

Policy Updates Summary

Policy 0141.2 Conflict of Interest (Revised)

Policy 0148.1 – Board-Staff Communications (Revised)

Policy 0149 – Access to Records (Revised)

This document changes “County” to “District”

Policy 0142 - Qualifications (Revised)

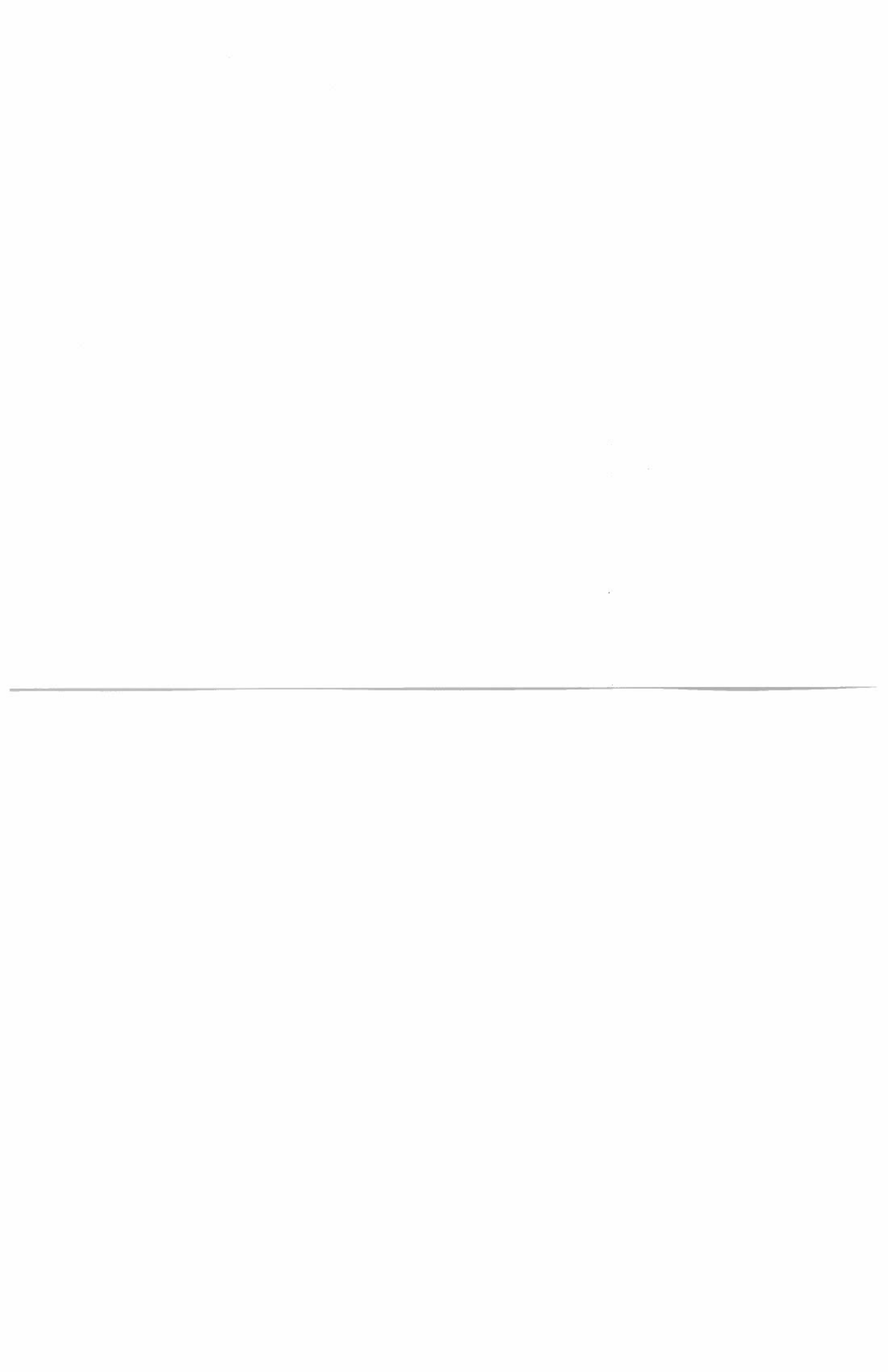
This document changes “County” to “District” and add TASC.

