

Rule of the Board for its own governance.

Central Office Administrator

A professional educator employee who implements or supervises one (1) or more aspects of the County's program and who meets the certification and/or licensing requirements of the State.

Classroom Teacher

A professional educator has the direct instructional or counseling relationship with students and spending the majority of his/her time in this capacity. W.Va. 18A-1-1(b)(1)

Compulsory School Age

Compulsory school attendance shall begin with the school year in which the 6th birthday is reached prior to the first day of July or upon enrolling in a publicly supported kindergarten program and continuing to the seventeenth birthday. There are certain statutory exemptions to compulsory attendance set out in § 18-8-1.

County

A political subdivision of the State of West Virginia. The word "county" may be used in conjunction with the words "school system", "Board of Education" or "Superintendent" to specify the particular entity to which a reference is made.

District

A county school district.

Due Process

The safeguards to which a person is entitled in order to protect his/her rights.

Ethics Commission (Commission)

Means the West Virginia Ethics Commission.

Full Board

Authorized number of voting members entitled to govern the County.

Information Resources

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

Instructional Resources

"Instructional Resources" include print materials, electronic resources, and/or combinations of such instructional resources which convey information to the student.

Long-Term Substitute

A long-term substitute means a substitute employee who fills a vacant position that the Superintendent expects to extend for at least thirty (30) consecutive days, and is either: (1) listed in the job posting as a long-term substitute position of over thirty (30) days; or (2) listed in a job posting as a regular, full-time position and (a) is not filled by a regular, full-time employee; and (b) is filled by a substitute employee.

For the purposes of WV Code 5-16-2 (eligibility for PEIA benefits), long-term substitute does not include a retired employee hired to fill the vacant position.

May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

Any gathering which is attended by at least a quorum and is open to all of the members of the Board, where deliberation toward a decision regarding the business of the Board is had or where such decision or action is made.

Other Professional Employee

A person from another profession who is properly licensed and is employed to serve the public schools and includes a registered nurse, licensed by the West Virginia Board of Examiners for registered professional nurses and employed by a county board of education.

Parent

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, (x) telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The president of the Board of Education.

Principal

The professional educator who as an agent of the Board has responsibility for the supervision, management, and control of a school or schools. The major responsibility shall be the general supervision of the school(s) and all school activities involving students, teachers and other school personnel. In policy, capitalization of Principal implies delegation of responsibilities to appropriate staff members.

Professional Educator

A teacher, supervisor, principal, Superintendent or public school librarian; registered professional nurse and employed by a county board, who has, at least, a baccalaureate degree from a nursing program; and includes technology integration specialists or any other person regularly employed for instructional purposes in a public school in this State.

Professional Personnel

Persons who meet the certification and/or licensing requirements of the state and includes the professional educator and other professional employees.

Professional Instructional Personnel

A professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which s/he is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

Professional Student Support Personnel

Teachers who are assigned and serve on a regular full-time basis as a properly licensed counselor or school nurse with a bachelor's degree who is licensed by the West Virginia Board of Examiners for registered professional nurses.

Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, as well as professional personnel addressing chronic absenteeism. Professional student support personnel shall be considered as professional educators except in determining the allowance for professional educators.

Public Employee

Any full-time or part-time employee of any state, county, or municipal governmental body or any political subdivision thereof, including county school boards.

Public Official

Any person, including a public servant volunteer, who is elected to, appointed to, or given the authority to act in any state, county or municipal office or position, whether compensated or not, and who is responsible for the making of policy or takes official action which is either ministerial or nonministerial, or both, with respect to: 1) Contracting for, or procurement of goods or services; 2) administering or monitoring grants or subsidies; 3) planning or zoning; 4) inspecting, licensing, regulating or auditing any person; or 5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest or interests of any person.

Public Servant Volunteer

Any person performing services, without compensation, on behalf of a public official and who is granted or vested with powers, privileges or authorities reserved to public officials.

Regular Full-Time Employee

Any person employed by a county board who has a regular position or job throughout his/her employment term, without regard to hours or method of pay.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household.

School Personnel

All personnel employed by the Board. They shall be comprised of two (2) categories: professional personnel and service personnel.

Secretary

The Superintendent of the Board.

Service Personnel

An employee who serves the school or schools in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, food service and as aides.

Social Media

Social media includes online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, weblogs (blogs), wikis, online forms (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

Teacher

A teacher, supervisor, principal, Superintendent, public school librarian; or any other person regularly employed for instructional purposes in a public school in this State.

Technology Resources

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief fiscal officer of the Board.

Vice-President

The Vice-President of the Board of Education.


Voting

A vote at a meeting of the Board. Board meetings may be held by telephone conference or other electronic means and members may vote by telephone conference, other electronic means or in person. 6-9A-2(4), Code of West Virginia

Citations to West Virginia statute are noted as WV Code or Code of West Virginia. Citations to Rules of the State Board of Education are noted as C.S.R. or (Code of State Regulations, or West Virginia State Board of Education policy. Citations to the Federal Register are noted as FR; to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C. or U.S.C.A.