Policy 5111.01 - Homeless Students (Replacement Policy)

This document has been revised to reflect the prohibition of an administrator from preparing a letter of recommendation or an employment reference for 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.

Policy 8651 – Nonroutine Use of School Buses (Revised)

This document updates language to comply with WV Code 18-5-13 and WV State Board of Education Policy 4336.



Book	Policy Manual
Section	Volume 10, No. 2 - July 2018
Title	Revised Volume 10, No. 2 - CONFLICT OF INTEREST
Code	po0141.2 Updated KD
Status	
Adopted	August 1, 2007
Last Revised	April 21, 2009

0141.2 - CONFLICT OF INTEREST

With five (5) exceptions, a Board member shall not have any direct or indirect pecuniary interest in a Board of Education contract with, or a purchase of goods or services from, another person or party; nor shall a Board member furnish directly any labor, goods or services to the ~~School-District~~ except voluntarily and without any compensation whatsoever. WV Code 61-10-15

The five (5) exceptions to the conflict of interest rule are as follows:

- A. The ~~School-District~~ may make publications in newspapers as required by law even though a Board member has a pecuniary interest in a newspaper.
 - B. The ~~School-District~~ may do business with a public utility which is subject to regulation by the Public Service Commission of West Virginia even though a Board member has a pecuniary interest in the utility.
 - C. The ~~School-District~~ may employ the spouse of a Board member but only as a Principal, classroom teacher, or service employee.
 - D. The ~~School-District~~ may designate a bank within the County as a depository of the ~~School-District's~~ funds even though a Board member has a pecuniary interest in the bank, but only if the Board member does not participate in the deliberations or any ultimate determination of the depository of the funds.
 - E. The conflict of interest rule does not prohibit the ~~School-District~~ from having a contract with a vendor or supplier who employs a Board member, or a Board member's spouse or child, but only if the employee 1) is salaried; 2) is not a party to the contract; 3) is not an owner, shareholder, director, or officer of a private party under the contract; 4) receives no commission, bonus, or other direct remuneration or thing of value by virtue of the contract; 5) does not participate in the deliberations or awarding of the contract; and 6) does not approve, vote for, or authorize payment for services or supplies furnished under the contract.
 - A. Board member who has an interest in the profits or benefits of any contract is prohibited from making, participating in making, or in any way attempting to use his/her office or employment to influence a school district decision affecting his/her financial interest. For this to be effective, it is necessary for the Board member to excuse him/herself from participating in the discussion and decision-making process by physically removing him/herself from the room during the period, fully disclosing his/her interests, and recusing him/herself from voting on the issue.
- Among the conflicts which law forbids:
- A. an appointed or elected public official from serving as a member of the Board, including a prosecuting attorney;
 - B. a Board member from serving, for compensation, as the school dentist, physician, or nurse;
 - C. a Board member from being employed for compensation by the Board;
 - D. The employment by the ~~School-District~~ of the spouse of a Board member other than as a Principal, classroom teacher, or service employee;
 - E. a Board member from receiving, soliciting, or accepting any gift, present, or thing of value to influence the adoption of books, instructional materials, or learning technologies, or any combination thereof;
 - F. a Board member from accepting employment with the Board where such employment was authorized by the Board while s/he was a member thereof;
 - G. a Board member from soliciting or using the authority or influence of his/her office to secure employment with the Board;
 - H. a Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of his/her office to create a position with the ~~County-District~~ or to set the compensation for such position where s/he is considering, or is being considered for, employment in that position;

- I. a Board member from having interest in any contract for the purchase of property, supplies, or other commodities or services by the Board;
- J. a Board member from voting on a personal matter involving the member's 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 unless the personnel matter affects the member's relative as a member of a profession or occupation, and to no greater extent than any other member of the profession or occupation, or as a member of a class of at least five (5) persons;
- K. a Board member who is employed by a financial institution, and whose primary responsibilities include consumer and commercial lending, from voting on a matter that directly affects the financial interests of a customer of the financial institution if the Board member is directly involved in approving a loan request from the customer, or has been involved in approving a loan for the customer within the past twelve (12) months, but only if the total of such loans exceeds \$15,000;
- L. a Board member from voting on appropriating public money, or awarding a contract, to a nonprofit corporation if the corporation employs the member, the member's spouse with whom s/he is living as husband and wife, or the member's dependent child, grandchild, or parent;
- M. a Board member from using frequent flyer bonus points earned while traveling on official school district business if his/her participation in the frequent flyer program results in additional cost to the ~~School~~-District.
Board members shall not accept any form of compensation from vendors that might influence their decision on the eventual purchase of equipment, supplies, or services. Furthermore, except as specifically authorized by other provisions of this policy, Board members shall not accept any form of compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from a vendor. In addition, except as specifically authorized by other provisions of this policy, Board members shall not enter into a contractual arrangement with a vendor seeking to do business with the ~~School~~-District, or a vendor with whom the ~~School~~-District is doing business, whereby an individual Board member receives compensation in any form for services rendered. Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member receives compensation prohibited by this rule, the Board member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit such compensation to the Treasurer.
- Nothing herein shall prevent a Board member who attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party so long as the meal, reception, or open house is: (1) of an ordinary, routine character; (2) at an educational or informational event; and (3) open to all of the public officials and employees attending the event. A Board member is prohibited from improperly using his/her position to secure the donation of the cost of a meal, reception, or open house at a conference of an association of public officials and employees to which s/he or his/her Board belongs, while the Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

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Legal WV Code 6B-2-5; 61-10-15

45-5084

Book	Policy Manual
Section	Volume 10, No. 2 - July 2018
Title	Revised Volume 10, No. 2 - BOARD-STAFF COMMUNICATIONS
Code	po0148.1 Updated KD
Status	
Adopted	August 1, 2007
Last Revised	June 18, 2012

0148.1 - BOARD-STAFF COMMUNICATIONS

The Board of Education is a policy making body and its individual members do not have authority to direct the day-to-day operations of the ~~County District~~ or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the ~~County District~~. The preferred line of official ~~County District~~ communication between staff and the Board is through the Superintendent.

A. Staff Communications to the Board

All communications regarding the official business of the ~~County District~~ from staff members to the Board or its committees should be preferably submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with an individual Board member regarding ~~County District~~ business, then that communication should be sent by that individual Board member to all other members of the Board and the Superintendent.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures and should not be construed to prohibit direct communication by staff members with members of the Board.