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Revised 8/26/19

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Book Policy Manual
 Section Volume 14, No.1 - February 2022 Draft
 Title Copy of DRUG-FREE WORKPLACE
 Code po4122.01
 Status 
 Adopted August 1, 2007

4122.01 - DRUG-FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which~~adopts this policy to establish and maintain a drug-free workplace as explained herein. The use, misuse and abuse of alcohol and drugs in the workplace present a clear danger to the health, welfare, and safety of the Board's students and employees. All employees shall be made aware of this policy and its requirements as explained herein.~~

Option 1 (needed only if Federal funds come directly from Washington)

meets the requirements in the Drug-Free Workplace Act.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's service personnel at any time while on District property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements.

[END OF OPTION #1]

Option 2 (applies to most schools)

is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the District's service personnel at any time while on District property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines.

The Board shall require every employee to sign a copy of a Drug-Free Workplace Verification Statement which states that the employee is aware of the policy and shall comply with the terms of the policy.

An employee shall notify their supervisor or department head of any criminal drug Statute conviction or alcohol violation occurring in the workplace or conviction outside of the workplace, no later than five (5) days after such violation or conviction occurs.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions.

[END OF OPTION #2]

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DEFINITIONS:

- "Alcohol"**—ethyl alcohol whatever its origin and shall include synthetic ethyl alcohol but not denatured alcohol.
- "Contractor"**—any department, division, unit, or any person responsible for the performance or work under a contract with the Board.
- "Controlled Substance"**—any substance that is designated as a controlled substance under State or Federal laws.
- "Conviction"**—a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- "Criminal Drug Statute"**—a criminal statute involving the manufacture, distribution, dispersion, use, or possession of any controlled substance.
- "Drug-Free Workplace"**—a work site where work is performed in connection with the employee's contract with the Board of Education. This workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the Board of Education as well as any other place at which the employee is being compensated by the Board to perform any work.
- "Drug"**—(1) articles/substances recognized as drugs for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals as recognized by the United States Pharmacopoeia Convention, and/or as noted by the American Society of Health System Pharmacists Facts and Comparisons, the American Society of Health System Pharmacists drug information database, the Physicians' Desk Reference, and/or any similar recognized authoritative text; (2) articles, other than food, intended to affect the structure or any function of the body of a human or animal; and (3) articles intended for use as a component of any articles specified in subsection (1) or (2) or this definition.
- "Employee"**—any person who works under any contract with the Board of Education for compensation of any kind.
- "Federal Agency"**—any agency as that term is defined in Section 552 (f) of Title IV, United States Code.
- "Grantee"**—any department, division, unit, or person responsible for the performance of work under the provisions of a Federal grant.
- "Illegal Drug"**—any drug which is not legally obtainable and/or is being used in a manner or for a purpose other than as prescribed.
- "Intoxicants"**—any intoxicating substance.
- "Legal Drug"**—nonprescription medication (medication that may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this State and Federal government) and prescription medication (medication, including any controlled substance under State or Federal law, that is required prior to being dispensed or delivered, to be labeled with any of the following statements: (1) "Caution: Federal law prohibits dispensing without prescription" or "for only"; (2) "Caution: Federal law restricts this drug to use by, or on the order of a licensed veterinarian"; as well as any drug which is required by any applicable Federal or State law or rule to be dispensed on prescription only or is restricted to use by practitioners only.
- "Look-Alike Drugs"**—tablets or capsules or other substances that are made to look like authentic drugs and are intended to imitate their effects.
- "Prohibited substance"**—means alcohol, intoxicants, look alike drugs, illegal drugs and/or legal drugs/controlled substances which have not been lawfully prescribed or which have been lawfully prescribed but are being used in a manner that is not consistent with that prescription.
- "Work Day"**—the work day includes all times when an employee is engaged in any activity related to his/her employment with the Board and shall include but not be limited to all times from the moment the employee is required to report to work until the employee is permitted to end his/her work day. The work day includes but is not necessarily limited to any day on which the employee reports to work, all meal breaks or rest periods taken during any day on which the employee reports to work and any time the employee is being compensated by the Board of Education to perform any kind of work at any Board-sponsored/related events as well as all times the when the employee is on/in any Board-owned or leased properties, buildings, and/or vehicles.

APPLICATION AND GOALS OF POLICY

- It is the policy of the Board of Education to ensure that its workplaces are free of alcohol, intoxicants, look alike drugs, illegal drugs and legal drugs/controlled substances which have not been lawfully prescribed, and drug paraphernalia by prohibiting: a) the unlawful manufacture, distribution, possession and/or use of the same at its workplaces; b) employees being under the influence of the same during the work day and/or while on/in property, buildings, and/or vehicles owned or leased by the Board.
- This policy is applicable while employees are engaged in any work-related activity which includes performing any work during regularly scheduled working hours, meal breaks, rest periods, and/or other occasions having a clear connection with the Board of Education and its mission. In addition, this policy is applicable at any and all times when employees are on Board property, in attendance at any school or school board activity/function. It is further applicable during the performance of any and all job-related activities, and/or while traveling in any vehicle owned, leased, or rented by the Board of Education.
- This policy's primary goal is to ensure that the Board's workplaces are safe, healthful, and secure for the Board's employees, students and visitors by keeping these workplaces free of alcohol, intoxicants, look alike drugs, illegal drugs and/or legal drugs/controlled substances which have not been lawfully prescribed and drug paraphernalia as well as employees who are under the influence of the same.
- This policy applies to all Board of Education employees including transportation-related employees who are required to comply with United States Department of Transportation drug-testing guidelines.