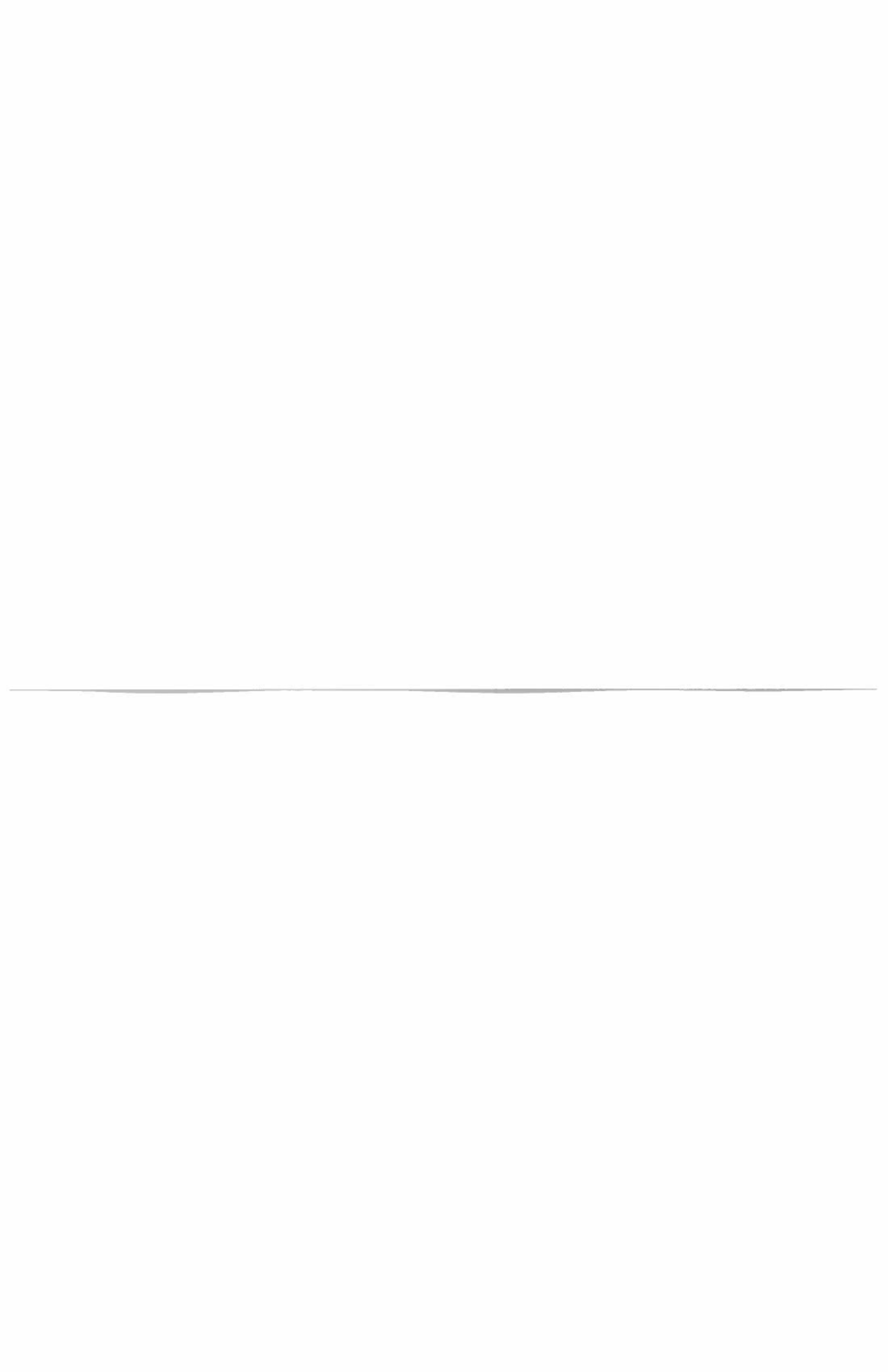
Nor is this protocol intended to require communication or sharing communication with the Superintendent in any instance where another Board policy gives staff the option of bypassing the Superintendent.

B. Board Communications to Staff

All official communications, policies, and directives of the Board that would be of interest and concern to the staff will generally be communicated through the Superintendent. The Superintendent shall also keep staff members informed of the Board's concerns and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the ~~County District~~. However, since individual Board members are not authorized to act on behalf of the Board unless a quorum of them are meeting in open public session or when specifically vested with such authority, it will be considered unacceptable conduct for individual Board members to discuss with staff their personnel grievances or other complaints as procedures to seek remedy for such grievances/complaints have been established in local Board policy, State Board policy, or State code.



45-5087

Book	Policy Manual
Section	Volume 10, No. 2 - July 2018
Title	Revised Volume 10, No. 2 - ACCESS TO RECORDS
Code	po0149 Updated KD
Status	
Adopted	August 1, 2007
Last Revised	April 21, 2009

0149 - ACCESS TO RECORDS

Individual members of the Board do not possess the powers that reside in the Corporate Board of Education.

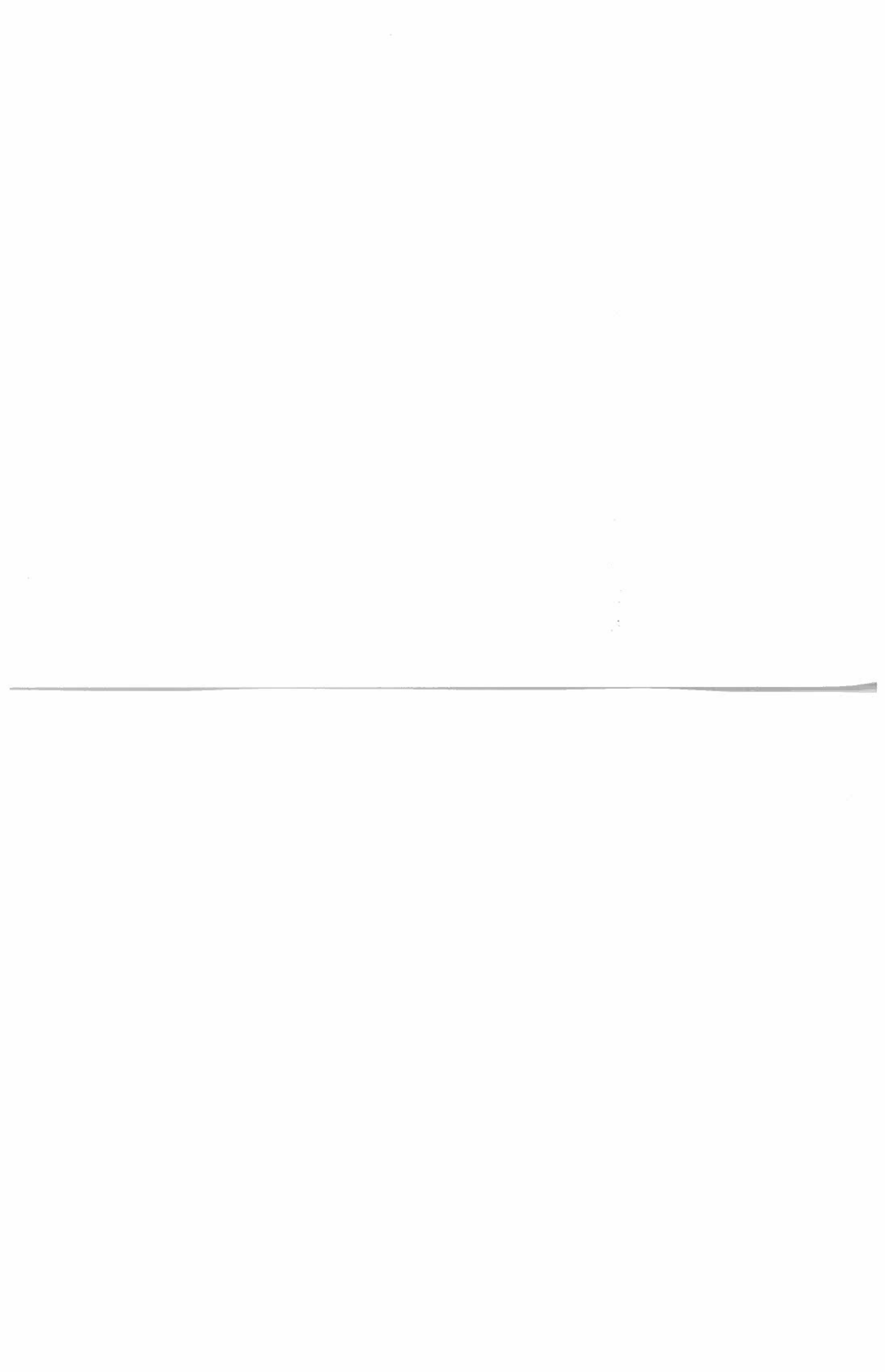
() but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to ~~County District~~ personnel and student records shall be subject to the Board policy and applicable State and Federal law.

Information obtained from employee personnel records by members of the Board as authorized by the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

It is unlawful for a present or former Board member to knowingly and improperly disclose any confidential information acquired by him/her in the course of his/her official duties. Nor may the Board member use such information to further his/her personal interests or the interests of another person. WV Code 6B-2-5.

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45-5088

Book	Policy Manual
Section	Volume 10, No. 2 - July 2018
Title	Revised Volume 10, No. 2 - QUALIFICATIONS
Code	po0142 Updated KD
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Adopted	August 1, 2007
Last Revised	March 1, 2010