PROHIBITED AND REQUIRED EMPLOYEE CONDUCT

- No employee shall unlawfully manufacture, distribute, possess or use alcohol, intoxicants, look alike drugs, illegal drugs, and/or legal drugs/controlled substances which have not been lawfully prescribed

and/or are not being used as prescribed, and/or drug paraphernalia at any time or place subject to this policy.

- B. No employee shall report to work for duty or remain on duty while under the influence of intoxicants, look-alike drugs, illegal drugs, legal drugs/controlled substances which have not been lawfully prescribed and/or legal drugs/controlled substances which have been lawfully prescribed but have been taken by the employee in amounts greater than directed by the prescription. This prohibition applies to any amount of said substances being in the employee's bodily systems.
- C. No employee shall report to work or remain on duty while having a blood alcohol concentration of .04 or greater.
- D. No employee shall consume or possess open containers of alcohol on Board of Education property, in a Board of Education vehicle or vehicles rented by the Board of Education.
- E. No employee shall refuse to submit to a post-accident, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test, as applicable. Any such refusal shall be treated as a positive drug test and the employee will be subject to discipline including but not limited to suspension without pay and/or termination of their employment contract.
- F. No employee shall report for duty or remain on duty when the employee uses any legal drug/controlled substance, except when its use is pursuant to the instructions of a physician who has advised the employee that the substance will not adversely affect the employee's ability to perform his/her duties.
- G. Employees suspected of engaging in conduct prohibited by this policy shall be deemed unqualified to perform his/her assigned duties and shall be immediately removed from his/her assignment in order to protect the health, safety, and welfare of students and others in the workplace.
- H. Employees who violate any portion of a drug testing facility's protocol for obtaining a sample from the employee, which protocol has been explained to the employee orally or otherwise, are subject to disciplinary action up to and including suspension without pay and/or termination of their employment contract.
- I. No employee shall commit a Criminal Drug Statute offense in the workplace.
- J. Every employee shall notify his/her immediate supervisor if he/she is convicted (including pleading no contest) of violating a criminal drug statute which violation occurred in the workplace, no later than five (5) calendar days after such conviction.

CONSEQUENCES OF POLICY VIOLATION(S)

Any employee who engages in conduct prohibited by this policy shall be subject to one (1) or more of following actions depending upon the circumstances of the violation:

- A. Notification of law enforcement agency.
- B. Notification of the West Virginia Department of Education.
- C. Suspension with and/or without pay.
- D. Termination of employment.
- E. Under appropriate circumstances, as determined solely by the Superintendent, required enrollment in and successful completion of a substance abuse/counseling program at the employee's own expense as a condition of continued employment with the Board of Education.
- F. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the Board must take appropriate action within thirty (30) calendar days which may include: (1) taking appropriate personnel action against employee up to and including termination of his/her employment contract (consistent with requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act); or (2) requiring the employee's satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency. The Board shall apply all consequences fairly and consistently as required by law.
- G. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the Board shall notify the federal department of education or other federal grantor agency as required by the Drug-Free Workplace Act of 1988. (At the time this policy was drafted, the law requires that written notification be issued within ten (10) calendar days of learning of the employee's conviction)

RETURN TO DUTY AFTER A VIOLATION OF POLICY

- A. At the discretion of the Superintendent, those employees who have been suspended with or without pay for a violation of this policy may be required to do any or all of the following as a condition of the employee being permitted to return to duty:
 1. The employee must furnish a written verification of his/her successful completion of a substance abuse/counseling program; and/or
 2. The employee must furnish a physician's statement verifying that the employee is drug/alcohol free; and/or
 3. The employee must furnish proof of restoration and/or maintenance of any certification or license required for employee to legally perform his or her job duties for the Board of Education; and/or
 4. The employee must consent to and complete a pre-return-to-work urine or blood drug test that demonstrates that the employee is free from drugs and alcohol (other than prescription drugs which have been prescribed for the employee and are found in an amount consistent with the prescription);
- B. Failure of any employee to meet any of the foregoing conditions as required by the Superintendent may and likely shall result in a denial of the employee's request to return to work as well as further disciplinary action up to and including termination of the employee's contract with the Board for failing to comply with this policy.

MANDATORY REPORTING REQUIREMENT

- A. Any employee who has a good faith belief that another employee has violated or is violating any portion of this policy other than being under the influence of a prohibited substance while at work shall contact his/her supervisor within twenty-four (24) hours and report all of the following:
1. the name of the suspected employee, and
 2. the reasons and circumstances that led the reporting employee to believe that suspected employee has violated and/or is violating this policy.
- B. Any employee who has a good faith belief that another employee in the workplace and/or at a school-related activity, as detailed elsewhere herein, is under the influence of a prohibited substance shall immediately contact his/her supervisor and report all of the following:
1. the name of the suspected employee, and
 2. the reasons and circumstances that led the reporting employee to believe that the suspected employee is under the influence of a prohibited substance.