0142 - QUALIFICATIONS

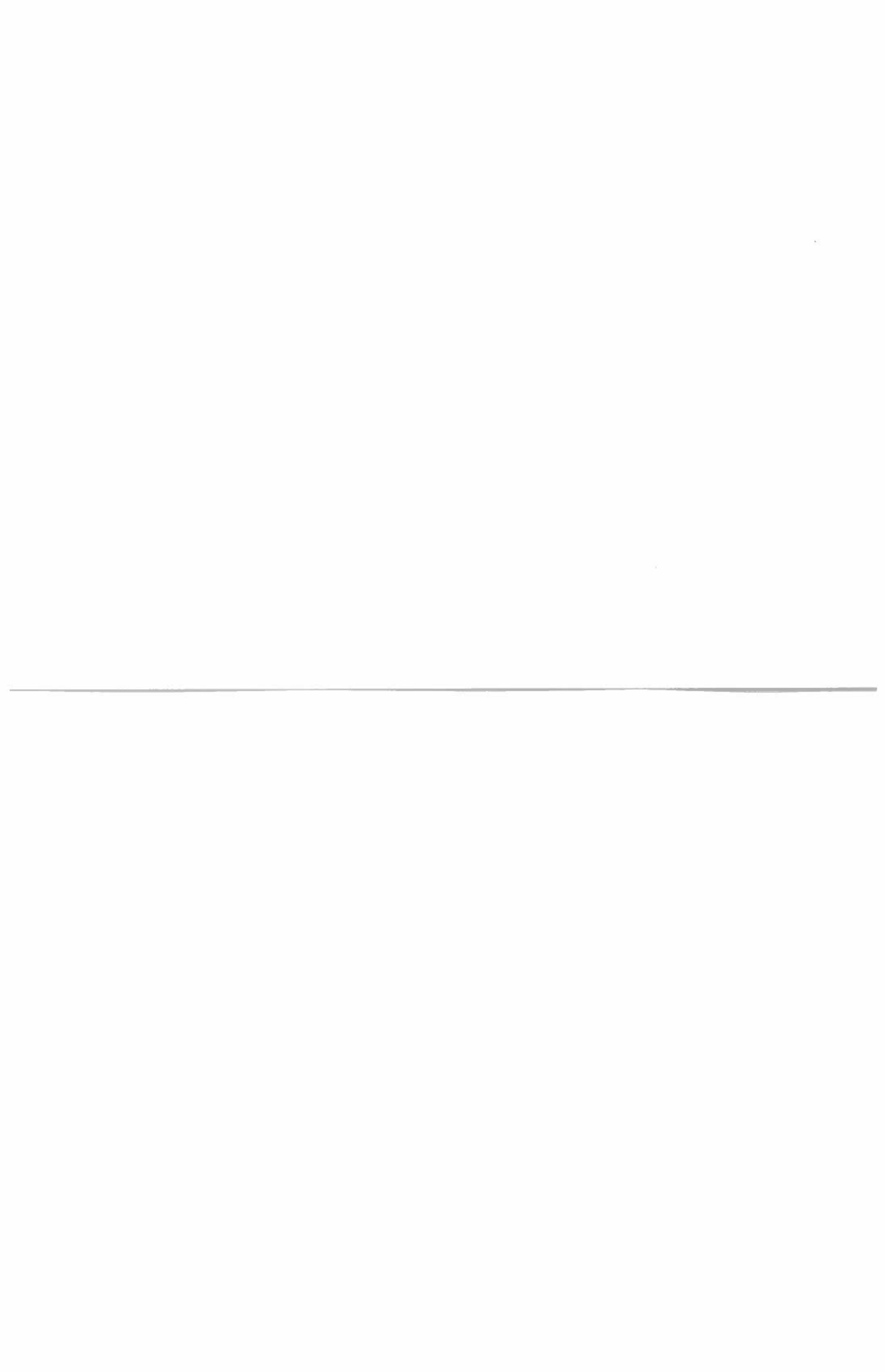
Each member of the Board shall meet the qualifications specified by law and State Board policy.

A Board member:

- A. Must be a citizen, resident in the county.
- B. Cannot hold the position as a teacher or service personnel in the ~~Sevent~~-District.
- C. Cannot hold another public office or be a member of any political party executive committee, or become a candidate for any other public office other than member of the Board of Education. A candidate for Board, who is not currently serving on the Board, may hold another public office while a candidate if s/he resigns from the other public office prior to taking the oath of office as a Board member. The term "public office" as used in this bylaw does not include service on any other board, elected or appointed, profit or nonprofit, provided the person does not receive compensation and the primary scope of the Board is not related to public schools.
- D. Cannot become a candidate for, or serve as, a delegate, alternate or proxy at a national political party convention.
- E. Cannot solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office.
- F. May engage in any or all of the following political activities:
 - 1. make campaign contributions to partisan or bi-partisan candidates
 - 2. attend political fund raisers for partisan or bi-partisan candidates
 - 3. serve as an unpaid volunteer on a partisan campaign
 - 4. politically endorse any candidate in a partisan or bi-partisan election
 - 5. attend a count, State, or national political party convention
- G. Must possess at least a high school diploma or a GED ~~TASC~~ diploma. This shall not apply to any member of the Board who took office prior to May 5, 1992 and has served continuously since that date.
- H. Upon election to the Board, may not assume the duties of a Board member unless s/he has completed a course of orientation, as set forth herein below. This shall not apply to any member of the Board who took office prior to July 1, 1988 and has served continuously since.
- I. Upon assuming membership to the Board, must annually receive seven (7) clock hours of training, as provided in WV Code 18-5-1a(f).