REASONABLE SUSPICION DOCUMENTATION & ALCOHOL AND DRUG TESTING

A supervisor or administrator who receives a report of an employee being under the influence of a prohibited substance shall, if he/she has received the training required by this section, personally interact with and observe the suspected employee and document his/her observations of the employee. If the supervisor or administrator who received said report has not received the training required by this section, he/she shall immediately provide this report to an administrator who has received said training.

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing to determine whether the employee has violated this policy by being under the influence of alcohol or other prohibited substance shall be deemed to exist when an employee manifests physical or behavioral symptoms or reactions commonly attributed to the use and/or misuse of alcohol or other prohibited substance as documented by an administrator who has received at least one (1) hour of training on recognizing and documenting such physical and/or behavioral symptoms and/or reactions and the requirements of this policy.

When the administrator determines that he/she has the necessary reasonable suspicion to require that the employee submit to alcohol and drug testing, he/she shall demand of the employee that the employee submit to drug/alcohol testing.

The administrator or his/her designee shall provide transportation for the employee and accompany him/her to a drug and alcohol testing facility that meets reasonable industry standards for conducting and verifying the results of alcohol and drug testing, and shall remain there with him/her until the initial test result is completed, except as otherwise provided herein.

If initial test results will not be available within sixty (60) minutes of providing a sample for testing, the employee shall be instructed not to report to work until 1) the results are provided to the administration, and 2) he/she is instructed to do so by the Superintendent or his/her designee.

REFUSAL TO SUBMIT TO REASONABLE SUSPICION OR OTHER LAWFUL ALCOHOL AND DRUG TESTING

Refusal of any employee to submit to the types of drug and alcohol tests used by the Board of Education and its selected testing facilities shall be deemed a positive drug test result and shall be sufficient grounds to terminate the employment of such employee.

A refusal to test includes any behavior which is intended to obstruct the proper administration of a drug/alcohol test. An employee's intentional and unreasonable delay in providing urine, breath, blood, or other specimen shall be considered a refusal to submit to testing and may result in the termination of the employee's contract with the Board of Education.

In the event that an employee cannot provide a sufficient urine specimen, the testing facility shall start a shy bladder log or similar procedure, and the Board of Education may avail itself of other drug testing protocols and/or have the employee examined by a physician immediately. If the examining physician cannot, to a reasonable degree of medical certainty, determine a legitimate medical explanation for the employee's inability to provide a specimen the same may be considered a refusal to test.

Except as otherwise provided herein, an employee shall NOT leave any alcohol and drug testing facility for any reason before the facility is able to obtain a sample from the employee, unless the employee is authorized to do so by the school administrator handling the matter or his/her designee.

If an employee violates any portion of a testing facility's protocol for obtaining a sample from the employee, which protocol has been explained to the employee orally or otherwise, the same shall constitute a refusal to submit to testing.

CONDITIONS OF EMPLOYMENT

As a condition of employment with the Board of Education, each employees shall (a) strictly abide by the terms of this policy; employee compliance is mandatory and cannot be waived or modified by any person; (b) notify his/her immediate supervisor if he/she is convicted (including pleading no contest) of violating a criminal drug statute which violation occurred in the workplace, no later than five (5) calendar days after such conviction; and (c) read and sign a statement evidencing that the employee is aware of this policy, has been given a copy of this policy, and agrees to abide by the terms of this policy.

EDUCATION & AWARENESS


It shall be the responsibility of the Board of Education to establish a drug-free awareness program for Board of Education employees to provide information on the following: (a) alcohol and drug abuse referral/treatment services available through PEIA; (b) the establishment and maintenance of a drug-free workplace as outlined in this policy; and (c) literature about the health risks and dangers of drug and alcohol abuse.

ADMINISTRATIVE GUIDELINES

The Board authorizes the Superintendent to establish written administrative guidelines to facilitate enforcement of and compliance with this policy.

Legal

41 U.S.C. 701, et seq., Drug-Free Workplace Act of 1988 20 U.S.C. 3224A

Book	Policy Manual
Section	Volume 14, No.1 - February 2022 Draft
Title	Copy of EMPLOYMENT OF SUBSTITUTES
Code	po4120.04
Status	
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Last Revised	May 20, 2017

4120.04 - EMPLOYMENT OF SUBSTITUTES

The Board of Education shall employ and the Superintendent, subject to the approval of the Board, shall assign substitute service personnel on the basis of seniority to perform any of the following duties:

- A. To fill the temporary absence of another service employee.
- B. To fill the position of a regular service employee who either requests a leave of absence from the Board in writing and is granted the leave in writing by the Board, or is on workers' compensation and absent.

If the leave of absence is to extend beyond thirty (30) working days, the Board shall post the position of the absent employee under the procedure set forth in WV Code 18A-4-8b. If a substitute service employee is employed to fill the position of the absent employee and is employed in the position for twenty (20) or more working days, the substitute service person acquires regular employee status with the exception of regular job bidding rights, does not accrue regular seniority, and is accorded all other rights, privileges and benefits pertaining to the position until the regular employee returns to the position or ceases to be employed by the Board.

The regular or substitute employee who fills a vacancy that is related to a leave of absence or the absence of an employee on worker's compensation in any manner as provided in this policy, upon termination of the leave of absence of the employee, shall be returned to his/her original position or status.

No service person may be required to request or to take a leave of absence and no service person shall be deprived of any right or privilege of regular employment status for refusal to request or failure to take a leave of absence.

- C. To perform the service of a service employee who is authorized to be absent from duties without loss of pay.
- D. To temporarily fill a vacancy in a permanent position caused by severance of employment by the resignation, transfer, retirement, permanent disability, dismissal for cause, or death of the regular service employee who had been assigned to fill the position.

Within twenty (20) working days from the commencement of the vacancy, the Board shall fill the vacancy under the procedures described in WV Code 18A-4-8b and 18A-2-5, and the person hired to fill the vacancy shall have and shall be accorded all rights, privileges and benefits pertaining to the position.

- E. To fill the vacancy created by a regular employee's suspension.

If the suspension is for more than thirty (30) working days, the Board shall post the position of the suspended employee under the provisions of WV Code 18A-4-8b. If a substitute service employee is employed to fill the suspended employee's position, the substitute employee shall acquire regular employee status with the exception of regular employee job-bidding rights, shall not accrue regular seniority, and shall be accorded all rights, privileges and benefits pertaining to the position until the termination by the Board becomes final or the suspended employee is returned to employment.

If the suspended employee is not returned to his/her job, the Board shall fill the vacancy under the procedures described in WV Code 18A-4-8b, and 18A-2-5.

- F. To temporarily fill a vacancy in a newly created position prior to employment of a service personnel on a regular basis under the procedure set forth in WV Code 18A-4-8b.

- G. **Other employment is never an acceptable reason for refusing to accept a job assignment.**

Service personnel substitutes shall be assigned in the following manner:

- A. A substitute with the greatest length of service time, that is, from the date s/he began his/her assigned duties as a substitute in that particular category of employment, shall be given priority in accepting the assignment throughout the

period of the regular employee's absence or until the vacancy is filled on a regular basis under the procedures described in WV Code 18A-4-8b.

- B. All service personnel substitutes shall be employed on a rotating basis according to the length of their service time until each substitute has had an opportunity to perform similar assignments. Employees first placed on the substitute rotation list during a school year shall initially be placed at the bottom of the list. The substitute rotation list shall be re-ordered according to seniority each July 1st.
- C. If there are regular service employees employed in the same building or working station as the absent employee and who are employed in the same classification category of employment, they shall be first offered the opportunity to fill the position of the absent employee on a rotating and seniority basis with a substitute service employee then filling the regular employee's position. A regular employee assigned to fill the position of an absent employee shall be given the opportunity to hold that position throughout the absence. For purposes of this policy, all regularly employed bus operators are considered to be employed within the same building or working station.■
- D. It is expected that substitute employees will be available and accept offered assignments. The unavailability of a substitute employee or the refusal of offered assignments at excessive levels has a detrimental effect upon the efficient operation of the school system. However, in recognition of the occurrence of a reasonable number of circumstances beyond the control of substitute employees, a determination has been made to permit a total of ten (10) instances of unavailability and/or refusal (regardless of reason) within a school year before adverse personnel action is recommended. Separate logs shall be maintained for substitute lists in each classification. Each log shall reflect the response to telephone contacts or attempted telephone contacts made to offer available substitute assignments. If there is no answer, the log shall note that the substitute employee was "not available." If an employee declines an assignment after being contacted the log shall note "decline." In the event a substitute employee is either "not available" or "declines" work on six (6) separate occasions the employee shall be provided with a warning letter indicating that four (4) additional instances of non-availability and/or refusal shall result in a recommendation that employment be terminated. After a warning letter has been issued and following four (4) additional instances of non-availability and/or refusal within a school year, the Superintendent shall recommend the termination of the employment of the substitute employee. A substitute employee who is terminated under the terms of this policy shall not be eligible for employment with Marion County Schools in any capacity for a period of three (3) years following the date of termination.

Persons whose names do not already appear on the substitute list for a service personnel category of employment may attain that status only by making application in response to a posted notice of vacancy for that substitute list. The posting process, and the selection of candidates from among the applicants, shall follow the procedures set forth in WV Code 18A-4-8b.

The salary of a substitute service employee shall be based upon his/her years of employment as defined in WV Code 18A-4-8 and as provided in the State minimum pay scale set forth in WV Code 18A-4-8a and shall be in accordance with the salary schedule of persons regularly employed in the same position in the county in which s/he is employed.

Before any substitute service employee enters upon his/her duties, s/he shall execute with the County Board a written contract as provided in WV Code 18A-2-5.

To establish a uniform system of providing a fair and equitable opportunity for substitutes to enter upon their duties for the first time, the following method shall be used: The initial order of assigning newly employed substitutes shall be determined by a random selection system established by the affected substitute employees and approved by the Board. This initial priority order shall be in effect only until the substitute service personnel have entered upon their duties for the first time.