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Legal WV Code 18-5-1a



45-5089

Book	Policy Manual
Section	Volume 9, No. 2 - May 2017
Title	Replacement Policy - Vol. 9, No. 2 - May 2017 - ESSA - HOMELESS STUDENTS
Code	pos111.01 Replacement Policy KD
Status	
Adopted	August 1, 2007
Last Revised	May 7, 2012

5111.01 - HOMELESS STUDENTS

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The District shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

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

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
 - B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
 - C. live in emergency or transitional shelters
 - D. are abandoned in hospitals
 - E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
 - F. live in a car, park, public space, abandoned building, substandard housing¹, bus or train station, or similar setting
- Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

Services to Homeless Children and Youth

The District will provide services to homeless students that are comparable to other students in the District, including:

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

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

School Stability

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

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

When determining a child or youth's best interest, the District must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

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

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

Immediate Enrollment

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

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

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

In addition, the District will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

Transportation

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

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

The District determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the districts.

Dispute Resolution

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

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

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The District must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The District will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The District ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws. The District will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

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

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

Records

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

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The District shall incorporate practices to protect student privacy as described in AG 511.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

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

Note:

1 According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing." *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).*

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Legal undefined
42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Act)

Book	Policy Manual
Section	Volume 10, No. 2 - July 2018
Title	Revised Vol. 10, No. 2 - NONROUTINE USE OF SCHOOL BUSES
Code	po8651 Updated KD
Status	
Adopted	April 21, 2009
Last Revised	July 7, 2014

8651 - NONROUTINE USE OF SCHOOL BUSES

The Board of Education will permit school buses to be used for purposes other than regularly-scheduled routes to and from school in accordance with law and rules of the State, provided such trips do not interfere with routine school transportation services.

School buses may be used to provide transportation for participants in projects operated, financed, sponsored or approved by the Bureau of Senior Services. This transportation shall be provided at no cost to the Board. All costs and expenses ~~incident~~ **Incidental** in any way to this transportation shall be borne by the Bureau or the ~~local County-affiliated County Affiliate~~ **County Affiliate** of the Bureau.

The Board may lease school buses to any:

- A. public and private nonprofit organizations and private corporations to transport school-age children for camps or educational activities;
- B. college, university or officially recognized campus organization for transporting students, faculty and staff to and from the college or university;
- Only college and university students, faculty and staff may be transported.

C. public and private nonprofit organizations, including education employee organizations, for transportation associated with fairs, festivals and other educational and cultural events.

School buses leased to outside entities shall be at no cost to the Board. All costs and expenses ~~incident~~ **Incidental** in any way to school buses leased to outside entities, including compensation for bus operators, consideration for insurance coverage and the cost of service and repairs, shall be borne by the outside entity in accordance with administrative guidelines and as required by the terms of the lease agreements.

Leased buses may be operated only by bus operators regularly employed by the Board, except that these buses may be operated by bus operators regularly employed by another county board in this state if bus operators from the owning county are unavailable.

Drivers shall be selected for nonroutine trips as per Policy 4250 - Extra Duty Assignments and WV Code 18A-4-8b(f).

The Superintendent shall develop administrative guidelines which should include fees in addition to the charges above, provision for insurance coverage, rules concerning student behavior and the requirement that chaperones accompany each school bus trip involving school age passengers whose responsibility it will be to assist the staff member(s) in maintaining passenger control and in enforcing procedures for the safety of all passengers.

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Legal WV Code 18-5-13
West Virginia State Board of Education policy 4336