Long-term substitute** means a substitute employee who fills a vacant position that the Superintendent expects to extend for a least thirty (30) consecutive days, and is either:

- A. listed in the job posting as a long-term substitute position of over thirty (30) days; or
- B. listed in a job posting as a regular, full-time position and:
 1. is not filled by a regular, full-time employee, and
 2. is filled by a substitute employee.

For the purposes of eligibility for PEIA benefits, a long-term substitute does not include a retired employee hired to fill the vacant position. **Prior to any retirant becoming employed on a temporary full-time or temporary part-time basis by the District shall notify the Retirement Board and the retirant in writing. If an when the retirant's potential temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either temporary full-time or temporary part-time employment, the employer shall notify the Retirement Board, in writing, of the retirant's subsequent employment.**

Substitute service employees who have worked thirty (30) days for a school system shall have all rights pertaining to suspension, dismissal and contract renewal as are granted to regular service personnel in WV Code 18A-2-6, 18A-2-7, 18A-2-8 and 18A-2-8a. A substitute employee who has not worked a total of thirty (30) days may be dismissed at the sole discretion of the Superintendent, with or without cause. Any substitute employee dismissed by the Superintendent shall be notified of his/her dismissal in writing.

~~Spouses of Board members may be employed by the Board, as substitute service employees, provided the Board member whose spouse is being considered for employment does not participate in any way in the discussion or~~

~~vote on such employment, and does not subsequently discuss or vote upon discipline, salary level, or other matter directly affecting the employee.~~

The Board will not employ as a substitute service employee the spouse or unemancipated child or a dependent (IRS criteria) of the Superintendent or any Board member. Otherwise, the Board may employ a member's or the Superintendent's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of a Board member is employed as a substitute service employee, the related Board member shall not participate in any way in the discussion or vote on the employment, and the Board member shall leave the Board meeting during the discussion and vote. When any such relative of the Superintendent is employed as a substitute service employee, the Superintendent shall not participate in any way in the discussion on the employment. Thereafter, the Board member may not vote on a personnel matter involving his/her relative unless the matter affects the Board member's relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

~~[] No individual shall be eligible for a substitute service personnel assignment in which s/he would be responsible for supervising his/her spouse, or in which s/he would be supervised by his/her spouse.~~

~~[] No individual shall be eligible for a substitute service personnel assignment in which s/he would be responsible for supervising a member of his/her immediate family, or in which s/he would be supervised by a member of his/her spouse. A substitute service employee's immediate family members are his/her spouse, parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild.~~

Any person who intentionally misstates facts material to his/her qualifications for employment as a substitute service employee or the determination of salary shall be subject to dismissal by the Board.

Applications for employment as a substitute service employee will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and circumstances must be such as to avoid the Board member's apparent use of his/her authority or influence as a Board member to secure the employment position. Employment, as used herein, shall not include volunteer positions for which no compensation is paid.

A substitute service employee may file a grievance but is considered an employee only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule, or written agreement relating to such substitute.

Substitute service personnel shall be evaluated in accordance with State and local policies.

~~*All provisions set forth above come directly from Statute, WV Code 18A-4-15, and are mandated by Statute.~~

~~** This definition comes directly from Statute, WV, Code 18A-1-1.~~

~~Substitutes shall have complied with any health examination required by law or policy.~~

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Book Policy Manual
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 Title REPLACEMENT - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS
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5722 - SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS

The Board of Education sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, school-sponsored student media shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term publication shall include distribution, transmission, and dissemination of a student publication, regardless of its medium. Student publications shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing) (✓) as well as material in electronic or online form including but not limited to Apps and Services (as defined in Bylaw 0100), web pages/sites, web logs (Blogs), video or audio clips, (✓) postings of Social Media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, (✓) text, wireless broadcast, or other similar distribution/dissemination. [end of options] (.) The Board expressly prohibits the use of Social Media related to student publications.

The term performance shall include presentation and broadcast of a student production, Student productions shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including but not listed to radio and television programs, video blogs (vlogs), podcast, (✓) Social Media (as defined in Bylaw 0100) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). (✓) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). [end of option] (.) The Board expressly prohibits the use of Social Media related to student productions.

[DRAFTING NOTE: The Board should select the following option only if it selected the first option under student publication or either or both of the first two options under student production.]

(✓) Only District-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media also must comply with Policy 7540.02.

For purposes of this policy, school community ^{Service} is defined to include students, School District employees (i.e., administrators and professional and classified staff), parent/family members (✓) and other individuals who are (✓) invited by the Superintendent (✓) authorized or otherwise permitted by the Superintendent [end of option] to view a performance or receive directly from the District a publication (✓) and those who have been issued credentials to access the District's secure portal. [end of option]

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors as that term is defined in the Children's Internet Protection Action (CIPA); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums; the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select Option 1, Option 2, Option 3,

Option 4, or Option 5.][] Option #1

[] Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #1]

[] Option #2

[] While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may be published/performed only to members of the school community: _____ [identify]. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #2]

 Option #3

While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #3]

[] Option #4

[DRAFTING NOTE: The Board should select either Option 2 or Option 3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum student expression.]

[] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public): _____ [identify]. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #4]

 Option #5

[DRAFTING NOTE: The Board should select this option if it has prohibited the use of District-approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

[] Nonpublic forum student expression may be published/performed only to members of the school community. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION#5]

[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) options are listed is not meant to convey a preference or recommendation. Boards should select the option that best reflects their current practice or a new practice they wish to follow. As they consider the following options, the Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.]

[] Option A [Select if the Board intends to designate all school-sponsored student media to be limited-purpose public forums (i.e., not subject to prior review/restraint) and generally allows them to be published/performed outside the school community. This is the most permissive of the options.]

[] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/ productions have the right to determine the content of the student media.

[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials will not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech. () Each medium should provide a full opportunity for students to inquire, question, and

exchange ideas. () Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy. [end of options]

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[END OF OPTION A]

[] Option B [Select if the Board intends to identify specific school-sponsored student publications/productions to be limited-purpose public forums (i.e., not subject to prior review/restraint), which may be published/performed outside the school community. School-sponsored student publications/productions not listed are considered nonpublic forums and will be subject to routine and systematic prior review and restraint. This is the second most permissive option, only permits prior review/restraint of nonpublic forums, and generally allows limited-purpose public forums to be generally published/performed outside the school community.]

The Board designated the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

As limited-purpose public forums the student journalists, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators, and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media.

[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers.

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance, except with respect to unprotected speech. () Each medium should provide a full opportunity for students to inquire, question, and exchange ideas. () Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy. [end of options]

The above-listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content, and with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/ artistic/theatrical/broadcast standards.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media, except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. [DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board shall provide school officials with guidance and training in order to implement this duty of review/restrain effectively and legally.]

[DRAFTING NOTE: Select Option B1, Option B-2, Option B-3, Option B-4, or Option B-5.]

[DRAFTING NOTE: The Board should select this option only if it has prohibited all nonpublic forum school-sponsored student publication/performance on Social Media, with the exception of nonpublic forum school-sponsored student media that is disseminated through District-approved Social Media that employs a secure

portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

Nonpublic forum school-sponsored student media may be published/performed only to members of the school community.

[END OF OPTION B-1]

[DRAFTING NOTE: The Board should select either Option B-2 or Option B-3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum school-sponsored student media; as mentioned above, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all nonpublic forum school-sponsored student media.]

Option B-2

While ordinarily nonpublic forum school-sponsored student media may be published/performed only to members of the school community, the following nonpublic forum student media may be published/performed outside the school community (i.e., to the general public): _____ [identify] () high school newspaper [could substitute with the name of the newspaper] () high school yearbook _____ [could substitute with the name of the yearbook] () _____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.

[END OF OPTION B-2]

Option B-3

While ordinarily nonpublic forum school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION B-3]

Option B-4

While nonpublic forum school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student media may be published/performed only to members of the school community: _____ [identify]. () See Board Policy 9160.

[END OF OPTION B-4]

Option B-5

Nonpublic forum school-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.

[END OF OPTION B-5]

[END OF OPTION B]

Option C [Select if the Board intends to identify specific student publications/productions to be limited-purpose public forums but wants to retain the authority to engage in limited and consistent prior review/restraint on the basis of four (4) identified reasons. School-sponsored publications/productions not listed are considered nonpublic forums and will be subject to routine prior review and restraint. This is the second most restrictive and permits some prior review/restraint involving what are otherwise limited-purpose public forums.]

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated]

As limited-purpose public forums, the student journalist, content-creators or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media. () While designated as limited-purpose public forums, the listed publications/productions are not intended to address general matters of public concern and are not open to public comment.

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance; however, school officials may review the content and reject an article/posting/publication/production due to one (1) of the following four (4) reasons:

- A. where poor grammar or writing is evident;
- B. where a legitimate question of age appropriateness of the material exists;
- C. where matters beyond the limited scope of the forum are included; and/or
- D. where the content involves unprotected speech.

() The above-listed school-sponsored student publications/productions, while limited-purpose public forums, are not intended to address general matters of public concern and therefore are not open to public comment.

The listed publications and or production shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and subject only to limited prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for the content beyond that covered by the school officials' limited prior review, and with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[DRAFTING NOTE: Select Option C-1, Option C-2, Option C-3, Option C-4, or Option C-5.]

() Option C-1

[DRAFTING NOTE: The Board should select this option only if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security.)

() School-sponsored student media may be published/performed only to members of the school community.

[END OF OPTION C-1]

[DRAFTING NOTE: The Board should select either Option C-2 or Option C-3 if it has authorized the limited use of District-approved Social Media to publish/perform school-sponsored student media; as mentioned below, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

() Option C-2

() While ordinarily school-sponsored student media may be published/performed only to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public): [identify] () high school newspaper [could substitute with the name of the newspaper] () high school yearbook [could substitute with the name of the yearbook] () [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.

[END OF OPTION C-2]

Option C-3

While ordinarily school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION C-3]

() Option C-4

While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may be published/performed only to members to the school community: _____ [identify]. () See Board Policy 9160.

[END OF OPTION C-4]

Option C-5

School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.

[END OF OPTION C-5]

All other school-sponsored student publications and productions, including classroom and/or other curricular or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. [DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]

[END OF OPTION C]

Option D [Select if the Board intends all school-sponsored student media (i.e. publications/production) to be nonpublic forums - i.e., subject to routine prior review/restraint. This is the most restrictive option.]

[DRAFTING NOTE: for Options D-1 through D-5: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board will be considered to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may prohibit further speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, profane, or unsuitable for immature audiences.

[DRAFTING NOTE: Select Option D-1, Option D-2, Option D-3, Option D-4, or Option D-5.]

Option D-1

[DRAFTING NOTE: The Board should select this option only if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through District-approved Social Media that employs a portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

School-sponsored student media may be published/performed only to members of the school community.

[END OF OPTION D-1]

[DRAFTING NOTE: The Board should select either Option D-2 or Option D-3 if it has authorized the limited use of District-approved Social Media to publish/perform school-sponsored media; as mentioned above, it is critically important that school officials routinely and consistently exercise their authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

Option D-2

While ordinarily school-sponsored student media may be published/performed only to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public): _____ [identify] () high school newspaper [could substitute with the name of the newspaper]. () high school yearbook [could substitute with the name of the yearbook].

_____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.

[END OF D-2]

Option D-3

While ordinarily school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community, (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION D-3]

Option D-4

While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may be published/performed only to members of the school community: _____ [identify]. () See Board Policy 9160.

[END OF OPTION D-4]

Option D-5

School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160

[END OF OPTION D-5]

[END OF OPTION D]

[END OF OPTIONS A THROUGH D]

[NOTE: The following paragraph is optional.]

Students () staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform's/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform's/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner and consistent with State and Federal law.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]

Option #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]

Advertising is permitted in () all school-sponsored student media () the following school-sponsored student publication/productions: [identify publications/productions]

Any advertisements must be consistent with Policy 9700.01 () AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by (input checked) the class/activity advisor (input checked) the building principal () the Superintendent (input checked) school officials [end of options] for a determination that they are appropriate for juveniles. The (input checked) Superintendent (input checked) Board retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

Option #2 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited-purpose public forums, and the students involved in the specific

publications / productions will be responsible for accepting or rejecting the advertisements.]

Advertising is permitted in () all school-sponsored student media that have been designated as limited-public forums. () the following school-sponsored student media that have been designated as limited-purpose public forums: [identify publications / productions]

Any advertisements must be consistent with Policy 9700.01 (✓) and AG 9700B.

The students in the class(es)/activity(ies) associated with () all school-sponsored student media that have been designated as limited-purpose public forums () the above-listed student media [end of option] will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may except those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

(✓) The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

() Option #3 [Select if the Board intends to prohibit advertisements in all student publications/productions.]

Advertising is not permitted in school-sponsored student media.

[END OF OPTIONS RE: ADVERTISING]

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. (✓) fail to identify the student or organization responsible for the publication/performance;
- C. (✓) solicit funds for non-school organizations or institutions when such solicitation has not been approved by the Board.

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~~5722— SCHOOL SPONSORED PUBLICATIONS AND PRODUCTIONS~~

~~The Board of Education may sponsor student publications and productions as means by which students learn, under adult direction, the rights and responsibilities of public expression in a free society.~~

~~For purposes of this policy, "publications" shall include any audio, visual, or written materials such as tapes, banners, films, pamphlets, notices, newspapers, books, or other like materials. "Productions" shall include theatrical performances as well as impromptu dramatic presentations.~~

~~Such publications and productions also play a vital role in the school program by:~~

- A. ~~interpreting students and the school to the community;~~
- B. ~~servng as a public relations media;~~
- C. ~~developing skills in communicating via the mass media;~~
- D. ~~developing acceptable methods for preserving the constitutional provision of free speech.~~

~~In sponsoring a student publication or production, the Board is mindful of the fact that it could be available to any student attending this school, and must, therefore, generally be suitable for all students.~~

~~Issues on which opposing points of view have been promulgated by responsible opinion may be introduced in a school-sponsored publication provided equal opportunity is given to present each view and provided further that the material generally is acceptable to this community.~~

~~Advertising is permitted in school newspapers, yearbooks, programs, etc. which are published by student organizations. Permission should be given by the principal.~~

~~The Board reserves the right to designate and prohibit the publications or productions which are not protected by the right of free expression because they are disruptive of the educational environment and/or violate the rights of others. Such unprotected materials are those which:~~

- A. ~~are grossly prejudicial to an ethnic, religious, racial, or other delineated group;~~
- B. ~~libel any specific person or persons;~~
- C. ~~seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other religious denomination, sect, or point of view;~~
- D. ~~advocate the use or advertise the availability of any substance or material which may reasonably be believed to:

 1. ~~constitute a direct and substantial danger to the health of students;~~
 2. ~~contain obscenity or material otherwise deemed to be harmful to impressionable students who may receive them;~~
 3. ~~incite violence, advocate the use of force or urge the violation of law or school regulations.~~~~

~~The Board also prohibits publications and productions which:~~

- ~~A. fail to identify the student or organization responsible for distribution;~~
- ~~B. solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board;~~
- ~~C. promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or question submitted at any election.~~

~~The decision as to whether or not something is published or produced shall be made by the advisor with appeal to the principal and Superintendent.~~

Legal

West Virginia Board of Education Policy 4373

